

# Industrialization of Election Infringement in Simultaneous Elections: Lessons from Sweden



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## ABSTRACT

Election violations are increasingly occurring on a massive scale. In Indonesia, by early 2024, 1,032 violations had been handled only for the simultaneous general elections for president, vice president, and members of national and regional legislatures. Meanwhile, the results of handling violations in the 2019 simultaneous elections increased sharply to 21,169 cases, or an increase of 58.3% from 2014. This was due to the material on Indonesia's general election regulations, which overlapped and were not in harmony with the Constitution and judges' decisions. This research aims to analyze the issues surrounding simultaneous general elections in Indonesia and outline alternative progressive policies for achieving democratic governance with dignity and integrity during the next general election. This research focuses on normative law, utilizing statutory and conceptual approaches that pertain to democracy, elections, and various types of violations. To get an overview of the new policy, this research compares the handling of election violations in Indonesia with that in Sweden. The research results show violations of the general election administration, the code of ethics for election organizers, election crimes, and other legal violations in Indonesia and Sweden. However, Sweden still maintains its democratic stability. Several election manipulation factors that become fraud or violations are the manipulation of election rules, the manipulation of vote conditioning in the form of money politics, the updating of voter lists, and the conditioning of candidate requirements to cyberattacks. Therefore, it is crucial for regulations, participants, and the voting public to reevaluate the integrity of elections.



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## 1. Introduction

Democracy and elections are two elements that cannot be separated. From a minimalist perspective, Joseph Schumpeter interprets democracy as electoral democracy, emphasizing a system of institutional procedures and mechanisms to ensure free and fair elections. Political elites compete for power, and society uses elections to check political power for wrongdoing.<sup>1</sup> Put another way, elections can

<sup>1</sup> William S. Carpenter, 'Capitalism, Socialism, and Democracy. By Joseph A. Schumpeter. (New York: Harper and Brothers. 1942. Pp. x, 381. \$3.50.)', *American Political Science Review*, 37.3 (1943), 523–24 <https://doi.org/10.2307/1948935>

be interpreted as a process to establish democracy and assign popular sovereignty to specific candidates seeking political positions.<sup>2</sup> However, Steve Levitsky and many other democracy experts have expressed concern due to the current focus on free and fair elections (the electoral fallacy), which ignores other essential aspects of democracy.<sup>3</sup>

Despite the decline in the quality of results, it is still necessary to conduct elections due to numerous electoral violations. For example, fraud in elections occurs when they have an enormous military advantage over their opponents.<sup>4</sup> Similarly, there have been incidents of fraud, perceptions of fraud, and protests following the Nigerian elections.<sup>5</sup> Accusations of voter fraud marked the 2020 presidential campaign year in the United States before and after the election.<sup>6</sup> More extreme, the results of the 2018 simultaneous elections in Zimbabwe were delayed due to credible accusations of massive fraud. At first, there was only one round of the election, but the official results indicated the need for a second round. In the aftermath, the incumbent party launched a massive campaign of violence against the opposition.<sup>7</sup> Thus, elections still exist to determine filling of positions in a democratic country. Fraud in elections is more commonly associated with the losing party expressing doubts about the election's integrity, although this is not always the case.<sup>8</sup>

Similarly, despite protests and fraud reports, elections continue to occur in Indonesia and Sweden. In Indonesia, elections are primarily governed by the 1945 Constitution. Law No. 7 of 2017 regulates additional details concerning general elections and numerous implementing regulations. Indonesia conducts elections to choose members of the People's Representative Council, Regional Representative Council, president, vice president, and Regional People's Representative Council. The principles are direct, general, free, confidential, honest, and fair. This principle is in line with one of the elements of a democratic state, namely, the existence of free and fair elections. Meanwhile, the Elections Act

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<sup>2</sup> Daniel Silander, 'Building Democracy: National and International Factors', in *Globalization* (IntechOpen, 2019) <https://doi.org/10.5772/intechopen.71984>

<sup>3</sup> David Collier and Steven Levitsky, 'Democracy with Adjectives: Conceptual Innovation in Comparative Research', *World Politics*, 49.3 (1997), 430–51 <https://doi.org/10.1353/wp.1997.0009>

<sup>4</sup> Beatriz Magaloni, 'The Game of Electoral Fraud and the Ousting of Authoritarian Rule', *American Journal of Political Science*, 54.3 (2010), 751–65 <https://doi.org/10.1111/j.1540-5907.2010.00458.x>

<sup>5</sup> Ursula Daxecker, Jessica Di Salvatore, and Andrea Ruggeri, 'Fraud Is What People Make of It: Election Fraud, Perceived Fraud, and Protesting in Nigeria', *Journal of Conflict Resolution*, 63.9 (2019), 2098–2127 <https://doi.org/10.1177/0022002718824636>

<sup>6</sup> Adam M. Enders and others, 'The 2020 Presidential Election and Beliefs about Fraud: Continuity or Change?', *Electoral Studies*, 72 (2021), 102366 <https://doi.org/10.1016/j.electstud.2021.102366>

<sup>7</sup> Ursula Daxecker and Mascha Rauschenbach, 'Election Type and the Logic of Pre-Election Violence: Evidence from Zimbabwe', *Electoral Studies*, 82 (2023), 102583 <https://doi.org/10.1016/j.electstud.2023.102583>

<sup>8</sup> Bambang Tri Bawono, 'The Urgency of Restorative Justice Regulation on Hate Speech', *Bestuur*, 11.2 (2023), 364–83 <https://doi.org/https://dx.doi.org/10.20961/bestuur.v11i2.82508>

(2005: 837) regulates elections in Sweden. This law contains provisions regarding elections to the *Riksdag*<sup>9</sup>, regional and municipal assemblies, and the European Parliament. The Government and Regional Government Instruments Law (2017:725) also regulates specific introductory election provisions.

In modern democratic countries, elections are the primary mechanism in state administration and government formation. People view elections as the ultimate manifestation of their sovereignty and a tangible way for them to participate in state administration.<sup>10</sup> The national constitutional practice has been to conduct simultaneous elections in 2019 and 2024 to elect the president and vice president and members of the central and regional legislatures.<sup>11</sup> This simultaneous election's structure differs from the polls before 2019. The Constitutional Court's Decision No. 14/PUU-XI/2013 has led to concurrently holding presidential and legislative elections. This ruling overrides the earlier ruling, specifically Decision No. 51-52-59/PUU-VI/2008, which asserts that the presidential election following the legislative election is a constitutional convention that has superseded legal provisions, demonstrating this implementation's acceptance and constitutional value.<sup>12</sup>

The "simultaneous elections" refers to electing the president, his deputy, and legislative members. Therefore, during voting, the public selects the presidential and vice-presidential candidates and the central and regional legislative members simultaneously in the voting booth.<sup>13</sup> Reflecting on the 2019 and 2024 elections, policymakers and election organizers still face numerous issues requiring resolution. Fundamentally, the legal foundation of elections has become the root of their problems, thereby influencing their practical application. However, it does not rule out that election organizers' shortcomings could also originate from their

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<sup>9</sup> The Riksdag is the legislature and supreme decision-making body of the Kingdom of Sweden. Since 1971, the Riksdag has been a unicameral legislature with 349 members, elected proportionally and serving fixed four-year terms since 1994.

<sup>10</sup> Ahmad Siboy and others, 'Legal Social Justice in Appointment Non-Definitive Regional Heads toward Welfare State', *Bestuur*, 11.1 (2023), 144–70 <https://doi.org/https://dx.doi.org/10.20961/bestuur.v11i1.71055>

<sup>11</sup> Anom Wahyu Asmorojati Rahmat muhajir Nugroho, 'Simultaneous Election In Indonesia : Is It Really More Effective and Efficient?', *Media Hukum*, 26.2 (2019), 213–22. <https://doi.org/10.18196/jmh.20190135>

<sup>12</sup> Satrio Alif Febriyanto, Fitra Arsil, and Qurrata Ayuni, 'Models of Simultaneous Elections around the World: The Influence of Government Systems on Election Implementation Methods', 2023, pp. 176–86 [https://doi.org/10.2991/978-2-38476-148-7\\_16](https://doi.org/10.2991/978-2-38476-148-7_16)

<sup>13</sup> Jauhar Nashrullah and others, 'Juridical Analysis of Simultaneous Election Postpones during the COVID-19 Pandemic: Legal Certainty Perspective', *Indonesia Law Reform Journal*, 2.2 (2022), 118–41 <https://doi.org/10.22219/ilrej.v2i2.20995>

performance.<sup>14</sup> This can be interpreted to mean that simultaneous elections also weaken democracy.

In Indonesia, many of the complexities and problems of elections originate from problematic articles in Law No. 7 of 2017, which have implications for practice. The first issue pertains to the presidential threshold percentage.<sup>15</sup> According to Article 222, political parties or combinations of political parties participating in the election propose candidate pairs if they meet the requirements for obtaining at least 20% (twenty percent) of the seats in the House of Representatives or 25% (twenty-five percent) of the valid votes nationally in the previous election for members of the House of Representatives. Thus, it would be irrelevant if a political party or combination of political parties determined the nomination threshold based on the results of the previous year's legislative elections.<sup>16</sup>

Second, Article 217 of Law No. 7 of 2017 regulates the General Election Commission's recapitulation of the final voter list. However, determining the permanent voter list frequently results in differences in numbers. For instance, in the 2019 simultaneous elections, the General Election Commission's decision decreased 3,738,521 ballot papers printed from the specified final voter lists. In 2024, there will be a difference of approximately 1.2 million people in the number of voters. This needs to be ensured so that all community rights can be guaranteed without exception,<sup>17</sup> and does not lead to requests for election cases, such as disputes over the results of the 2019 presidential and vice-presidential elections.<sup>18</sup>

Third, the rules governing money politics are outlined in Article 325 and Article 329, paragraph (2) of Law No. 7 of 2017. In this election law, there is no limit on the nominal amount of campaign funds originating from individual members: the presidential candidate, vice presidential candidate, and legislative member candidate, and the organization of political parties or coalitions of political parties supporting the candidate. The rules only limit the amount of campaign funding that comes from individuals. The absence of regulations restricting the nominal amount of campaign funds above leads to unregulated sources of campaign

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<sup>14</sup> Muhammad Wahdini, 'The Effectiveness of Simultaneous Election 2019: Evaluation Through the Simultaneous Election 2024', *Jurnal Bina Praja*, 14.1 (2022), 123–34 <https://doi.org/10.21787/jbp.14.2022.123-134>

<sup>15</sup> Ridho Al-Hamdi, Tanto Lailam, and Sakir, 'The Presidential Threshold Design in Indonesia's Electoral System: In Search of "Win-Win Situation" Among Unfinished Debates', 2021 <https://doi.org/10.2991/assehr.k.211227.050>

<sup>16</sup> Abdul Ghoffar, 'Problematika Presidential Threshold: Putusan Mahkamah Konstitusi Dan Pengalaman Di Negara Lain', *Jurnal Konstitusi*, 15.3 (2018), 480–501 <https://doi.org/10.31078/jk1532>

<sup>17</sup> Diastama Anggita Ramadhan, 'The Limitation of Voting Rights for People with Permanent Mental Disabilities in Indonesia: A Debate between Reasonable and Unreasonable Rights', *Cogent Social Sciences*, 7.1 (2021) <https://doi.org/10.1080/23311886.2021.1932032>

<sup>18</sup> Aleksander Yandra and others, 'The Urgency of Classification of the Voter List as a Fulfillment of Political Rights', *Politik Indonesia: Indonesian Political Science Review*, 7.1 (2022), 36–50 <https://doi.org/10.15294/ipsr.v7i1.38484>

funding. This implies that these parties can allocate unlimited funds for various campaign activities, particularly those aimed at influencing voter votes, a practice known as vote buying. Some people in societies with individual-level poverty receive food, drink, and even money in exchange for their right to vote.<sup>19</sup>

Thus, there are huge and complicated problems of holding simultaneous elections. The purpose of simultaneous polls is to fill executive and legislative positions in a more orderly manner. In Indonesia, which has many regions, filling the position of the regional head depends on the end of the term of office, so there are elections almost every year. However, regulations that do not guarantee the quality of elections worsen the implementation of simultaneous elections. Because the weakness of simultaneous elections lies in their simultaneity, Election violations are difficult to eliminate. The Election Supervisory Agency's report records that they handled 16,134 administrative violations, 373 code of ethics violations, 582 criminal violations, and 1,475 other legal violations in 2019. Meanwhile, the provisional data on violations in the first simultaneous elections in 2024 amounted to 1,032 cases, consisting of the most significant violations, namely 205 cases, followed by other legal violations with 57 cases, administrative violations with 50 cases, and criminal violations with 10 cases.

Sarah Birch (2011) classifies acts of election malpractice into three categories: manipulation of the laws and regulations governing elections (manipulation of the election legal framework); manipulation of voter choices, which aims to direct or change voter choices in various manipulative ways (manipulation of vote choice); and manipulation of the voting and vote counting process up to the announcement of election results (manipulation of electoral administration).<sup>20</sup> Election manipulation can occur at any stage of holding elections, but it most often occurs during the registration and updating of voter lists, election campaigns, voting and counting votes, and recapitulation of vote-counting results at the top level. According to Rafael Lopez-Pintor (2010), there are two types of election fraud: manipulation of vote recapitulation results to alter the distribution of seats or the winner; election violations that do not change the seat or winner distribution; and irregularities in the form of criminal acts that require legal prosecution.<sup>21</sup> In Indonesia, one can report and handle various violations,

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<sup>19</sup> Eleanor Hill and others, 'Explaining Electoral Fraud in an Advanced Democracy: Fraud Vulnerabilities, Opportunities and Facilitating Mechanisms in British Elections', *The British Journal of Politics and International Relations*, 19.4 (2017), 772–89 <https://doi.org/10.1177/1369148117715222>

<sup>20</sup> Sarah Birch, *Electoral Malpractice* (Oxford University Press, 2011) <https://doi.org/10.1093/acprof:oso/9780199606160.001.0001>

<sup>21</sup> Leontine Loeber, 'Electoral Violence, Corruption, and Political Order **Electoral Violence, Corruption, and Political Order**', by Sarah Birch, Princeton, NJ, Princeton University Press, 2020, Pp. x + 211, £28.00 (Paperback), ISBN: 978-0-691-20363-8', *South African Journal of International Affairs*, 30.3 (2023), 591–93 <https://doi.org/10.1080/10220461.2023.2263418>



including administrative abuses, code of ethics breaches for election organizers, election crimes, and other legal violations.

Democracy cannot continue to suffer from election violations. The slogan 'peaceful elections' cannot replace the loss of people's trust, nor can it justify fighting against each other. As a result, forms of protest against election fraud merely reflect the subjectivity of the losing party. Therefore, this research aims to identify instances of simultaneous election fraud in 2019 and 2024, focusing on indicators such as manipulation of the election legal framework, manipulation of vote choice, and manipulation of the electoral administration, all of which can lead to fraudulent outcomes. The country of Sweden was taken to find out the differences in the arrangement and implementation of simultaneous elections so that Indonesia can learn lessons on things that are deemed appropriate. Sweden has a stable democratic system, but there are still various forms of fraud or violations when holding simultaneous elections.

Florian Justwan et al. (2022) expounded on the allegations of fraud in Donald Trump's 2016 presidential election, which resulted in a lack of integrity in the general election's implementation and a decrease in public and election participants' trust in the election's outcomes.<sup>22</sup> In her research on the relationship between international election observations, election fraud, and post-election violence, Ursula Daxecker states that manipulation can trigger violent uprisings.<sup>23</sup> Other research in Nigeria by Megan Turnbull (2021) states that incumbents often turn to various non-state armed groups to organize violence during elections, including ethnic militias, gangs, criminal organizations, paramilitaries, etc., which lead to election violence.<sup>24</sup> The negative impact of election fraud and manipulation is not only damaging public trust in democracy but also leading to acts of violence.

Another research by Jean-François Daoust et al. (2023) states that the election process and results influence people's satisfaction with democracy according to the quality of the democratic regime at that time. The election process and results differ in each country, such as between countries with new and established democracies.<sup>25</sup> However, this concept cannot be ignored. Eleanor Hill et al. (2017) explain that election fraud generally occurs in new democracies but also

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<sup>22</sup> Florian Justwan and Ryan D. Williamson, 'Trump and Trust: Examining the Relationship between Claims of Fraud and Citizen Attitudes', *PS: Political Science & Politics*, 55.3 (2022), 462–69 <https://doi.org/10.1017/S1049096522000221>

<sup>23</sup> Ursula E Daxecker, 'The Cost of Exposing Cheating', *Journal of Peace Research*, 49.4 (2012), 503–16 <https://doi.org/10.1177/0022343312445649>

<sup>24</sup> Megan Turnbull, 'When Armed Groups Refuse to Carry out Election Violence: Evidence from Nigeria', *World Development*, 146 (2021), 105573 <https://doi.org/10.1016/j.worlddev.2021.105573>

<sup>25</sup> Jean-François Daoust and Richard Nadeau, *Elections and Satisfaction with Democracy* (Cambridge University Press, 2023) <https://doi.org/10.1017/9781009128032>

developed countries, such as the United Kingdom.<sup>26</sup> Reflecting on election fraud and administrative inaccuracies, it even happened in long-standing and stable democracies, such as Sweden,<sup>27</sup> which this research uses as the main comparison.

In another case, Venezuela and Iran are both democratic countries, but the country's problem is the presence of political parties and maneuvers that gain power through democratic means.<sup>28,29</sup> Democracy undergoes continuous phases of transformation as a result of the need for adjustments to address new democratic issues in a society that is still developing.<sup>30</sup> For example, in the model of democracy in Asia, Benjamin Reilly (2007) explains that over the last two decades, many countries in the Asia-Pacific have transitioned to democracy based on basic political freedoms and free elections.<sup>31</sup>

Based on the research of Larry M. Bartels et al. (2023) there is a widespread perception that a period of democratic decline is occurring, which is manifested in various democratic setbacks such as election manipulation, marginalization, and repression of regime opponents and minority groups, or a gradual increase in executive power.<sup>32</sup> Therefore, based on previous data and research regarding election violations, in terms of the arrangements and implications, this research is urgently carried out to provide an overview of election violations in Indonesia. The comparison country will be used to obtain lessons from scholars.

## 2. Research Method

This research is a normative legal study that employs a statutory approach. It uses the Constitution, the General Election Law, and several other regulations for implementing and handling violations in simultaneous general elections. In addition, it employs a conceptual approach that explores the notion of a

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<sup>26</sup> Hill and others.

<sup>27</sup>John Högström and Christian Jerhov, 'Complaints Concerning Electoral Fraud and Administrative Inaccuracies: A Study of Complaints About the Parliamentary Elections in Sweden Between 2010 and 2018', *Election Law Journal: Rules, Politics, and Policy*, 22.1 (2023), 27–44 <https://doi.org/10.1089/elj.2022.0025>

<sup>28</sup> Clifford A Bates, 'Book Review: Larry Diamond and Marc F Plattner, *Democracy in Decline?* And Larry Diamond, Marc F Plattner and Christopher Walker (Eds), *Authoritarianism Goes Global: The Challenge to Democracy*', *Political Studies Review*, 15.4 (2017), 641–42 <https://doi.org/10.1177/1478929917718667>

<sup>29</sup>Alexandre Afonso, 'Book Review: Sara E Watson, *The Left Divided: The Development and Transformation of Advanced Welfare States*', *Political Studies Review*, 15.4 (2017), 640–41 <https://doi.org/10.1177/1478929917712140>

<sup>30</sup>David Altman, *Direct Democracy Worldwide* (Cambridge University Press, 2010) <https://doi.org/10.1017/CBO9780511933950>

<sup>31</sup>Benjamin Reilly, 'Democratization and Electoral Reform in the Asia-Pacific Region', *Comparative Political Studies*, 40.11 (2007), 1350–71 <https://doi.org/10.1177/0010414006299097>

<sup>32</sup>Larry M Bartels and others, 'The Forum: Global Challenges to Democracy? Perspectives on Democratic Backsliding', *International Studies Review*, 25.2 (2023) <https://doi.org/10.1093/isr/viad019>

democratic state, general elections, and the various types of violations.<sup>33</sup> This research compares the handling of simultaneous general election violations in Indonesia and Sweden to get an overview of the new policy. Primary, secondary, and tertiary legal materials are used for the analysis. The analysis results are a descriptive legal study, as the research solely focuses on general election rules that allow for simultaneous violations, including administrative violations, violations of election organizers' code of ethics, election crimes, and other legal violations resulting from manipulation of regulations and vote choices.

### 3. Results and Discussion

#### *Industrialization of Election Infringement in Simultaneous Elections*

The presidential threshold is one of the criteria for determining which presidential and vice-presidential candidate pairs can compete in the presidential election. This provision has continued to change since Law No. 23 of 2003 concerning the General Election of President and Vice President. Political parties or combinations of political parties can only propose candidate pairs if they secure at least 15% of the total number of central legislative seats or 20% of the valid national votes in the central legislative member elections. Law No. 42 of 2008 revised the regulations to prepare for the 2009 presidential election. Law no. 42 of 2008 stipulates that the increased threshold must equal at least 20% of central legislative seats or 25% of the valid national votes from the previous central legislative member elections. Law No. 7 of 2017 applies the latest rule, the presidential threshold.<sup>34</sup>

The Constitutional Court resolved a judicial review case about this issue long before the current presidential threshold debate. Constitutional Court Decision Number 51-52-59/PUU-VI/2008 refers to this threshold provision as a delegation of Article 6A paragraph (2) of the 1945 Indonesian Constitution. In other words, the Court interprets this provision as an open legal policy, allowing for the implementation of constitutional provisions. The Court consistently interprets the threshold as an open legal policy, adhering to the principle of *stare decisis*. Not only the presidential threshold but also the electoral threshold and parliamentary threshold are considered open legal policies that give legislators the freedom to formulate their provisions.

Still, in the same decision, the presidential threshold is stated as a reflection of initial support for the presidential and vice-presidential candidate pair, bearing in mind the requirements for the election of the presidential and vice-presidential pair following the Constitution, namely the presence of vote support from more

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<sup>33</sup>'Introduction', in *Handbook on Legal Methodology* (Intersentia, 2018), pp. 1–8  
<https://doi.org/10.1017/9781839702389.002>

<sup>34</sup>JM Muslimin, Ahmad Fadoliy, and Wildan Munawar, 'Law and Politics: Study of the Presidential Threshold in the 2019 General Election of Indonesia', *Politicon: Jurnal Ilmu Politik*, 3.1 (2021), 133–60  
<https://doi.org/10.15575/politicon.v3i1.11523>



than 50% of the total number of voters in the election. The people expressed their initial support through political parties that had established their legitimacy through concurrent polls. In the following review of the law related to the presidential threshold provisions, in Decision No. 53/PUU-XV/2017, the Court added the presidential threshold argument to strengthen the presidential government system, one of five critical political agreements after Indonesia entered the reform era. The Court cites two rationales for maintaining the presidential system with a presidential threshold: firstly, to ensure sufficient vote support for political parties, or combinations of political parties supporting presidential and vice-presidential candidate pairs, in the central legislative body; and secondly, to simplify the number of political parties.<sup>35</sup>

Several irregularities and paradigm errors exist in implementing the presidential threshold. These irregularities can be summarized into three main arguments. First, Article 6A paragraph (2) implies that the presidential and vice-presidential election systems in Indonesia do not adopt a threshold nomination system. Meanwhile, the Court stated that it consistently has an open legal policy. By studying the Court's logic, the open legal policy argument can be broken by interpreting the article as a constitutional right for political parties or combinations of political parties to propose presidential and vice-presidential candidates who will fight for the party's political aspirations.<sup>36</sup>

The presidential threshold has violated the constitutional rights of four newly verified political parties, *Partai Solidaritas Indonesia*, *Partai Persatuan Indonesia*, *Partai Berkarya*, and *Partai Gerakan Perubahan Indonesia*, to nominate presidential and vice-presidential candidates in the 2019 election. Meanwhile, in 2024, there will be four parties that cannot be included in the combined political parties, namely the *Partai Ummat*, *Partai Buruh*, *Partai Gelora*, and *Partai Kebangkitan Nusantara*. It is impossible to equate political parties participating in the legislative elections in the current period with those participating in the previous period. Legislative election participants may change.

Thus, it would be irrelevant if a political party or combination of political parties determined the nomination threshold based on the results of the previous year's legislative elections. Furthermore, citing Saldi Isra's opinion in the dissenting opinion of Constitutional Court Decision No. 53/PUU-XV/2017, the use of legislative election results as a requirement for filling the highest executive position (chief executive or president) has undermined the logic of the presidential system of government, which aligns with the rationale for filling executive

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<sup>35</sup> Sholehudin Zuhri, 'Resultan Politik Dan Putusan Mahkamah Konstitusi Nomor 14/PUU-XI/2013 Dalam Politik Hukum', *Jurnal Konstitusi*, 15.2 (2018) <https://doi.org/10.31078/jk1525>

<sup>36</sup> Luky Sandra Amalia and others, 'Simultaneous Elections and the Rise of Female Representation in Indonesia', *Journal of Current Southeast Asian Affairs*, 40.1 (2021), 50–72 <https://doi.org/10.1177/1868103421989716>

positions in a parliamentary system. Constitutional rights cannot be reduced to the scope of statutory regulations lower than the fundamental law, in this case, Law No. 7 of 2017. Constitutional engineering should directly regulate such provisions to achieve specific goals. If this isn't done, it could negatively impact elections and democratic processes. Threshold rules can continue to change as an open legal policy and be used to manipulate regulations.<sup>37</sup>

In practice, the presidential threshold can give rise to problems with election violations. At least three things need to be highlighted: 1) it can be used as a place for "buying and selling boats" (candidacy buying); 2) it is a tool to stop political opponents; and 3) it has the potential to produce a single candidate. Electing regional heads and deputy regional heads, which bear similarities to presidential and vice-presidential elections, crystallizes these three practices. It is no longer a public secret that the election of top executive leaders often becomes an occasion for candidacy buying. Even party coalitions no longer see ideology; ideological divisions are no longer relevant in a proportional representation system because political parties ultimately have a pragmatic orientation rather than ideological considerations.<sup>38</sup>

Apart from that, the presidential threshold is a powerful tool for eliminating political opponents. In politics, there are no permanent enemies or friends; only interests are permanent. Political parties currently in opposition can become friends to achieve a similar goal. With this presidential threshold requirement, these parties can form a coalition and dominate the threshold percentage, thereby closing the possibility of forming another coalition that could nominate presidential and vice-presidential candidates because the coalition cannot reach the predetermined threshold figure. The 2019 presidential election reflected the absence of alternative leadership, bringing back familiar figures. In 2024, the situation will be even more extreme, with the incumbent president's biological son running as a vice-presidential candidate alongside his father's opponent in the 2019 presidential election. At that time, he was still serving as mayor.

Interestingly, candidacies for president and vice president in Indonesia have a minimum age limit of 40 years. However, one of the vice-presidential candidates, now the vice president-elect, is not yet old enough for the election process. With various legal and political processes approaching the deadline for registration of presidential and vice-presidential candidates, the Constitutional Court issued Decision No. 90/PUU-XXI/2023, which stipulates that the age requirement for a

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<sup>37</sup> Asrinaldi, Mohammad Agus Yusoff, and dan Zamzami Abdul Karim, 'Oligarchy in the Jokowi Government and Its Influence on the Implementation of Legislative Function in Indonesia', *Asian Journal of Comparative Politics*, 7.2 (2022), 189–203 <https://doi.org/10.1177/2057891121995564>

<sup>38</sup> Ridho Al-Hamdi, 'Ideological Cleavage under Open-List Proportional Representation: Parties' Position toward the 2019 Indonesian Presidential Threshold', *Jurnal Ilmu Sosial Dan Ilmu Politik*, 24.3 (2021), 205 <https://doi.org/10.22146/jsp.53514>

vice-presidential candidate is to be at least 40 or have previously or currently held a position elected through general elections, including regional head elections.

Numerical changes are not entirely wrong. This is particularly true when ageism as a rationale is employed. Discrimination, stereotypes, and prejudice against an individual or group due to age lack justification. However, it's crucial to focus on tailoring regulations to a select few parties' interests, as this could result in manipulation. The first reason is that the law review is too close to the election implementation, causing distractions in the judges' spiritual atmosphere. Furthermore, this is done during simultaneous elections, which also focus on the election of central and regional legislative members. The second issue pertains to the judge's inconsistent interpretation of both open legal policy cases and constitutional cases. The court rejected several previously filed cases, which also tested the age limit for vice presidential candidates because they were open legal policy cases.<sup>39</sup> Meanwhile, with the same discussion, Case No. 90/PUU-XXI/2023 was accepted and partially granted the request. The statement indicated this was an open legal policy, with potential constitutionality issues based on legal considerations; however, the case satisfied the existing criteria. Third, there are several administrative defects in case registration.

The presidential and vice-presidential candidate registration process is an administrative stage. The change in the age limit for vice presidential candidates is an open legal policy; what should have been changed through a revision of the law was changed through a judicial review at the Constitutional Court. Then, the General Election Commission should revise its rules for determining candidate requirements. However, this has not been done. This leads to the conditioning of election administration. Administrative violations encompass transgressions of procedures, mechanisms, or processes associated with the execution of elections, including verifying the requirements of prospective candidates. It is not impossible that cases like this also lead to manipulation during the election administration. Research by Asrinaldi et al. (2023) et al. states that there has been a decline in democracy in Indonesia related to the failure of democratic consolidation since the democratic transition in the last two decades.<sup>40</sup>

### *Vote Misuse and Asynchronous Voter Lists*

Many voters in Indonesia remain unregistered at all voting centers. Contrarily, the voter list for the 2024 election includes numerous fictitious individuals. This is purely to manipulate the vote tally. Voter data issues can have implications not

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<sup>39</sup> See Constitutional Court Decision No. 29/PUU-XXI/2023, MK Decision No. 51/PUU-XXI/2023, Constitutional Court Decision No. 55/PUU-XXI/2023 (rejected), MK Decision no. 90/PUU-XXI/2023 (unacceptable)

<sup>40</sup> Asrinaldi and Mohammad Agus Yusoff, 'Power Consolidation and Its Impact on the Decline of Democracy in Indonesia under President Jokowi', *Cogent Social Sciences*, 9.1 (2023) <https://doi.org/10.1080/23311886.2023.2232579>

only for voting results but also for citizens' voting rights. The House of Representatives used its right to inquiry to focus on the issue of voter data during the 2009 legislative elections. This is because a citizen's constitutional right to vote cannot extend to elections. Despite the Constitutional Court's legalization of their right to vote through Decision No. 102/PUU-VII/2009, citizens often fail to exercise their right to vote. Administrative or technical reasons should not remove citizens' right to vote. Indeed, citizen participation in exercising their voting rights is one of the fundamental requirements for a modern constitutional democratic state.

Learning from the 2009 and 2014 elections, problems with the voter list occurred during the preparation because the General Election Commission data had not been synchronized with data from the Ministry of Home Affairs and the preparation of Potential Election Voter Population Data by the Ministry of Home Affairs. The Directorate General of Population and Civil Registry also produces inaccurate data. In the 2009 election, at least around 25–40% of voters lost their right to vote because they were not on the voter list. Meanwhile, in the 2014 election, there was a drastic change in voter data. The number of prospective voters in the temporary voter list was recorded at 187,977,268 people. In contrast, in the permanent voter list, it was reduced to 186,842,533 and reduced again to 186,351,165 after data processing was carried out through a digital information system.

Moreover, in the 2019 election, based on the number of printed ballot papers, there were 187,027,477, while the number of permanent voter lists was 192,866,254, meaning there was a shortage of 3,738,521 ballot papers. The General Election Commission Decree regarding the Determination of Elected Presidential and Vice-Presidential Candidate Pairs in the 2019 General Election stated that the national valid votes were 154,257,601. This means that the ballot papers were invalid, abstained, or did not get C6,<sup>41</sup> in the 2019 elections based on the final voter list, and the national valid votes were 38,608,653.<sup>42</sup> The General Election Commission released data for the 2024 election, including total national recap data for domestic and foreign voters in 514 districts and cities across 128 representative countries, totaling 204,807,222 votes. However, initially, the temporary voter list numbered 205,853,518 people. This means that there is a difference of approximately 1.2 million people in the number of voters. Meanwhile, there were 151,796,631 valid votes for the central and regional legislatures and 164,227,475 valid ballots for the presidential and vice-presidential elections. This means that there were more than 40 thousand voters who did not exercise their right to vote or whose votes were invalid. The number increased in 2019.

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<sup>41</sup> Form C6 is a voting notification letter to voters in the election.

<sup>42</sup> Ulla Fionna and Francis E. Hutchinson, 'Indonesia's 2019 Elections: A Fractured Democracy?', *Asian Affairs*, 50.4 (2019), 502–19 <https://doi.org/10.1080/03068374.2019.1672400>

Apart from that, "phantom voters" also appeared, namely the names of voters who had died, voters who had moved a long time ago, citizens who were not yet entitled to vote, voters who were also registered in two or more other regions, and voters who then worked as members of the Indonesian national army/National Police. They remain on the permanent voter list. The lack of up-to-date voter list data still significantly impacts election vote acquisition. In practice, voter data is a door that leads to potential election fraud.

Since Constitutional Court Decision No. 102/PUU-VII/2009, voters who are not registered on the voter list can still come to the polling place using an electronic identity card. However, because they are not well informed, people prefer not to exercise their right to vote, leaving their votes vulnerable to misuse. The first error was the failure to distribute Form C6. However, in practice, such as in the case of the permanent voter list, many people are reluctant to exercise their voting rights, leaving them vulnerable to misuse. It is important to note that not receiving a C6 does not mean that people cannot exercise the voting rights. Secondly, individuals registered on the permanent voter list multiple times can cast multiple votes. Multiple voters can occur due to data collection errors or certain parties deliberately creating numerous identities.

This is also vulnerable to misuse of the vote, as happened in West Pasaman Regency, West Sumatra, in the 2014 legislative election. In 2024, double voters reached 1.2 million, which was then synchronized to 1,034 voters. Third, ghost voters use other people's identities to exercise their voting rights. This happened in the 2015 regional head election involving multiple voters in Muna Regency, Southeast Sulawesi. Fourth, the Ministry of Home Affairs discovered a discrepancy in the number of foreign nationals on the permanent voter list.

Article 201 of Law No. 7 of 2017, which mandates that the government and regional governments provide population data in aggregate population data per sub-district, population data on potential election voters, and data on Indonesian citizens residing abroad, was violated due to this chaotic situation. Therefore, the General Election Commission plays a crucial role in addressing the issue of voter data synchronization. This pertains to the administrative aspect of the election process. The irregularity of the voter list, which is left unchecked and instead used to get votes, is the manipulation of the electoral administration.

### ***Money Politics Practices and Costly Election Prices***

Money politics, a criminal offense and one of the factors in the occurrence of structured, systematic, and massive violations, can be a way to manipulate votes. Jakub Wódka et al. (2017) explain that ruling parties use many ways to hinder their competitiveness with vote manipulation, raising growing concerns about



elections' integrity.<sup>43</sup> Vote buying and selling can even endanger the welfare of society by perpetuating poor governance and service. Vote buying and selling can even endanger the welfare of society by perpetuating poor governance and service delivery.<sup>44</sup>

Currently, Indonesia uses a proportional system in which elected candidates are determined based on the majority of votes (open list). This system relies on the individual strength of prospective legislative members and presidential and vice-presidential candidates. As a result, competition in the year's elections occurs between candidates rather than criticizing political parties' ideologies and ideas. As a result, candidate electability is a crucial consideration for voters in deciding who to support.<sup>45</sup> There is still hope that the candidates will first receive a strict selection from the sponsoring party, but if not, the quality of competition between candidates will not produce anything. This is because the candidate's ability will influence the balance of power within the party and personal composition in parliament, as well as impact lawmaking.<sup>46</sup> Learning from democratic countries that use a closed list system to determine the winner based on the serial number through a strict and democratic selection process within the political party. This model is intended to allow political parties to play a significant role. Voters and candidates will enter the same ideological party space.<sup>47</sup>

Law No. 7 of 2017 in Indonesia has regulated the prohibitions and sanctions for money politics in the 2024 simultaneous elections, which are relatively complete compared to Law No. 12 of 2008's regulation of the same practice in the 2014 election. Implementing prohibitions and sanctions on money politics from the nomination stage, campaign stage, calm period stage, and voting day stages demonstrates this, effectively outlawing money politics and imposing imprisonment and fines on those who violate them.<sup>48</sup>

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<sup>43</sup> Adam Szymański and Jakub Wódka, 'Manipulation of Vote Choice – Impediment to the Electoral Integrity in Turkey?', *Przegląd Politologiczny*, 3, 2017, 103–16 <https://doi.org/10.14746/pp.2017.22.3.8>

<sup>44</sup> Ejikeme Jombo Nwagwu and others, 'Vote Buying During 2015 And 2019 General Elections: Manifestation and Implications on Democratic Development in Nigeria', *Cogent Social Sciences*, 8.1 (2022) <https://doi.org/10.1080/23311886.2021.1995237>

<sup>45</sup> Hans J. G. Hassell and Neil Visalvanich, 'Perceptions of Electability: Candidate (and Voter) Ideology, Race, and Gender', *Political Behavior*, 2024 <https://doi.org/10.1007/s11109-023-09909-3>

<sup>46</sup> Reuven Y. Hazan and Gideon Rahat, 'What Is Candidate Selection and Why Is It Important for Understanding Politics?', in *Democracy within Parties* (Oxford University Press, 2010), pp. 1–16 <https://doi.org/10.1093/acprof:oso/9780199572540.003.0001>

<sup>47</sup> Eduardo Alemán and others, 'Constituency Effects and Legislative Dissent Under Closed-List Proportional Representation', *Latin American Politics and Society*, 63.2 (2021), 78–99 <https://doi.org/10.1017/lap.2021.6>

<sup>48</sup> See Article 184 paragraph (1) and Article 519 which regulates the nomination stages; campaign stages are regulated in Article 280 Paragraph (1) letter J, Article 284, Article 521 and Article 523; the stages of the quiet period are regulated through Article 278 Paragraph 92) and Article 523; The stages of voting day are regulated in Article 515 and Article 523.

Without quality enforcement, comprehensive money-politics regulations will not have a severe impact. The Criminal Investigation Agency handled at least 100 cases in 2019 and will currently investigate around 20 cases in 2024. Not to mention waiting for the second simultaneous election to elect regional heads throughout Indonesia.<sup>49</sup> According to research by Edward Aspinall et al. (2017), despite the intense competition in this election, the candidates' use of campaign tactics such as buying and selling votes demonstrated a relationship between the regional elites and those in higher positions. It is not uncommon for them to leverage the opportunity to secure a project to attract political support.<sup>50</sup>

Manipulating votes by engaging in money politics is challenging to process legally. Complicated procedures and complex evidence. The only solution is to classify money politics as a violation within the context of structured, systematic, and massive violations. The Constitutional Court can decide to cancel the victories of political parties and specific candidates if they are proven to have committed money-politics fraud. Regrettably, the track record of rulings indicates that money politics has consistently resulted in punishment. This is not a decision to annul the election results. For instance, the Banta District Court has issued Decision No. 93/Pid.Sus/2018/PN.Ban, while Tasikmalaya District Court has issued Decision No. 169/Pid.Sus/2014/PN.Tsm.

Money politics may be pragmatically profitable for candidates but will never benefit society. Jonathan Kirshner writes that money management is always political for every policy choice. In economic logic, there are limits to the range of reasonable policy choices. However, this group's choice is determined by money politics, which cannot be avoided.<sup>51</sup> Therefore, the regulations continue to create opportunities for financial donations to flood political parties and candidates, making money politics challenging to avoid and becoming customary. This will continue to bring about elections to normalize vote manipulation in elections.

### ***Electoral Manipulation and Fraud in an Old and Stable Democracy, Sweden***

The Swedish Constitution provides many provisions regarding simultaneous general elections. Sweden introduced the concept of joint elections in 1970. Sweden's Constitution of 1974, with amendments through 2012, regulates Riksdag general elections, held every four years in September. Thus, apart from the European Parliament elections, all elections in Sweden take place simultaneously, vertically and horizontally. Elections in Sweden are carried out at all levels on a

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<sup>49</sup> Elizabeth Rhoads, 'Women's Political Participation in Indonesia: Decentralisation, Money Politics and Collective Memory in Bali', *Journal of Current Southeast Asian Affairs*, 31.2 (2012), 35–56 <https://doi.org/10.1177/186810341203100202>

<sup>50</sup> Edward Aspinall and Noor Rohman, 'Village Head Elections in Java: Money Politics and Brokerage in the Remaking of Indonesia's Rural Elite', *Journal of Southeast Asian Studies*, 48.1 (2017), 31–52 <https://doi.org/10.1017/S0022463416000461>

<sup>51</sup> Jonathan Kirshner, 'Money Is Politics', *Review of International Political Economy*, 10.4 (2003), 645–60 <https://doi.org/10.1080/09692290310001601911>

proportional basis, and there is no mandatory voting. The *Riksdag* elections will divide Sweden's regions into constituencies. This election can be participated in by every Swedish citizen who currently resides in the Realm or who has previously resided in the Realm and who has reached the age of 18 years. In Sweden, the constitution directly determines the month of implementation for simultaneous elections, a distinction from Indonesia. In Indonesia, the constitution does not specify a specific month for implementation; it simply stipulates the elections for the president, vice president, and members of the central and regional legislatures occur once every five years. This is also different from Belgium because regional, national, and European elections are held on the same day, and all voters must be present to vote.<sup>52</sup>

Interestingly, in Sweden, the government and parliament could hold additional elections through a vote of no confidence in the prime minister rather than canceling the planned initial polls. Apart from that, there is also a method for ballots to be played or re-distributed if an appeal occurs. Sweden experienced an unprecedented number of ballot paper appeals in the 2010 election, necessitating the replay of two ballots. This was due to maintenance negligence—malpractice, not a deliberate attempt to cheat. Appeals against elections to the *Riksdag* will be submitted to the Election Review Board appointed by the *Riksdag*. There is no right to appeal against the board's decision. A person elected as a member of the *Riksdag* carries out their mandate even though the election results have been appealed. If the election results are revised, new members will take their seats as soon as the revised results are announced. This applies similarly to substitute members. Meanwhile, in Indonesia, it is possible to annul the election results and then re-elect.

This is a case of Swedish society's picky culture and is based on policies made by the government during the previous period. For example, the 2018 Swedish regional elections showed consistently high voter turnout across all regions at 83.8% and significant variations in vote share for various parties across regions. Voting patterns do not conform to general expectations of voting behavior due to dissatisfaction with the central government. In particular, the success of regional health party elections in several regions. People engage in a split-ticket voting pattern, demonstrating a distinct voting process within the community. They are more in line with a multi-level understanding of a political system with a precise distribution of competencies since health care remains the most crucial task in the region.<sup>53</sup>

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<sup>52</sup> Dieter Stiers, 'EU Issue Voting in Simultaneous Elections: The Case of Belgium', 2023, pp. 169–203 [https://doi.org/10.1007/978-3-031-29187-6\\_7](https://doi.org/10.1007/978-3-031-29187-6_7)

<sup>53</sup> Linda Berg and Henrik Oscarsson, 'The Swedish Regional Elections 2018', *Regional & Federal Studies*, 30.3 (2020), 511–24 <https://doi.org/10.1080/13597566.2020.1739656>

In the Swedish National Election Studies Program Report Series 2020 report by Sara Persson, split-ticket voters divided their votes from a bottom-up perspective based on genuine voting among divided voters in Sweden. Sweden's proportional multi-party system allows voters a wide range of viable options with a low risk of wasted votes. Strategic considerations relevant to voters regarding electoral thresholds and votes can be used to keep parties above the threshold. Protest motives are not salient to Sweden's divided electorate, and few refer to dissatisfaction when motivating their vote.

This also proves that Sweden's local elections are independent, not secondary, elections determined by national political issues. Considering the initial discussion regarding local democracy, this suggests that local democracy in Sweden is in a healthy condition. Voters could even reach two-thirds of the total electorate.<sup>54</sup> Although voter turnout in local elections is almost as high as in national elections, this may include voters who would abstain if there were a different local election day. Therefore, national issues could potentially dominate regional head elections. Even, local parties have grown in number and strength.<sup>55</sup>

The problem of manipulation in Sweden has been widely studied, originating from external factors. In his research "Sweden Defends its Elections Against Disinformation, 2016–2018," Gordon LaForge discusses a cyberattack on the Swedish Election Authority website, which resulted in the spread of fraud and the emergence of domestic political disinformation. Sweden does not have extensive experience with the threat of severe disruption related to online elections. In 2022, the Swedish Defense Research Agency also reported increased threats in recent years. There are five categories of attacks that may occur: against individuals, polling places, and election results, as well as cyber-attacks and the influence of information or disinformation. As a result, some attacks affect elections' physical conduct and undermine confidence in the electoral process.<sup>56</sup>

In another study, David Sommer (2019) explained in his research in Switzerland that written voting, as implemented currently, was equally vulnerable to cyberattacks. While in research on the voting process in the 1990s by Susan Roth (2001), there were many complaints about mechanical machines, ballot paper design, and language, so it was hoped that a computer system would be used.<sup>57</sup>

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<sup>54</sup> Anders Lidström, 'Various Faces of Localised Voting in Sweden', *Local Government Studies*, 47.1 (2021), 126–44 <https://doi.org/10.1080/03003930.2020.1761338>

<sup>55</sup> Susanne Wallman Lundåsen and Gissur Ólafur Erlingsson, 'The Local Party Voter: A Localist Anti-Establishment Voter?', *Electoral Studies*, 82 (2023), 102592 <https://doi.org/10.1016/j.electstud.2023.102592>

<sup>56</sup> Emma Ricknell, 'Of Foreign or Domestic Origin? Swedish Media Reporting on Election Interference in Connection with the 2022 Swedish General Election', *Journal of the Scandinavian Society of Korea*, 30 (2022), 41–74 <https://doi.org/10.26548/scandi.2022.30.041>

<sup>57</sup> Susan King Roth, 'Disenfranchised by Design', *Information Design Journal*, 9.1 (1998), 29–38 <https://doi.org/10.1075/idj.9.1.08kin>

However, implementations that combine electronic systems also bring more serious dangers. This is because the collection of initial voting results is still carried out using insecure communication channels such as telephone, fax, or email. In the 2018 Brazilian presidential election, the president-elect persisted in questioning the electronic ballot box results, believing he should have won in a single round.<sup>58</sup> This is similar to the implementation in Indonesia, where the government also provides a website for the recapitulation. Unfortunately, the security of the server being used is still uncertain. Is the server safe from cyberattacks and secure enough to protect confidential data from foreign individuals? Again, regulations do not typically require the use of secure channels. Similarly, internet voting in developed countries like Switzerland and Canada is still considered less trustworthy than direct voting.<sup>59</sup>

With its high literacy culture, Sweden handles this kind of cyberattack because the attacker tries to weaken trust in institutions and the government by spreading fake news during the campaign. For decades, Swedish institutions have enjoyed relatively high levels of public trust, and that trust has remained robust in the face of an influx of fake news. Public opinion surveys show that trust in Swedish institutions remains relatively high. However, because of the difficulty of influencing the implementation of elections, it is unreasonable to assume that antagonistic actors will choose other ways to influence elections, namely efforts to weaken public confidence, by carrying out various proactive efforts aimed at the public.

Outreach and campaign programs are integral to the political culture that has developed in Sweden. Campaigns and socialization play an essential role in strategic coordination between legislative candidates, political nodes, and voters in Indonesia, for example, according to research by Kahar Muzakkir et al. (2023), emphasizing the importance of narratives built through direct interaction and political gossip in gaining voter support.<sup>60</sup> Although the duration of campaigns is not regulated in Sweden, election posters are only allowed starting five weeks before election day. Unlike in Denmark and Norway, commercial television allows political advertising.<sup>61</sup> In Indonesia, the General Election Commission permits it

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<sup>58</sup> Dalson Figueiredo Filho, Lucas Silva, and Ernani Carvalho, 'The Forensics of Fraud: Evidence from the 2018 Brazilian Presidential Election', *Forensic Science International: Synergy*, 5 (2022), 100286 <https://doi.org/10.1016/j.fsisyn.2022.100286>

<sup>59</sup> Stuart J. Turnbull-Dugarte and Daniel Devine, 'Support for Digitising the Ballot Box: A Systematic Review of i-Voting Pilots and a Conjoint Experiment', *Electoral Studies*, 86 (2023), 102679 <https://doi.org/10.1016/j.electstud.2023.102679>

<sup>60</sup> Abd. Kahar Muzakkir and Ummi Suci Fathia Bailusy, 'The Split-Ticket Voting Phenomenon: Analyzing Internal Voter Factors in the Central-Provincial House of Representatives Election', *SIGn Journal of Social Science*, 4.1 (2023), 69–86 <https://doi.org/10.37276/sjss.v4i1.333>

<sup>61</sup> David Nicolas Hopmann and Rune Karlsen, 'Elections and Political Communication in the Nordic Countries', in *Power, Communication, and Politics in the Nordic Countries*, ed. by E. Skogerbø



under extremely stringent regulations, which include a maximum of three spots, a maximum duration of 60 seconds for each spot, a maximum of two media outlets, and 21 days. However, Sweden's integrity culture fosters strong electoral resilience to counteract vote manipulation through integrity attacks and cyberattacks.

One of the problematic administrative stages in Sweden is voters' access to ballot papers and crossing out the voter's name in the copy of the electoral roll, which is where the voter's name has been crossed out in a copy of the voter list before the voter arrives to vote at the polling station. There is a possibility that the poll worker mistakenly crossed out the name. They may cross out the wrong name in a copy of the voter list when other voters cast their ballots early on election day. Another scenario is that voters cast their ballots early on Election Day and attempt to commit election fraud. Therefore, when a complaint of this nature arises, the clerk is unable to determine the integrity of the complaint, leading the committee to take action to prevent citizens from voting. This is undoubtedly a significant loss for voters who have chosen the first option. Furthermore, despite Sweden's high democracy index, the country's elections remain far from fully democratic due to the large voter turnout. Current campaigns are much more protracted than the elections of the 19th century, with little or no fraud, sometimes lasting several months and only a few hours.<sup>62</sup> This makes elections more fragile, especially with a large number of voters. In fact, determining whether someone has the right to vote in Sweden is very strict.

The Elections Act (2005:837) mandates that the central election organizer for each electoral district compiles a list of eligible voters. The voter list must be based on information 30 days before election day. Data is taken from data contained in the population database. Interestingly, in Sweden, the population registration database must comply with the Act on the Processing of Personal Data in the Population Registration Activities of the Swedish Tax Agency (2001:182) and the Land Registration Act (2000:224), which governs land registration. The population's close relationship to tax payments, land control, or property makes this fascinating.

The electoral roll will include Swedish citizens who have ceased residency registration for ten years. After that, the Swedish Tax Agency will only include them in the electoral roll for ten years if they provide written notification of their address. Suppose the central electoral authority for elections to the Riksdag or the European Parliament, no later than the day before election day, receives votes

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and others (Gothenburg: University of Gothenburg, 2021), pp. 219–40 <https://doi.org/https://doi.org/10.48335/9789188855299-11>

<sup>62</sup> Jan Teorell, 'Partisanship and Unreformed Bureaucracy: The Drivers of Election Fraud in Sweden, 1719–1908', *Social Science History*, 41.2 (2017), 201–25 <https://doi.org/10.1017/ssh.2017.8>

from Swedish citizens no longer registered as residents in Sweden and are not included in the voter list. In that case, the authority will add the voter to the list..

Regarding elections to municipal and regional councils, European Union (EU) citizens entitled to vote under the Local Government Act (2017:725) must be included in the electoral register no later than 30 days before election day. If not, they must notify the central electoral authority in writing, stating their nationality, address in Sweden, date of birth, or personal identification number. Voters included in the voter list cannot be removed unless, at their request, the conditions for their right to vote are no longer fulfilled. In European Parliament elections, EU citizens who are not Swedish citizens will only be included in the voter list if they have reached the age of 18 no later than election day; they are registered as residents or residents in Sweden but may not be registered as residents here by the Swedish Population Registration Act (1991:481). In essence, residents seeking to participate in elections must inform the regional administrative council to ensure their inclusion in the voter list.

Meanwhile, the voter list for the electoral district where they last registered as residents will include those not registered as residents in any land unit or Sweden. If there is no information available regarding a resident's registration, that would allow them to be referred to a particular electoral district, but there is information about the municipality where they were last registered as a resident. The regional administrative council will decide which electoral register they will be included. This is an intriguing breakthrough for Swedish identity-less voters. It increases public participation in preventing election fraud and voting systems.<sup>63,64</sup>

If an authority in another Member State notifies the central electoral authority that a person who, for the European Parliament elections, was included in the voter list in Sweden is also included in the voter list in another country or has voted in that country's election and removes that person from the list of voters, If an individual feels that the voter's list contains inaccurate information about them, they must also submit a written request to correct the information. In this case, Sweden addressed accusations that the election was less than democratic due to the large number of voters by implementing various measures, including public self-reporting of inaccurate voter data and institutional synchronization. This is done to prevent the conditioning of the voter list, which leads to vote manipulation.

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<sup>63</sup> Morris Levy, 'Winning Cures Everything? Beliefs about Voter Fraud, Voter Confidence, and the 2016 Election', *Electoral Studies*, 74 (2021), 102156 <https://doi.org/10.1016/j.electstud.2020.102156>

<sup>64</sup> Dario Forte, 'Electronic Voting: Practicality vs. Fraud', *Computer Fraud & Security*, 2009.7 (2009), 7-9 [https://doi.org/10.1016/S1361-3723\(09\)70085-5](https://doi.org/10.1016/S1361-3723(09)70085-5)

Election needs and logistics, especially campaign funds, are essential for elections. Thomas Reuter (2015) states that every candidate must spend money.<sup>65</sup> In liberal countries like Australia and Canada, money politics games involve large companies. They provide business funding to political parties hoping for pragmatic returns, such as financial gain or special consideration for lobbying efforts.<sup>66</sup> However, the problem of money politics in Sweden stems not only from corporate donations but also from private donations. Private donations have become such a threat to democracy that lobbyists gain an unfair advantage in elections or that foreign powers can influence sovereign countries by funneling money to specific parties.

Lukas Andreasson said Sweden has a long tradition of opposing political finance regulation, but this has begun to change in recent years. There is a system in place that does not limit or prohibit spending or contributions, and it also lacks other regulations, such as prohibitions on anonymous and foreign donations. Political parties in Sweden can receive donations from various sources. Sweden is one of the few countries in Europe that allows foreign donations, among the 77% of other countries that limit it. However, the public remains unaware of the donors' identities as long as their donations fall below a specific threshold of SEK 24,150.

Magnus Ohman (2016) said that Sweden illustrates how democracy can function well even with minimal regulations regarding money flow into politics.<sup>67</sup> Therefore, it is impossible to eradicate money politics. Yukihiko Hamada (2022) revealed in the International Institute for Democracy and Electoral Assistance that several political parties in Sweden have tried to avoid financial donation regulations.<sup>68</sup> The opinion is that Sweden's regulations, which are relatively weak and too loose compared to most European countries, can no longer guarantee transparency in the funding of political parties and election campaigns in Sweden. This threatens the transparency of the election administration and public trust. Mikael Persson's (2024) research asserts that the government encourages economic elites to contribute to political elites and wealthy groups during elections, leading

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<sup>65</sup> Thomas Reuter, 'Political Parties and the Power of Money in Indonesia and Beyond', *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 3.2 (2015), 267–88 <https://doi.org/10.1017/trn.2014.23>

<sup>66</sup> Iain McMenamin, *If Money Talks, What Does It Say?* (Oxford University Press, 2013) <https://doi.org/10.1093/acprof:oso/9780199665709.001.0001>

<sup>67</sup> Magnus Ohman, 'Sweden', in *Checkbook Elections?* (Oxford University Press, 2016), pp. 159–76 <https://doi.org/10.1093/acprof:oso/9780190603601.003.0009>

<sup>68</sup> Mikael Persson, 'Who Got What They Wanted? Investigating the Role of Institutional Agenda Setting, Costly Policies, and Status Quo Bias as Explanations to Income Based Unequal Responsiveness', *Journal of European Public Policy*, 31.7 (2024), 1879–1901 <https://doi.org/10.1080/13501763.2023.2177323>

them to renounce their political participation.<sup>69</sup> Thus, it can be questioned whether the government truly represents society or a small number of people.<sup>70</sup>

In contrast to Indonesia, there are strict regulations and limitations on campaign fund donations. The maximum contribution to election campaign funds for presidential and vice-presidential candidates and legislative members from individuals is IDR 2.5 billion. Meanwhile, campaign funds from the most prominent companies are worth IDR 25 billion. Contributions from individuals and companies are cumulative as long as the campaign is ongoing. If donations exceed the provisions, the campaign funds are prohibited from being used. Excessive campaign fund contributions must be reported to the General Election Commissions. The excess funds will later be handed over to the state Treasury. In contrast to Sweden, in Indonesia, parties who make campaign fund donations must include identity information such as full name, population identification number, taxpayer identification number, and source of money.

The problem is that even though there is a threshold for openness, large donors will divide donations into smaller amounts below that threshold. In Sweden, donations are divided into anonymous donor thresholds. In terms of regulations, Sweden is more vulnerable than Indonesia. On the other hand, donations are channeled through foundations affiliated with parties, fundraising organizations, and special interest groups, and this right is not regulated, so anonymous donors through foundations can be given more.

In Sweden, political parties must submit financial reports annually to the Legal, Financial, and Administrative Services Agency (*Kammarkollegiet*). Political parties are only required to report their income in their financial reports. The law does not require political parties to report their expenditures. Since parties in the Swedish parliament receive public funding from the state, there is a strong argument that taxpayers' money spent by political parties should be publicly accounted for. Additionally, there is no requirement for political parties to submit separate financial reports specifically for elections. In fact, elections in Sweden are held in September, while the annual reporting deadline is not until July of the following year. This means there is a delay in submitting information about their campaign funding. Meanwhile, Indonesia requires political parties to submit separate financial reports for their election campaigns, which the election organizers display on their website shortly after the election concludes.

Timely reporting and publication of campaign finance data, such as information on candidate and political party funding sources, contribution amounts, and

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<sup>69</sup> Anton Brännlund and Rafael Ahlskog, 'Do the Rich Ditch Traditional Politics? Evidence from Sweden', *APSA Preprints*, 2023 <https://doi.org/10.33774/apsa-2023-tbq81-v2>

<sup>70</sup> Julian Bernauer, Nathalie Giger, and Jan Rosset, 'Mind the Gap: Do Proportional Electoral Systems Foster a More Equal Representation of Women and Men, Poor and Rich?', *International Political Science Review*, 36.1 (2015), 78–98 <https://doi.org/10.1177/0192512113498830>

healthy expenditures, should be the final control on how election funds are used and where they come from. Supervisory institutions, the media, community organizations, and the public can use these campaign finance reports to prevent and detect cases of manipulation or undue influence of money in elections. Ultimately, such campaign finance reporting could increase public trust in political parties in Sweden. It also prevents elected officials from seeking monetary gain in politics.<sup>71</sup>

### ***Eradicate Industrialization Electoral Infringement through Progressive Election Policy***

Elections involve procedural and substantial democratic processes, but their substance holds greater significance. The substance of elections is important because it has the following meanings: fairness, equality, freedom, compliance with administrative law, and electoral crimes (adherence to the election system's rules).<sup>72</sup> Maintaining the quality of substance in simultaneous elections must be carried out from the regulatory stage to its implementation by the election management institution. According to Patrick Hummel (2015), simultaneous elections burden the country, and it is too burdensome for voters to determine candidates simultaneously.<sup>73</sup> Tight competition in elections often ends in election violations, which reduce public confidence in election results.

In political science, four critical factors prevent election fraud: secret voting, a system with proportional representation, economic welfare, which is related to money politics, and land reform, which is related to power relations and corruption. Indonesia's implementation of elections reflects these factors. At least Indonesia successfully implemented a secret election process. However, the problem of a high presidential threshold is still encountered regarding the use of a proportional representation system. Money politics is also still found on a massive scale, starting with the provision of social assistance by incumbents using state funds or funds from the candidates themselves. 'Unnatural' power relations in the land control sector by individuals also still occur. However, according to Jan Teorell, none of those mentioned above factors apply to the Swedish case. In Sweden, election fraud was influenced by the bureaucracy's professionalization and political parties' power. Professional bureaucrats, appointed on merit and not on political grounds, will fight election fraud. Powerful political parties influence

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<sup>71</sup> Heléne Berg, 'Politicians' Payments in a Proportional Party System', *European Economic Review*, 128 (2020), 103504 <https://doi.org/10.1016/j.eurocorev.2020.103504>

<sup>72</sup> Vardan Baghdasaryan, Giovanna Iannantuoni, and Valeria Maggian, 'Electoral Fraud and Voter Turnout: An Experimental Study', *European Journal of Political Economy*, 58 (2019), 203–19 <https://doi.org/10.1016/j.ejpoleco.2018.12.001>

<sup>73</sup> Patrick Hummel and Brian Knight, 'SEQUENTIAL OR SIMULTANEOUS ELECTIONS? A WELFARE ANALYSIS', *International Economic Review*, 56.3 (2015), 851–87 <https://doi.org/10.1111/iere.12124>



elections in the opposite direction.<sup>74</sup> In Indonesia, state-owned companies and civil servants are required to maintain neutrality and refrain from campaigning.

Therefore, progressive election regulations are necessary to address election violations. Based on comparisons in Indonesia and Sweden, at least a record of changes was found. First, improvements in updating voter data can start from synchronizing or collaborating with the General Election Commission with the Ministry of Home Affairs, especially the Directorate General of Population and Civil Registry, to improve the accuracy of the process of synchronizing the list of potential election voters and the latest permanent voter data. It is essential to determine the number of permanent voters, the number of polling places, and the number of ballot papers. Currently, legally speaking, the voter data collection system is relatively progressive compared to the previous law. The continuous voter registration system, also known as the continuous register or list, continuously updates voter data based on the permanent voter list from the previous election.

Additionally, voter data collection must be adequately archived by building a voter list information system with at least three main functions: maintaining voter list data, updating the voter list, which voters can access, and transferring information from the Voting Committee/Election Committee. Subdistrict to district/city General Election Commission, from district/city General Election Commission to province, from provincial General Election Commission to General Election Commission, and vice versa. So far, the problem of policy effectiveness has often collided with organizers' lack of knowledge and capability in optimizing technology. It is hoped that this matter can be resolved soon with the support of stakeholders. Without updating the permanent voter list, there will be a chance to manipulate vote choice through non-proprietary votes. Aside from that, Sweden expects the public to participate actively in correcting and reporting voter data findings. In Sweden, the Tax Institute and the Land Agency also play an important role in compiling election voter lists by synchronizing tax payments and property ownership. The Tax Institute and the Land Agency use this method to synchronize double or ghost voters.

Second, the candidate submission filter must be stricter because it uses a proportional open list system. Political parties must conduct a screening on ideology and comprehension of the institutional functions for which they are nominating. Candidates must meet a minimum threshold of education, not just popularity. Reflecting on the firm regulations in Sweden regarding the flow of anonymous campaign funding sources, this can be prevented by managing the flow of campaign funds and deposit obligations electronically so that they are easier to control. Regulations in Indonesia are more stringent than those in Sweden, indicating their superiority in combating money politics. What Indonesia

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<sup>74</sup> Teorell.

cannot do at this time is to equalize Swedish society's legal culture because of the gap in public welfare and education, and this has an impact on society's integrity in rejecting money politics. Thus, forming a legal culture occurs through education and community outreach. For instance, systematic modernization of voting reform can reduce trading volumes in the vote market.<sup>75</sup>

Third, abolishing the presidential threshold practice results in opportunities for representation, even though the Constitutional Court's decision rejected it. The continued implementation of presidential threshold provisions can impede the growth of national leadership regeneration. Close to the election, conditioning regulations often occur, leading to friction and political pressure. This can, of course, be called manipulation of the election legal framework. In fact, regulations like this are one way to manipulate other election rules.

Fourth, the integrity of the election commission, participants, and voters. According to Stephen Dawson's (2019) research, while highly competitive elections signify the healthy functioning of democracy, they can also compromise the integrity of the electoral process. Using new pre-election poll data for 109 presidential elections around the world between 1996 and 2016, the results show that ex-ante proximity fuels electoral fraud. In democratic contexts, tighter elections—and elections where the incumbent's prospects are ambiguous—are associated with greater ballot box manipulation as efforts are made to reach the finish line.<sup>76</sup>

In Sweden, the government is trying to make voting more accessible, which has, among other things, resulted in many early voting stations in public places such as squares and shopping centers. The risks involved when ballots are sent for processing may be underestimated. Elections are a symbol of democracy. However, if the electoral process itself is corrupt, then it is clear that democracy based on elections may be fraudulent. Therefore, the strategy of cheating in elections will destroy the democratization that society wants. Richard Frank (2019) generally regards Swedish elections as maintaining a high standard. Sweden ranks among the top countries in the world when it comes to election integrity.<sup>77</sup>

For example, the Swedish Prime Minister condemned election fraud cases in his political party amid reports that more cases were being investigated. A local councilor in Stockholm was forced to withdraw his candidacy because it was revealed he was paying membership fees for several members of the new party he registered. In the concept of comparative political economy, there is a mutually

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<sup>75</sup> Toke S. Aidt and Peter S. Jensen, 'From Open to Secret Ballot', *Comparative Political Studies*, 50.5 (2017), 555–93 <https://doi.org/10.1177/0010414016628268>

<sup>76</sup> Stephen Dawson, 'Electoral Fraud and the Paradox of Political Competition', *Journal of Elections, Public Opinion and Parties*, 32.4 (2022), 793–812 <https://doi.org/10.1080/17457289.2020.1740716>

<sup>77</sup> Richard W. Frank and Ferran Martínez i Coma, 'How Election Dynamics Shape Perceptions of Electoral Integrity', *Electoral Studies*, 48 (2017), 153–65 <https://doi.org/10.1016/j.electstud.2017.05.007>

influencing relationship between public opinion and voting behavior, government elections, and policy making. The critical point is that public opinion is an exogenous causal factor; it arises without input from the political process and then influences voter behavior, government composition, and policy. Societies derive their policy preferences from the socio-economic structure and position within it.<sup>78</sup>

This means that policy preferences influence voting behavior. The public criticizes existing policies; the integrity of policymakers is at stake. Marlene Mauk (2022) said that in 108 countries, there were protests to show election manipulation. Protests occur when administrative fraud occurs at a relatively low cost but not when more expensive forms of manipulation involve extrajudicial mobilization and voter intimidation.<sup>79</sup> Thus, the election integrity portfolio issued by the International Foundation for Electoral Systems explains several program areas that complement efforts to overcome election fraud and malpractice, including developing, refining, and enforcing political finance regulations; assisting countries in developing appropriate legal structures and effective electoral complaint adjudication systems; and improving election security. Election integrity is essential and is the primary key because it affects trust. Election results have important implications for citizens' attitudes and perceptions of party legitimacy in democratic societies.<sup>80</sup> The overall legitimacy of elections and, by extension, public confidence in democratic governments worldwide depend primarily on the actual and perceived integrity of the electoral process.

#### 4. Conclusion

Election infringements are increasing in developing countries and are even more unavoidable in developed countries. This research revealed the persistence of election violations in both Indonesia and Sweden. The manipulation of rules, votes, and administration occurs in Indonesia, including threshold rules, nomination requirements, permanent voter list data, and money politics. On the other hand, Sweden has effectively resolved administrative and vote manipulation issues related to the voter list. In Sweden, manipulation of conditional funding source regulations also occurs; the regulations are no better than those in Indonesia. However, legal culture and integrity factors led Sweden to become more democratic in its elections. Therefore, to achieve a more progressive election implementation, the voter data updating process must be enhanced, synchronized, or collaborated with the General Election Commission and the Ministry of Home

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<sup>78</sup> Leo Ahrens, 'The Impact of Public Opinion on Voting and Policymaking', *Zeitschrift Für Politikwissenschaft*, 34.1 (2024), 77–100 <https://doi.org/10.1007/s41358-024-00366-w>

<sup>79</sup> Marlene Mauk, 'Electoral Integrity Matters: How Electoral Process Conditions the Relationship between Political Losing and Political Trust', *Quality & Quantity*, 56.3 (2022), 1709–28 <https://doi.org/10.1007/s11135-020-01050-1>

<sup>80</sup> KATJANA GATTERMANN, THOMAS M. MEYER, and KATHARINA WURZER, 'Who Won the Election? Explaining News Coverage of Election Results in Multi-party Systems', *European Journal of Political Research*, 61.4 (2022), 857–77 <https://doi.org/10.1111/1475-6765.12498>

Affairs, particularly the Directorate General of Population and Civil Registry, and integrate the Tax Agency and Land Agency. Encouraging the public to self-report incorrect data: Using a proportional open list system means that candidate submission filters must be stricter so that elections do not focus on individuals and their funding. Electronic deposit of funds; elimination of the presidential threshold practice, which limits the opportunity for representation; improvement of the integrity of election organizers, participants, and voters.

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