

Electronic Recap as a Transparency of Pancasila Democracy in the Regional Head Election

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Abstract. Information technology in the implementation of regional head elections needs to be realized immediately. COVID-19 pandemic, which is happening worldwide, forced the transition from manual to information technology in regional head elections. An immediate legal formulation needs to be made to implement the policy on the application of information technology for regional head elections. Electronic recap simplifies the implementation of vote-counting and reduces structured and massive vote-counting fraud. The legal approach used is an empirical legal approach by raising the facts that occur and combining legal issues and issues elaborated in solving the root of the problem.

Keywords: Information Technology, Regional Head, Election

1 Introduction

Information technology is all understanding the various types of technology available as a tool to help humans maintain life and be better at storing, changing, and communicating by disseminating information.[1] All kinds of existing information technology will have a social impact wherever information technology is applied.[2] Information technology is like two sides of a coin in life, and if used correctly, it will help simplify work more quickly, effectively, and efficiently by changing the patterns of behavior and social order of the local community. Information technology is used in the wrong way, causing chaos in the social order, an increase in crime, a crisis of trust in the social system.

Information technology is a demand of the globalization of human life. The development of information technology makes it easier for people worldwide to obtain information without limits through the internet. Technological progress can also change social paradigms and social norms that live in society. The Utilization of technology to human life encourages innovations made, including trade (e-commerce), banking (e-banking), government (e-government), and learning (e-learning).[3] Implementation of information technology in e-government provides convenience in providing services to the community, increasing accountability in the use of the budget, and transparency of information that must be delivered to the public. Electronic media that is connected via a data network makes it easy to access the desired data from anywhere, not limited by time, space, and gender.

The impact of globalization with the use of information technology in all areas of life is something that cannot be avoided because it is a necessity of human life. The application of information technology today is absolute in the government system in Indonesia as a tool to facilitate work and provide services to the community. The development of government information technology is carried out in stages and in stages before all the systems are comprehensively built. Information technology in its application will be adjusted to the needs of the government's future. The need for cost savings, time efficiency will have an impact on the need where every line of public service needs to apply information technology in all aspects of life, including legal and political aspects. The application of information technology can cause changes and habits in political life in an order of people's lives.

In the political activities of regional head elections, productivity parameters in terms of the speed of performance in calculating of election results are among the main things to measure the effectiveness in utilizing all inputs managed by the election organizer in producing outputs. Productivity can be measured by comparing the number of ballot outputs calculated by the number of ballot inputs used. At present, technological advancements are expected to increase the productivity of ballot counting in elections, where productivity is considered a domino effect that can minimize costs so that the budget spent on local election funding is also reduced.

Although the existence of technology can facilitate many affairs and jobs, the use of technology has created an imbalance between work and life. Then the correct use of information technology can balance

life. How to use information technology in aspects of local elections:

1. Utilizing technology to manage the priority of local election dispute resolution, and vote-counting;
2. Using technology can facilitate tiered supervision in the process of counting votes;
3. Providing different education to prospective voters in the regional head election;
4. Obtain time efficiency in vote-counting and budget efficiency in the implementation of regional head elections.

Pancasila is the source of all formal law sources in Indonesia, where all laws and regulations must be made to trust and make Pancasila the spirit and soul in the regulation. According to Mochtar Kusumaatmadja, the principles of law that can be drawn and contained in Pancasila are:

1. The Principle of Unity and Oneness, where all products of national legal rules in Indonesia can unite all groups, groups without division and can be implemented in the entire territory of the Unitary State of the Republic of Indonesia;
2. The principle of divinity, giving the mandate that all national legal products do not contradict religion by prioritizing one of the religions because of the many adherents of the religion, and embracing religion is recognized as a fundamental right to mutual respect and respect;
3. The principle of democracy, the authorities made the law, but this principle emphasizes that the law applies more dominantly to the authorities, not the other way around. The law is the umbrella for the existence of all Indonesian people, with state equipment as their protective equipment;
4. The principle of social justice is that all people are equal in the eyes of the law and have the same rights and obligations. It will raise the feeling of possession of this country to be safeguarded together for its continuity.[4]

From the author's analysis that the four principles are still incomplete, the principle needs to be added:

5. The principle of deliberation, that national law needs to consider the spirit of deliberation in its preparation, so that nothing will be contested in the right product, all resolutions of legal problems are resolved by deliberation to reach consensus.

The election of regional heads is a form of representation of the formulation of the fourth precept which reads: Democracy led by wisdom in representative deliberation, means that the State of Indonesia is led or has leaders who in their leadership are wise and prioritize deliberation in making all decisions with a representative system. In the context of regional government, there are regional heads and the Regional People's Representative Council as leaders who consult with representatives, or the people are represented by the legislature in balancing and supervising functions in the government system. Regional Government is the implementation of government affairs by the regional government together with the Regional People's Representative Council with autonomy and the principle of assistance within the framework of the Unitary State of the Republic of Indonesia in accordance with the 1945 Constitution of the Republic of Indonesia. Regional government is the regional head (Governor, Regent, Mayor) who given the authority to lead the autonomous regional government in accordance with its authority.

The implementation of the Pilkada directly elected by the people began in 2005. Through Law Number 32 of 2004 concerning Regional Government, the mechanism for selecting Regional Heads by the DPRD adopted by Law Number 22 of 1999 was drastically changed to direct elections by the people only within 2 (days) after promulgation due to social changes and demands for democracy. Ten years later, in 2015, the first simultaneous direct regional elections took place in 269 regions covering 9 provinces, 224 regencies and 36 cities in Indonesia. The implementation of direct local elections by the people cannot be separated from the efforts of the Indonesian people to improve the quality of local democracy and local governance after the democratization of the New Order, as a golden momentum for the implementation of the decentralization and autonomy agenda broadly for the regions in realizing Pancasila democracy.

Communities in democratic life will continue to experience changes and developments in the fabric of their lives. That sociologically, society will always experience changes.[5] Method changing of electing regional heads from those initially appointed by the central government, being elected by the DPRD afterward, and now directly elected by the community, indicate changes to the regional head election arrangement. In Zulfatun Ni' mah, Karl Mannheim argues that "*A changing community is not determined by a set of unshakeable command but is engaged in a permanent search for new norms to express changing experiences. The content of conscience is accordingly not determined by explicit and final rules but is continuously shaping itself a new*".[6] Thus, social change in a changing society is a norm, where the change of each norm and its constituents constitutes a core of life maintaining unity and

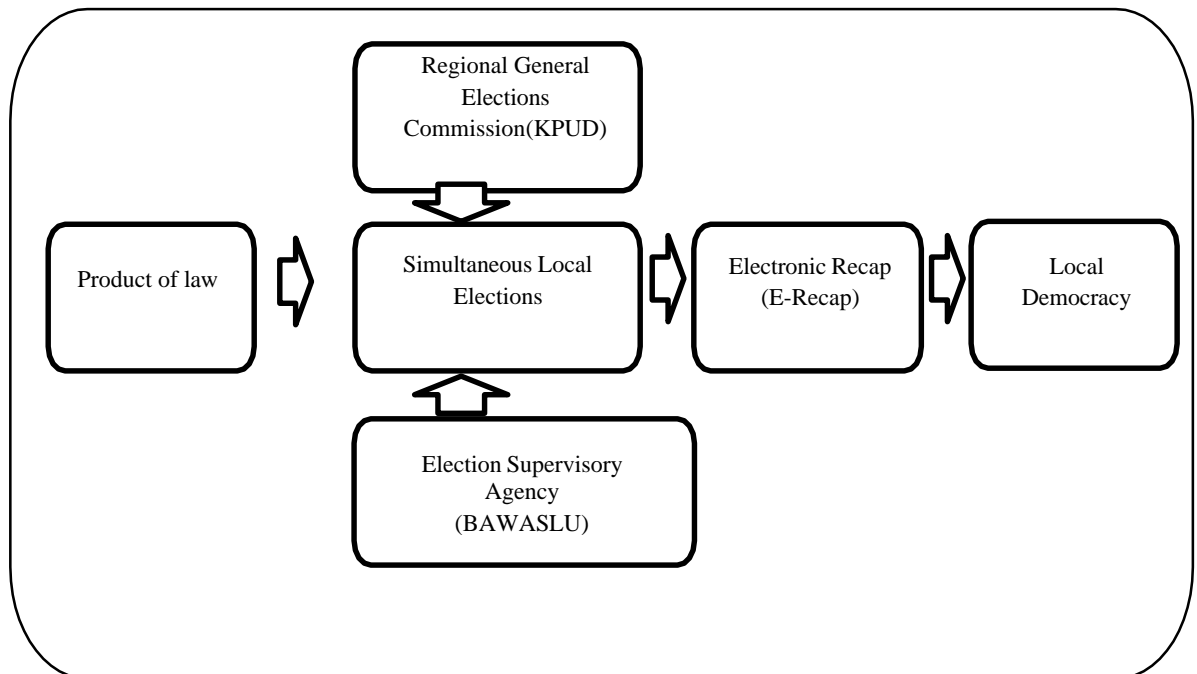
integrity in a legal society. Communities that meet the requirements and already have political rights are legally recognized through the population administration documents. They have the right to elect regional head candidates directly in the social order system named regional (provincial, district, city) to determine the choice of leader they want.

The people determine the regional head, so the regional head is the people's representative who is given the authority to regulate and manage the region autonomously in the frame of the Unitary State of the Republic of Indonesia and is wise with the help of the prosperity of its people. Regional Heads following the Election Law of Governors, Regents, and Mayors elect democratic parties through general elections held by the Regional Election Commission (KPUD). Pairs of Regional Heads who are elected after the direct election are appointed by the President or other officials who agree and carry out their duties under applicable regulations.

Election of regional heads directly drains time, energy, costs in its implementation. The tiered recapitulation from the polling station (TPS) to the district level and finally at the KPUD level requires a long process and a long time and requires a lot of human resources in implementing it. Errors and recapitulation at the lower level of officers' mistakes made to win the desired pair of candidates are often in democratic fraud. Improving the quality of democracy by minimizing fraudulent elections requires information technology to reduce fraud and errors in the recapitulation of vote counts. The complexity of the problems in the regional head election dispute can be done with various efforts, including the use of information technology to simplify, shorten and reduce the risk of miscalculating but whether the information technology is safe and free from problems in the recapitulation, this is what we need to study more deeply. The formulation of the problem that can be drawn by the author sees from the description above, namely:

1. Does the role of information technology reflect the justice of the elections in Pancasila democracy?
2. Can the use of e-recap reduce election fraud?

This figure below illustrates that the simultaneous local elections during the 19th century require information technology to assist in implementing vote-counting results. This sound recording is carried out electronically with the following picture:



2 Method

This article used the method in this study with empirical legal research methods—disclosing facts by describing of the problems that occur by photographing the situation in Indonesia. The data collection technique used is by interviewing the primary sources with scientific narratives from theories used as a comparison in the observation of literature. Data collection in research uses qualitative collection methods by examining directly through key informants as sources of information. The speakers' selection is based on the results of policies made by the holders of power, both executive and legislative.

3 Discussion

3.1. Information Technology to Achieve Justice in Pancasila Democracy

The Regional Head Election (Pilkada) is one manifestation of the 1998 reform movement that wants a change in state administration after being dominated by an authoritarian style to become democratic. Democracy is a new alternative for the journey of state life, with its theme and, by, for the people. The presence of the elections also marked it as a means of popular sovereignty to elect leaders at the national to local levels. The constitutional mandate contained in the 1945 Constitution, Article 18 paragraph (4), stated: "Governors, Regents, and Mayors respectively as heads of provincial, district and city-regional governments are democratically elected." Leadership must always experience development every day, not only closed at one time a day. [7] Leaders have a vision and mission formulated in strategic plans and priority programs and can inspire others to emulate them by standing at the front to inspire their people. Leadership in an area can be called a local leader, which can lead an area that can be chosen because of heredity or through direct election by the people. The succession of local leadership now determined by the people no longer chosen by the President as it did in the past.

Pilkada journey has been going on since 2005 through Law Number 32 of 2004 about Regional Government, where regional heads are elected directly by the people through the Election of Regional Heads and Deputy Regional Heads and finally the Law No.10 of 2016 concerning Amendments Second to the Law of the Year Second Amendment to Law Number 1 of 2015 concerning the Establishment of Government Regulations in lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors. In 2020, the General Election Commission will hold simultaneous local elections in 270 regions, spread over 9 Provinces, 224 Regencies, and 37 Cities. Of course, this is not an easy job amid the many pros and cons of simultaneous local elections. Note the discourse of the return of presidential elections and regional head elections by the DPR and DPRD as an example. Then the high-cost burden borne is by the state due to the implementation of the elections. Then, the low voter participation and various other problems. It can be said that the primary purpose of the regional elections is for local people to determine themselves certain people who are considered or considered capable of bringing good for all people in the area. The critical focus is the political awareness of the region's people in being able to determine the future of their region through the selection of the appropriate regional head to lead the region.

Stages of the simultaneous elections of 2020, in general, took place safely and smoothly. Nevertheless, various potential threats and vulnerabilities that impact the emergence of regional instability began to emerge based on three aspects: the organizer aspect, the contestation aspect, and the participation aspect. From the organizer's aspect, there were problems with the readiness of the Pilkada (Bawaslu and KPU), the Grant Funding / NPHD 2020 elections, and the Bawaslu's appeal regarding the ban on rotation and mutation by the incumbent. The contestation aspect has been colored by the political maneuvering of the 2020 Regional Election Candidates, the rivalry of internal political party support, and the support of regional apparatus to one of the candidates. In comparison, the aspect of participation is related to the neutrality of ASN [8] and the activities of interest groups in supporting the pair of candidates for regional head to the DPT issue, which is always a classic problem, especially in border areas.

Democracy in post-New Order Indonesia is almost always discussed in relation to the formation of a political system that reflects the principles of representation, participation, and control. Therefore, a democratic government presupposes a separation of powers in three areas of institutions, namely the executive, legislative and judicial. A government is said to be democratic if there are main indicators, namely representation, participation, and control over the administration of government by the three institutions.

The principle of participation guarantees the aspect of people's participation in the regional

development planning process; or participation of the people in the process of selecting representatives in political institutions, while the principle of control emphasizes the accountability aspect of government. In democracy, the institutional aspect is the priority of the ongoing democratic political practice, so that there are political parties, general elections, and a free press. Meanwhile, the term 'local' refers to the 'arena' where the practice of democracy takes place.

Regional heads have full sovereignty to lead their regions autonomously, assisted by regional apparatus. A regional head carries out the regional executive function with the authority to regulate, manage, and direct development as the executor through various decisions and policies. The division of power follows the *Trias Politica*, which was originated by a French philosopher from the positivist school of thought, Montesquieu, where the *Trias Politica* came from Greek.[9] Tri means three axes are the axis, and politica means power, according to the understanding of the definition above means dividing the three-axis of power in the state in government. Executive power is the executor and executor of the law, the legislative power in the form of legislators and the Judiciary power, namely the power to judge for violations of laws that have been made. The sovereignty of the people within the framework of the government system can be divided into national and local democratic hierarchies from political recruitment procedures.

Distrust of the people and the reform era prompted direct elections. It is not directly related to democracy, because, in other countries, there are variations in the implementation of democracy directly, representatives, and even with appointments. The degree of importance is the election of accountable political officials following the needs of the people's achievement.

Decentralization is a form of relationship between the central government and regional governments, which generally have two forms, namely: Devolution and deconcentration. In Indonesian ideography, we have known the principle of co-administration or *medebewind* as part of decentralization. Based on the political realm of government, decentralization related to the autonomy of governance in the regions is devolution.[10] In contrast, deconcentration is still an extension of central policy in the regions. Based on the decentralization principle, the relationship between the people and the regional government is in the corridor of regional democracy. The involvement of regional governments in managing their authority is a freedom that aims to develop regional democracy and regional development, which in turn leads to the welfare of the people in their regional work area. Then, the local elections' momentum as the manifestation of local democracy should be appropriately prepared as well as possible by the local government, the Election Commission, and related elements to reduce the problems that will arise in the future.

The use of information technology in re-socializing the elections' stages because there is this co-19 epidemic, so the stages must be repeated. In every stage, utilization of information technology for voter data collection, campaigns, voting to vote-counting. The utilization of information technology also requires a large budget but is believed not to be as large as manual implementation. It means that it is time for the manual election system to be abandoned. It is also an essential part of realizing a more transparent, proportional, accountable, effective, and efficient political and democratic system.

Indonesia can imitate the success of South Korea holding elections on April 16, 2020, amid the epidemic of the COVID-19 virus and the world that is still mourning the virus. The success of the elections in South Korea is inseparable from the use of information technology in almost every organization stage. Among the critical stages of the election that utilize information technology are voter registration, candidacy, campaigning, and vote-counting.

In South Korea, the materials and campaign methods of election participants and candidates, the majority use the power of the internet to influence voter choices. The practice of campaigning is also relatively small by visiting voter groups on public roads and other public places to offer candidates' missions and materials. This method is suitable to be applied in Indonesia with the current condition of the COVID-19 virus outbreak. Campaigns in mass media are also expected to be longer with financing limits that are also strictly regulated because face-to-face campaigns are abolished in the conditions of the COVID-19 pandemic even afterward. In addition, the costs for the campaign props (APK) of participants are also expected to no longer burden the organizers' budget but become the responsibility of the participants. What will be regulated in the Perpu later is the limit on the amount of the budget in a more transparent campaign finance report.

A sound population data collection system is the principal capital for preparing an accurate voter list. Voters can exercise their voting rights at any polling station because their presence can be detected online, and there is no need to worry about the ballot because it is always available. Upon using information technology, voter data collection does not need thousands of officers to update voter data (PPDP) because it will contribute to the budget. It can be applied electronically matching and research (e-

coklit) according to the residence identification number on the electronic KTP.

This e-Coklit was once tested by the Makassar City KPU to be used by the Voter Data Update Committee (PPDP). The application can be increased with sufficient output used by the organizer of the PPK or PPS level, even the Regency/City KPU. Using a reliable application, the KPU does not need to recruit or involve PPDP officers, such as an electronic population-based census system that has been carried out by the Central Statistics Agency (BPS) and is still being extended to this day because of COVID-19. The recruitment of thousands of PPDP also has implications for burdening the budget.

Electronic recap (e-recap) that has been trialed by the Indonesian KPU is expected to be implemented nationally utilizing the current condition of COVID-19 because this is one of the many KPU innovations that has shifted from a manual system to an electronic system that aims to hold transparent, proportional, accountable, efficient, and effective local elections.

3.2. E-Recap in Handling Pilkada Election

The Regional Head Election is a forum for everyone to realize their political choices. The activity was marked by the participation of all levels of society in choosing their representatives. Therefore, Pilkada should produce decisions that can bring people to justice and truth. As well as being able to appoint representatives who have credibility and accountability in accordance with the wishes and needs of the community.

The implementation of honest and fair local elections must be a prerequisite for the development of a just and egalitarian democratic process. Everyone has rights and obligations in the success of the Pilkada. Pilkada implementation must be able to fulfill a sense of justice and become one of the pillars for the development of democracy in Indonesia. These principles are also included in Law Number 15 of 2011 concerning General Election Organizers. It is stated that to improve the quality of the implementation of elections that can guarantee the implementation of the political rights of the people, it is necessary to have professional election organizers who have integrity, capability, and accountability.

In the context of Pilkada organizers, integrity can be defined as the compatibility between the actions and behavior of an organizer with his responsibilities and in accordance with the laws and regulations governing the Pilkada. With this integrity, the organizers will gain public trust, especially from voters, as well as the Pilkada contestants. Both individual candidates or political parties, who have a direct interest in the Pilkada.

Integrity is an important principle for a public service institution to gain recognition from other parties. Therefore, the Pilkada organizers do not only have the knowledge and ability to carry out their duties. However, they must have the ability to carry out their duties with integrity to avoid problems that will occur later. To realize this election organizer with integrity, the KPU took steps, namely by issuing Regional Head Election Commission (PKPU) Regulation No. 3 of 2015. Article 18 paragraph 1 letter K explains the requirements that "Have never served 2 (two) times as a Member of PPK, PPS and KPPS".

Election organizers must obey and comply with existing laws and regulations at every level in carrying out their duties. Likewise, with Bawaslu, Baswalu Province, Panwaslu districts/cities must also obey and comply with the laws and regulations born from Bawaslu. An understanding and common perception will be created in carrying out their respective duties according to what is mandated by the law. Pilkada will not run well and be successful if the two Pilkada organizers do not have the same concept of understanding. Training and technical guidance at each level of the ad hoc committee, starting from the PPK, PPS, and KPPS, must be carried out carefully. Do not let the information break up at one level of the ad hoc committee. Therefore, in carrying out technical guidance, we must be appropriately guarded as well as possible.

PPK, PPS, and KPPS have a heavy burden to succeed in the implementation of integrated Pilkada. However, this is impossible without enthusiasm to carry out their duties and obligations as well as possible, being honest, fair, and transparent with the result of the existing election. Errors in carrying out their duties and obligations must be minimized so that the results can be accounted for. Finally, to realize the election organizers' integrity is to improve the selection of the ad hoc committee. The recruitment and selection of PPK, PPS, and KPPS must be carried out selectively and with integrity and professionalism.

Phasing in the simultaneous regional elections in 2020 was carried out starting from program planning and budgeting for the elections, the formation of PPK, PPS, and KPPS to determine the winner when the dispute period in the Constitutional Court had finished. This stage has been carried out manually by reasoning to maintain the dignity and dignity of the elections. The socialization period for the election

date, campaigning for the election participants, the vote-counting results are still mostly using the manual method.

The use of an electronic vote recapitulation system (E-Recap) in the elections is expected to reduce the fraud that occurs in the implementation of voting. The use of e-recaps and digital copies makes the use of paper reduced and saves the budget of the election administration. "And of course, it will be environmentally friendly because the energy from nature absorbed is also reduced. The use of e-recap is also expected to increase public confidence in the implementation of elections. The reason is that this system can reduce errors in the vote-counting process. The e-recap application will later become a solution for the fast vote-counting process. A digital copy of the vote count automatically becomes the result of an official vote acquisition. The e-recap result is the result of the determination of the electoral vote. It is different from the *Situng KPU*, which has been the comparison data.

Savings in resources such as ballot papers, human resources, and simplification of the electoral system are essential reasons why electronic devices are the subject of discussion among scientists and practitioners of electoral governance in Indonesia. After the 2019 elections, which cost so much, even claimed the lives of people due to acute fatigue, the choice of an electronic recap (e-recap) became necessary in the process of planning the upcoming elections. Even so, this inevitability should consider the principles of elections that are honest, fair, direct, general, free, and confidential.

Polls or quick counts of elections are miniature e-recaps. It is called a miniature because the amount of data sent is only in the form of sampling, large photos, and only a percentage of polling stations from all polling stations scattered in the country, city, or region. Several aspects must be prepared in this e-recap system: 1) What about the design of the e-recapitulation system from the lowest level to the central level 2) What about the validity and security of this system and 3) What about the cost and effectiveness in implementing e-recapitulation.

First, the system design process of using e-recapitulation must be prepared carefully from upstream to downstream. During the planning process, the KPU and electoral stakeholders must present a road map for implementing the e-recapitulation. The user at the TPS level, the recapitulation process at the city/district level, whether the electronic recapitulation has to go through village and sub-district committees or not, the TPS and Bawaslu supervisors means to access and supervise the recapitulation process, the readiness of human resources to use the application or recording tool recap, and the validation or activation process of the total recapitulation results from all polling stations in all regions.

The entire road map must be socialized before the election planning and budgeting process is carried out. Delay in this process will result in a slow process of preparation and procurement of needs needed by the implementing districts of the Regional Head. Besides, the workflow and accountability for flipchart information that is directly accepted online must also get the Election Supervisory Board's approval and the election participants, in this case, each pair of candidates participating in the election.

Second, the people's suspicion of electronics is struggling; Is the data entered through the application or electronic recapitulation tool safe from hackers? Is it guaranteed from election fraud committed by the election organizer itself and how election monitors are involved in the supervision and recapitulation process, can these tools or applications be used, numbers cannot be used (passive user)? KPU may be able to reflect on banking applications where the security and validity of transactions are protected. The recapitulation results can be monitored at any time by all parties who have an interest. If the KPU can guarantee all the questions needed in an application or a cheap and useful tool, then the electronic recapitulation must be done according to the election efficiency process. Finally, the KPU can simulate the overall costs required to realize e-recapitulation. This cost can be in the form of how much the required funds for a single tool and/or application procurement cost. Does the device use an Android mobile phone with precise specifications belongs to one of the KPPS, with applications downloaded from the Play Store, or create new tools that will be reproduced and used in all corners of the country? With efficiency considerations, the tool must be able to survive and be used many times for several elections. The e-recap system greatly facilitates vote-counting—even better accuracy. The possibility of a lawsuit from political parties related to alleged vote markup in the sub-district could be suppressed. E-recap will reduce the burden on officers and save time.

4 Conclusions

Information technology is part of the tools for the process of social change in a democracy. The local election is a process of realizing democracy in Indonesia by directly electing regional head candidates. As a result of current globalization, information technology forms the legal order in

providing convenience in the election process. Pancasila, as the philosophy of the national life and the philosophy of democracy, provides a strong foundation for realizing equality of political rights chosen and choosing social justice for all Indonesian people. From the legal issue of the e-recap usage in the implementation of the elections in Indonesia, the following conclusions can be drawn:

1. The role of information technology in the elections can be realized by applying technology to facilitate the implementation of the elections. The manual election system is time to be abandoned by using information technology systems. It is also essential to realize a more transparent, proportional, accountable, effective, and efficient political and democratic system. The use of technology does not reduce the essence of justice, free and confidential in the election process. COVID-19 pandemic that occurred throughout the world cannot be used as a reason for the democratic process in the region to stop. With the modification of technology and complying with health protocols, the implementation of the elections will be more accessible and more transparent to realize justice for all the people of Indonesia.
2. The use of e-recapitulation in the elections is a step to suppress cheating in a structured, massive manner in the calculation of regional head election votes. With the use of e-recaps and digital copies, the use of paper is reduced and saves the budget of the election administration. The use of e-recap is also expected to increase public confidence in the implementation of elections. The reason is that this system can reduce errors in the vote-counting process. The e-recap application will later become a solution for the fast vote-counting process. A digital copy of the vote count automatically becomes the result of an official vote acquisition.

Based on some conclusions about the problems raised regarding e-recap in the regional head election, the authors provide suggestions, namely:

1. As the organizer of the election, The Election Commission immediately makes a legal formulation as a container for the use of information technology in the elections. The phasing process is because the whole world is experiencing a COVID-19 pandemic, so the use of information technology is necessary. The process of socializing the implementation of local elections, registration of prospective regional election participants, data validation, and the campaign of regional head candidates can be facilitated in the information technology space. All election participants must comply with them to create order and justice.
2. The use of e-recap in the vote-counting process, hoping that the recapitulation results can be monitored at any time by all stakeholders. There is no discrimination, restrictions on access to the calculation process, transparent and accountable calculation processes can be accounted for by building a reliable security system in e-recap, so it is not easily broken into like the banking security system.

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