

## Illegal Utilization of National Identity Numbers by Political Parties during Elections

Aisyah Rahmah Puspita <sup>1</sup>, Selma Lailatul Ulya <sup>2</sup>

[aisyahrahmahpuspita@gmail.com](mailto:aisyahrahmahpuspita@gmail.com), [celmalailatul15@gmail.com](mailto:celmalailatul15@gmail.com)

University 17 August 1945 Surabaya

**Article history:** Received: 11 March 2024, Accepted: 28 July 2024, Published: 28 July 2024

### Abstrak

Di era semakin pentingnya teknologi informasi dan keamanan data, pengumpulan, pemrosesan, dan perlindungan data pribadi telah menjadi isu sentral dalam konteks demokrasi. Untuk mengikuti pemilu, partai politik harus melalui proses registrasi dan verifikasi yang dilakukan oleh KPU melalui Sistem Informasi Partai Politik (Sipol). Proses verifikasi ini meliputi penelitian dan verifikasi terhadap dokumen-dokumen yang diperlukan untuk menjadi peserta pemilu. Namun banyak keanggotaan yang diperoleh untuk tujuan komersial dengan menggunakan Nomor Induk Kependudukan (NIK) Nasional, sehingga menimbulkan permasalahan. Kebijakan privasi publik dalam mendaftarkan dan mengidentifikasi partai politik sebagai peserta pemilu harus menjamin keseimbangan antara kebutuhan informasi partai politik dan perlindungan privasi publik. Rephrase Kebijakan privasi nasional untuk pendaftaran dan verifikasi partai politik harus mampu menciptakan lingkungan yang adil, transparan, dan aman bagi semua pihak. Penelitian ini dibuat untuk mengulas penelitian hukum mengenai perlindungan hukum dalam pengamanan data pribadi individu yang data pribadinya dicatatkan oleh partai politik. Metode penelitian yang digunakan adalah normatif dan hukum, menggunakan sumber data sekunder dan berdasarkan hukum primer. Temuan penelitian ini menunjukkan bahwa perlindungan data pribadi sangat penting dari sudut pandang kepentingan publik dan bahwa penegakan undang-undang perlindungan data pribadi memerlukan penegakan yang konsisten. Oleh karena itu, undang-undang yang mengatur perlindungan data pribadi secara umum mungkin dapat membantu upaya perlindungan hukum Anda dalam kasus ini.

**Kata Kunci:** Pemilihan Umum, Partai Politik, Pencatutan Data Masyarakat.

### Abstract

In this increasingly era importance technology information and data security , collection , processing and protection of personal data has become issue central in context democracy . For follow election , party political must through the registration and verification process carried out by the KPU via System Information Party Politics (Civil). Verification process This covers research and verification to required documents For become election participants . However Lots membership obtained For objective commercial with use Number Parent National Population (NIK), so give

rise to problem . Policy privacy public in register and identify party political as participant election must ensure balance between need information party politics and protection privacy public . Rephrase Policy privacy national For registration and verification party political must capable create a fair , transparent and safe environment for all parties. Study This made For review study law about protection law in personal data security individuals whose personal data registered by political parties . Research methods used is normative and legal , use secondary and based data sources primary law . Findings study This show that Personal data protection is very important from corner look interest public and that enforcement Constitution personal data protection need consistent enforcement . Therefore that is , the law that regulates personal data protection in a way general Possible can help effort protection your law is in case This .

**Keywords:** General Election , Party Politics , Profiteering of Public Data.

## **Introduction**

In the implementation of General Elections ( Pemilu ), the integrity and legitimacy of the process are the main pillars For guard foundation democracy . Development technology and information has own impact significant in a variety of ways sector life humans , incl in digital transformation of population data management ( Andi Ilham, D. H, 2023) . However , simultaneously with progress that , appears challenge new related data security and potential abuse information personal , esp through practice profiteering Number Parent Population (NIK) in general illegal by the party politics .

Approaching Simultaneous General Election in 2024, it appears something worries in the middle reflected society in phenomenon on social media . Anxiety the related with spread the extent of personal data that becomes conversation warm on various social platforms . The existence of scattered personal data widely on social media give rise to concerns among many people are related potency abuse information the . One of aspects that make Lots public nervous is when Name they suddenly registered as member political parties . This matter trigger reactions and comments diverse from netizens who massive disclose disappointment they via social media . Not a few people also feel it surprised when find Name they along with personal data like Number Parent Population (NIK) is registered at a party political after do checking . A number of individual even active share catch screen as proof when know incident ( Barokah , F. H, 2022) .

profiteering , which is what it should be become instrument identification official citizen , become challenge serious that can be shake trust public . However , practice illegal like profiteering of NIK by parties political threaten integrity and legitimacy of the electoral process , undermining trust public , and smear principle base democracy . For follow campaign election , party politics in Indonesia must moreover formerly pass stage registration and verification by the Commission General Election (KPU). Application System Information Party Politics (Cipol) is used for the registration and verification process . Verification process must through two stages that is verification administrative and verification substantive . Verification administrative is an inspection process proof written about effectiveness fulfillment

all over condition administrative for party political participant election ( Deviana, Mia Puteri, 2023) . Whereas search fact is an agreement process substantive on evidence written about legitimate or or not something party political fulfil condition For follow as well as in election general . Details more carry on can seen in Article 1 of KPU Regulation Number 4 of 2022 (PKPU 4/22) concerning Registration , Verification , and Determination Party Political Participant General Election of Members of the People's Representative Council and Regional Representatives . Council Already. Verification covers investigation accuracy required documents and compare them with goods in the field , as precondition for party political For participate in election parliament . When name somebody misused as member party politics , individual the Possible No realize that He in a way No on purpose registered as member party politics will follow elections , and even without permission from those concerned .

In the registration and verification process , the party political required fulfil a number of conditions , among others related with amount Minimum membership is a thousand people or one per thousand from amount resident in management party politics , accordingly with Article 7 letter f of the Law General elections . However , implementation condition membership This face challenge with widespread case membership obtained through profiteering Name public with use Number Parent Population (NIK) in general massive in various regions in Indonesia.

Apart from the problem greed party political For look for advantage , the review process also focuses on the problem membership double . Article 27 Paragraph 2 Regulation 4/22 Commission General Election (PKPU) regulates that verification administrative party political covers inspection required documents for candidate participant election parliament and claims membership party on some party politics . that That including . and party politics , disobedience can happen . However in in practice , verify official often revealing Lots member something party politics , that can be identified through similarity of membership data like Number Parent Population (NIK), Membership Identification Card (KTA) number , type gender , and date born .

Practice No fair in registration and verification party political is effort No Honest party political For get support public To use fulfil condition registration and verification party politics in Indonesia. Enrichment is not fair can happen If something party political using data or invalid information or No accurate For get support public or do other deviations in stage registration and verification . Based on data from the Supervisory Agency Sourced elections from surveys and complaints society , at least there are 20,565 people who are members party his politics including in personal data citizens registered with SIPOL ( Information Party Politics ) KPU. system application . That domain is right all over candidate party politics . Participant collection voice . Not only public general , organizer election such as the KPU and Bawaslu also collect personal data including details of 275 members Bawaslu and 98 KPU members ( Khairizal, 2023) .

Through a careful approach , necessary identified and addressed vulnerability in system registration and verification party politics can possible practice NIK profiteering . Enforcement adequate policies become crucial To use protect personal data society , prevent misuse of NIK, and ensure that every step in the election process reflect no integrity undeniable , important For explore and implement safeguarding

policies data security , improve transparency , and provide strict sanctions to illegal practices ( Mochtar , Z. A, 2019) .

Circumstances This clear will harm quality democracy in Indonesia, as well as quality implementation election generally . Necessity policy to profiteering Number Parent Population (NIK) in general illegal by the party political during implementation The General Election ( Pemilu ) is very important For guard the integrity and legitimacy of the democratic process . There isn't any yet regulations that are Specific arrange profiteering Number Parent Population (NIK) in general illegal by the party political moment implementation General Election (Election) in Indonesia. However , effort For overcome problem This can done through a number of related regulations with personal data protection , security elections , and law criminal . For detail impact profiteering of NIK by parties political during General Election and highlights the need for an integrated response based policy To use mitigate risk and increase integrity of the democratic process

### **Research methods**

This research is study law (legal research) which is included in type study law normative . Peter Mahmud Marzuki describes study law normative as a process for find rules , principles , and theories law For finish problem law . Primary and secondary legal materials . Peter Mahmud Marzuki stated that material primary law is material authoritative law , or own authority . Approach used in make study This is use approach qualitative . Where to approach This emphasizes aspects understanding in a way in the problem under study . Research used in writing This is research on principles and systematics analyzing law legislation about development election general For determine leadership structured For enforcement law election general in a way fair .

### **Discussion**

Accountability Party Political in case Profiteering Number Parent Population in a way illegal election is a possible process somebody obtain position certain , fine it's on the level legislative nor executive . Election become means For know related people's aspirations future direction and policy of the country . Implementation must obey principle direct , public , free , confidential , honest and fair in accordance with 1945 Constitution of the Republic of Indonesia. Society has role crucial in the implementation process Elections , to be sure that the result accepted in a way positive in public For build consolidation democracy . Supervision Election become essential To use ensure formation system democratic politics since beginning . With exists supervision , quality of elections in this country get support and trust Good from actor internal politics as well international ( Laili, W. N, 2023) .

Need exists penalty For violation Constitution election . Many countries, Laws election they arrange violation election . Provision prescribed punishment must in accordance with objective preparation Constitution . One of for example is effort For prevent violation , practice corruption , and perceived activities illegal during implementation elections , as well governing rules lawsuit election . Constitution election No only regulate internal processes implementation election just but there are also prohibitions in possible actions harm freedom , justice choosing and cheating

in election . For ensure free and fair elections , voters , participants and the public general must protected from threats , bullying , bribery , fraud , and actions to other cheats who can bother validity election . Difficult to set that the legislators or leader elected to parliament are the people's representatives and true leaders If election won in a way cheating . Makers Constitution has set a number of follow to cheat in election as deed criminal For guard integrity election , share democracy is very important ( Zulfan Husnul, M, 2023) .

In law about elections , besides arrange mechanism implementation elections , there are also prohibition to a number of possible actions damage essence free and fair elections , and there are threat For the culprit with give punishment . In the registration process election general , party political required fulfil condition certain . One of them party political must have representatives in each state , 75 % of amount district / city in a state , and 50 % of amount ward in something district / city . Apart from that , the party politics in 75% of districts / cities in the state must have membership of at least 1,000 people or 1/1000 of amount resident administrator party , who has the right get a Membership Identification Card (KTA). Fulfillment condition amount membership party political should No difficult thing If party political operate its functions with Good . However , questions arise is is something party political truly stand in accordance with the essence , and what party political has operate function recruitment political well . Therefore that , for answer questions that , is important For understand moreover formerly What do you mean with party politics and the functions carried out by parties politics ( Putra, I. M, 2019) .

Party political is established association For reach goals political certain . Party political become integral element in system political a country and play role key in the democratic process . Party political become representative and forum participation political for citizens , as well own role important in form policy , recruiting candidates , and influence direction political a country. One of function main party political is facilitate election general with nominate candidate For various position politics , start from level local until level national . Party political responsible answer on recruitment and training cadres politics later can become leaders in various level government and Party political give identity political to voter . Party political is element dynamic in the political process and plays a very important role in form the way government and life political a country. Party political play role important in General Election ( Election ) . In context election , party political own various functions and responsibilities answers that include all over spectrum of selection processes . Recruitment political is a strategic process carried out by the party political or organization political For search , draw , and select individuals who have potency For become cadre or leader politics . Recruitment good politics is step key in building a strong and ensuring cadre base continuity party political in period long . This process need careful planning and effective strategy For interesting qualified and committed individuals to vision and goals political parties .

In the registration process as participant elections , within parties Political violations often occur . One of frequent violations happen recently this in Indonesia is profiteering number parent population (NIK) in general illegal by the party political For fulfil stages verification registration election in system information party politics . Practice profiteering of this NIK Keep going happens to everyone party

democracy . Profiteering of NIK by parties political considered as action cheating that can be leads to injustice in election general . This matter involve use of personal data inhabitant in a way illegal For condition registration and political parties and political party statements . Practice NIK can be profiteered covers manipulation of voter data with method include Name individual as member party political without permission or knowledge they . This is violation to right privacy and freedom citizen . The party who manages personal data when carry out the identification and collection process information as well as share data with party otherwise , it is required get clear and valid permission in a way explicit from the individual concerned or owner identity . Agreement For processing personal data must given in form written or recorded , okay in a way electronic or non- electronic , and must own strength equal law . If agreement between the individual concerned and the party who manages personal data No fulfil condition that , then agreement the considered cancelled in a way law .

A number of inhabitant profiteered in a way No legitimate as member party political in system information party politics (SIPOL) owned by the Commission General Election (KPU), even though they No part from party political or even No Once register as member . Monitoring agency elections , the Democracy Electoral Empowerment Partnership (DEEP), assesses practice NIK profiteering as condition registration participant election is repeated cases whenever there is election . Designation of person as member party political is actions that are manipulative and have an impact on rights society , in particular forbid searcher Work role as administrator and/ or member party politics at the time meeting policy . There is a possibility give rise to loss Because regulation . Condition Membership Committee Special . Organizer elections , candidates and members of the TNI, CPNS/PNS, PPPK, as well employee banking and other companies . NIK profiteering is possible harm credibility party politics involved . This matter can cause decline support public , loss trust , and impact period long to reputation party . In terms of conditions law , requirements membership as participant election general must followed in a way Official , and Obligations the must explained in document official Commission General Election (KPU). In situation like this is the party political No Can satisfied self . mention Name someone , because If proven person No mention identity administrator party , then membership party considered scorched . However approaching 2024 election , behavior deviated like taking profit by the party political the more widespread .

Article 76 of the Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) says that If party political as personal data controller No obtain valid consent from owner identity / subject of personal data , can worn punishment administrative in the form of :

1. Reprimand Written .
2. Suspension all over activity processing of personal data .
3. Deleted or personal data destroyed .
4. and fines .

However, the PDP Law will start valid on October 17 2022, and registration process party politics at the KPU will takes place from 1 to 14 August 2022. Act of abuse identity national For interest registration assumed done without permission

before the PDP Law comes into force , and unless the PDP Law stipulates otherwise ( applies ebb ), then penalty the are : the following reasons. Retroactive principle No can worn to party politics in question ( Sapriani, 2022) .

Director DEEP Indonesia executive , Neni Nur Hayati, criticized lack of action from organizer election general , especially the KPU and the Supervisory Body Election ( Bawaslu ), which makes party political No Once feel deterrent . Problem This aggravated with fact that Constitution Number 7 of 2017 concerning General Election only consider NIK profiteering as violation administration , so the sanctions limited . However , practice actual NIK profiteering can followed up with use Constitution others , like Constitution Number 24 of 2013 concerning Change on Constitution Number 23 of 2006 concerning Administration Population . Practice the allegedly including in follow theft of population data and misuse of personal data ( Sadewa , A. T, 2023) .

As for factors consideration influencing laws Bawaslu to profiteering as member or administrator party political based on on a number of regulations implemented by Bawaslu . First : Law Number 7 of 2017 concerning General elections . Bawaslu take action For prevent happen violations and disputes election in the election process. Second , KPU Regulation Number 4 of 2022 concerning Registration , Verification , and Determination Party Political Participant General Election of Members of the People's Representative Council and Regional People's Representative Council. Third , Article 9(b) of the Regulations Bawaslu Number 6 of 2022 concerning Changes to Regulations Bawaslu Number 3 of 2018 concerning Supervision Registration , Verification and Party Decision Making Political Participant Election election general member ). People's Representative Council and Regional People's Representative Council.

Article 94 of the Law Number 23 of 2006 concerning Management Population arrange that whoever with on purpose change , add , or reduce fill a data element document population as intended in Article 77 is punished with criminal imprisonment for a maximum of 2 (two) years and/ or a maximum fine of Rp . 25,000,000.00 (twenty - five million rupiah). Article 95 regulates that someone who doesn't have right access population databases under Article 79(1) and/ or Article 86(1) is threatened with criminal imprisonment for a maximum of two years. year and/ or worn a maximum fine of IDR 25,000,000.00 (Twenty Five Million Rupiah).

Therefore Therefore , to protect personal data it is necessary protection law , because step the done with deliberately by the party political itself . Apart from that , it is necessary more regulations clear about personal data protection , in particular about verification affiliate party political in election . This matter important due to personal data collected by the party political as part from the verification process Possible is sensitive personal data . Right to protect personal data originate from principles important data protection for individuals and organizations . Respect and confidentiality information sent must guarded with Be careful For prevent possibility loss tangible and not tangible . In context life personal , the party who owns it right main For protect personal data that is, the one that has the data. Information available identify data owner .

Although there is general provisions protect personal data , breach to privacy Still often happen and become worrying problem . A number of frequent issue appear involves :

1. Misuse of personal data by parties third , organization , company or self itself collects personal data and sells or distribute it in a way illegal without permission or knowledge data owner .
2. Lack storage data security where Lots organization or business No apply storage adequate security moment store and process personal data . This matter make information personal prone to hacked and stolen by someone else responsible answer .

Article 1 of the Law Number 27 of 2022 concerning Personal Data Protection explain about provision general about personal data protection . On the other hand , Article 57 regulates about penalty administrative including warnings written , termination temporary personal data processing , deletion or destruction of personal data , and/ or imposition penalty administrative . Size fine This vary depends type violation or not can exceeds 2% of income annual or income related violation the . Responsible agency answer will give penalty administrative . On the other hand , Article 67 discusses about provision criminal related deed the . Pursuant to Article 67, a person can threatened criminal If He with intentionally and unlawfully law collect , reveal , or using other people's personal data with detrimental way the owner . Data possible damaged ( Sultan, W. F, 2022) .

Therefore that , as authority public in charge of personal data , parties political must Act in a way responsible answer in handle personal data and respect right data protection of data owners . Party political must obey regulation legislation about personal data protection . Meanwhile the KPU as agency in charge do Registration and verification party political must ensure party politics that pass the verification process fulfil requirements and get support law from public . Besides, it is very important For inform to public about profiteering and verification name and NIK to use feature especially the KPU. This matter is step important in guard integrity elections and prevent possible actions undermine the democratic process . Socialization is also possible grow participation public in maintain a fair and transparent democratic process .

### **Conclusion**

Profiteering number parent population is carried out in a way illegal by the party political in maintenance election is violation Serious to principle democracy , breaking A right privacy individuals , and the integrity of the electoral process . So that 's the conclusion taken in realize A system Structured government for the sake of safeguarding justice in society very required A regulations made based on need its people . Election general can said succeed If walk with smoothly and without exists problem or fraud in ongoing selection process general .

### **Central Register**

Andi Ilham, DH (2023). Bawaslu's supervision of unilateral profiteering as administrators by political parties. *AL TASYRI'IYYAH JOURNAL* .



- Barokah, FH (2022). Political Disruption: Opportunities and Challenges for New Political Parties Ahead of the 2024 Election. *Nakhoda: Journal of Government Science* 21.01 .
- Deviana, Mia Puteri. (2023). JURIDICAL STUDY OF PROTECTION OF PERSONAL DATA OF THE COMMUNITY RECORDED BY PROSPECTIVE PARTICIPANTS IN THE 2024 ELECTION. *PALAR (Pakuan Law review)* 9.3 , 11-23.
- Khairizal. (2023). Civil Responsibility of Political Parties Listing the Identity of Certain Parties as Political Party Administrators Without Permission. *SHIBGHAH: Journal of Muslim Societies* 5.1 .
- Laili, WN (2023). ANALYSIS OF PERSONAL DATA RECORDING IN POLITICAL PARTY MEMBERSHIP AND MINIMUM SUPPORT FROM REGIONAL REPRESENTATIVE COUNCIL VOTERS. *Bawaslu Journal of Riau Islands Province* 5.01 .
- Mochtar, ZA (2019). Accountability of Political Parties that Commit Corruption Crimes. *Pulpit Law-Faculty of Law, Gadjah Mada University* 31.2 .
- Putra, IM (2019). Manage Verification of Political Parties Participating in the 2019 General Election at the Padang City General Election Commission. *JISPO Journal of Social and Political Sciences* 9.1 .
- Sadewa, AT (2023). SUPERVISION OF THE GENERAL ELECTION SUPERVISORY BODY AT THE FACTUAL VERIFICATION STAGE OF 2024 ELECTION PARTICIPANTS. *Study at Bawaslu Bandar Lampung City* .
- Sapriani. (2022). Transparency Disclosure of Political Party Financial Reports as a Basis for Good Political Party Governance. *Case Study of the Asahan Regency National Mandate Party. Diss. North Sumatra State Islamic University* .
- Sultan, WF (2022). Comparison of Verification of Election Participants in 2019 and 2024. *Palita: Journal of Social Religion Research* 7.2 .
- Zulfan Husnul, M. (2023). Legal Protection of People's Personal Data in Registration and Verification of Political Parties as General Election Participants. *Face of the Law* 7.2 .