



THE ELECTION VIOLATIONS CONDUCTED BY ELECTION ORGANIZERS OF ACEH BESAR REGENCY

Taqdirullah¹, Syarifuddin Hasyim², M. Adli³

^{1,2,3} Magister Ilmu Hukum, Fakultas Hukum, Universitas Syiah Kuala

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Abstract

This research aims to analyze election violations committed by election organizers in Aceh Besar Regency in 2019. The violation of this election occurred at several points in the sub-district of aceh regency, where the violation of the law is contained in the administration of the election file and also in the part of the organizer that is the election implementation team. This is one of the indicators in this study. Using empirical juridical research methods and qualitative data analysis, the study found that there were only 5 (five) unlawful actions in aceh besar district elections, among which there were unregistrable reports, muted reports and follow-up reports to the Jantho District Court. It is recommended to the government, Bawaslu, Panwaslih to conduct more checking or control and also full supervision on a scale to minimize the on-the-process election violations in Aceh Besar Regency in particular as well as other districts.

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Corresponding Author:

Taqdirullah

Email: taqdirullah81@gmail.com

I. INTRODUCTION

Elections are often referred to as the event of a people's democratic party that is reflection of the people's contribution in determining the leader and direction of the nation's development. But in the development of elections in Indonesia there are still many shortcomings and become homework that needs to be improved together by all elements of the nation. The change in the model of the election system from the election to the next election is certainly something that is needed, this is due to the development and political situation of the Indonesian nation that continues to change.

The provisions regarding the institutional election supervisor are contained in Law No. 12 of 2003. According to this Law in the implementation of election supervision, an adhoc institution was formed regardless of the structure of the KPU consisting of the Election Supervisory Committee, the Provincial Election Supervisory Committee, the District/ City Election Supervisory Committee, and the District Election Supervisory Committee. Furthermore, the institution of election supervisors was strengthened through Law No. 22 of 2007 concerning Election Organizers with the establishment of a permanent institution called the Election Supervisory Agency (Bawaslu).

Bawaslu apparatus in the implementation of supervision is up to the village or village level with the order of the Provincial Election Supervisory Committee, the District or City Election Supervisory

Committee, the District Election Supervisory Committee, and the Field Election Supervisor (PPL) at the village or village level. Based on the provisions of Law No. 22 of 2007, some of the authority in the formation of election supervisors is the authority of the KPU. But furthermore, based on the Constitutional Court's Decision on judicial review conducted by Bawaslu against Law No. 22 of 2007, the recruitment of election supervisors is fully the authority of Bawaslu. The main authority of the Election Supervisor according to Law No. 22 of 2007 is to oversee the implementation of the election stage, receive complaints, and handle cases of administrative violations, electoral criminal violations, and codes of ethics.

Article 73 paragraph (1) and (2) of Law No. 7 of 2017 concerning General Elections. Before carrying out their duties, members of PPK, PPS, KPPS, PPLN, KPPSLN, swear or pledge, “that in carrying out their duties and authorities will work earnestly, honestly, fairly, and carefully for the successful election of members of the House of Representatives, Regional Representative Council, President and Vice President and The Regional People's Representative Council, the establishment of democracy and justice, and prioritize the interests of the Unitary State of the Republic of Indonesia rather than personal interests or groups.”

Election organizers who are based on oaths and or promises before carrying out their duties as election organizers. The report of election violations is a direct report of Indonesian citizens who have the right to vote, election participants, and election monitors to Bawaslu, Bawaslu Province, Bawaslu Regency or City, District Panwaslu, Panwaslu Kelurahan or Desa, Panwaslu LN, and/or TPS Supervisor at each stage of the Election.

Furthermore, Article 456 of Law No. 7 of 2017 on General Elections, Violation of the Election Organizer's code of ethics is a violation of the ethics of election organizers based on oaths and / or promises before carrying out their duties as election organizers. Complaints about alleged violations of the Election Organizer's code of conduct are filed in writing by election organizers, election participants, campaign teams, the public, and/or voters equipped with the identity of the complainant to the DKPP.

Bawaslu's duties, obligations and authority in Law No. 7 of 2017 are very broad including the task of breaking administrative violations and breaking the resolution of election process disputes. Even Bawaslu has a duty also in overseeing the neutrality of the state civil apparatus (ASN) and the neutrality of tni and polri members. In detail, Bawaslu's duties are listed in Article 93 and Article 94, while Bawaslu's authority is contained in Article 95 and Bawaslu's obligations are clearly stated in Article 96 of Law No. 7 of 2017.

This is to ensure free and fair elections are necessary for protection for voters, for election participants, as well as for the general people from all fears, intimidation, bribery, fraud, and other fraudulent practices, which will affect the purity of the election results. If elections are won by

fraudulent means (malpractices), then it is difficult to say that the leaders or legislators elected to parliament are the true representatives of the people.

One of the new things in the last two elections in Indonesia is in terms of the provided mechanism of objection to the results of the election. Such lawsuits were not known in previous elections. Constitutionally, this mechanism is guaranteed by the constitution of the 1945 Constitution as a result of the third amendment, especially in Article 24C paragraph (1) which determines that the Constitutional Court is authorized to adjudicate at the first and last level whose final decision is to test the law against the Basic Law, break disputes over the authority of state institutions whose authority is granted by the Basic Law, break the dissolution of political parties, and break disputes about the results of general elections.

The authority of the Constitutional Court in deciding disputes over election results is expected to serve as a control mechanism for the performance of the Election Commission (KPU) as an election organizer, and also to ensure the principle of fairness in elections. Based on the provisions of Article 24C paragraph (1) of the 1945 Constitution, it can be known that: first, the emergence of a new state institution, namely the Constitutional Court (MK) in the structure of Indonesian statehood; Second, one of the authorities of the Constitutional Court is to resolve disputes about the results of elections. Thus, the Constitutional Court in the holding of elections has a strategic position because its authority to prosecute at the first and last level, as well as its final verdict, will have a major influence on the final results of the election.

Alleged Election Violations in Voting voted more than once at one polling station or more, precisely occurred on April 17, 2019 at Polling Station (TPS) 3 Lambheu Village, Darul Imarah District of Aceh Besar Regency. One of the people who are not registered in the Permanent Voter List (DPT) who voted on one of the legislative candidate pairs of DPRK Aceh Besar. Alleged Electoral Violations in Voting cast their ballots more than once at one polling station or more.

In this case, efforts to avoid violations and disputes need to be done, namely one side of the guarantee of readiness, credibility, honesty, and independence of verification officers or Voting Organizing Groups (KPPS) and supervisors directly by the Election Supervisory Agency (BAWASLU) in the field and on the other hand the commitment of the political party that will be verified to be honest and comply with applicable laws and regulations. No less important is the participation of the public and the reporting party of all forms of fraud in the verification process.

Based on the background above, the study of election violations conducted by election organizers in Aceh Besar Regency became a benchmark in this study. This study looks at any aspect of actions in violations of the law committed by election organizers in Aceh Besar Regency.

II. RESEARCH METHOD

This research method uses empirical juridical research methods. Empirical juridical research is one type of research that analyzes and examines the work of law in society. This research wants to be done by first researching books and rules relevant to the problems studied or seeing the reality directly that occurs in the field, especially the implementation of elections in Aceh Besar. This study looks for data and analyzes cases that occur regarding election violations committed by election organizers. Where this breach is seen and found on the ground based on interviews, data, and researchers about this case.

The study used primary data and secondary data. Research locations in several sub-districts located in Aceh Besar Regency, including Darul Kamal District, Indrapuri District, Kuta Cot Glie District, Seulimuem Subdistrict, Baitussalam Subdistrict, Lhoknga District, Jantho City, Kuta Malacca, Suka Makmur, Montasik, Blang Bintang and Ingin Jaya District. Data collection tools through interviews to the parties concerned.

III. RESULTS AND DISCUSSION

3.1. Analysis of Acts of Law Violation Committed by Election Organizers in Aceh Besar Regency

Law enforcement has broad action, not only covering activities to implement and implement the regulation of the provisions of the laws and regulations on which the election is based, but includes legal action against any violations or legal irregularities committed by legal subjects. Therefore, in addition to law enforcement agencies, it is also necessary to pay attention to law enforcement officials as a central point of election law enforcement process. There are several other institutions besides the Election Supervisor and the Honorary Board of Election Organizers (DKPP) involved in the process of enforcing election law. These institutions are the General Court, the State Police of the Republic of Indonesia, the Prosecutor's Office, the High Court of State Administration and the Constitutional Court.

Enforcement is basically an inevitable process in the event of a violation. Enforcement is part of efforts to enforce the rules and ensure firm and clear sanctions to those who commit violations. Systemic enforcement contributes to the implementation of quality elections and makes this democratic event have political and legal authority.

Elections are basically a political method of selecting and selecting leaders. Through elections, the people get the opportunity to determine the future of a nation by voting to (candidates) leaders who are seen as able to realize the public interest. Elections need to be conducted periodically so that the process of circulation and leadership regeneration can always run and avoid power that is too long and tends to be corrupt. If elections are often called "democratic parties", because this event celebrates democracy, it celebrates the end of unlimited political power.

Holding elections is not an easy thing. In addition to the readiness of the institutional framework of implementation in the field requires qualified skills and abilities. The greatest difficulties experienced by countries and societies that have not yet experienced democracy before. Elections also require specific political habits and traditions. Elections, for example, require people who are accustomed to competition, willing to accept it as a legitimate mechanism and continuously study it to be embedded in various aspects of life. Accepting defeat with great heart is one of the habits and values that exist, maintained and fostered in a society that already has a tradition of political competition. While legal disputes and election violations can be divided into six types, namely: (1) criminal violations of elections (electoral crimes); (2) disputes in the election process; (3) violations of the election administration; (4) violation of the election organizer's code of conduct; (5) disputes (disputes) of election results; and (6) other legal disputes. Each of the election law issues was resolved by different institutions.

Law No. 7 of 2017 concerning General Elections expressly mentions three kinds of legal problems, namely: violations of election administration of election violations of electoral violations, and disputes over election results. Two other types of legal problems, although not explicitly mentioned in Law No.7 of 2017, are materially regulated, namely violations of the code of ethics of election organizers and disputes in the process or stage of elections as mentioned in the second section of Article 456 of the Law on elections.

The implementation of elections in Aceh Besar Regency in 2019 went inappropriately, where there were several violations in its implementation. Among them there are criminal violations of elections, violations or disputes in the election process and also violations of election administration. This is seen in the recapitulation of reports given by some local communities.

In the recapitulation of the 2019 election administration violation report in Aceh Besar Regency there were 9 cases of reports of administrative violations. Among them are 4 cases of reports that cannot be registered and 5 reports that are registered. Details of the report can be seen in the following table:

Table 1
Reports That Cannot Be Registered

No	Report Date	Complainant (initials)	Reported	Description of cases	Information
1	17 May 2019	M and MF	PPK Darul Imarah District	That the recapitulation at the District level was carried out alone by the PPK without involving party party witnesses and after the recapitulation of the new vote was successfully given to party witnesses in the form of the DPRK DA-1 model that the location	The reason cannot be registered because the report has exceeded the deadline for 7 days since the incident of election administration violations.

				used by PPK Darul Imarah to carry out the recapitulation of votes was far from the reach of the community.	
2	23 May 2019	S	PPK Baitussalam District	That on May 17, 2019 in the plenary session of the DPRK Aceh Besar, the KIP Aceh Besar side unilaterally stopped the plenary meeting of the recapitulation of the DPRK Aceh Besar vote and the plenary meeting of the recapitulation vote in Baitussalam District.	The reason cannot be registered because the report is not qualified formil.
3	3 May 2019	MA	KPPS, PPK, and KIP Aceh Besar	That there has been an alleged violation of procedures in the recap of vote calculations throughout the sub-district. When recap of vote calculations at the TPS and PPK levels, and KPPS and PPK do not follow procedures in accordance with the provisions of the applicable laws and regulations.	The reason cannot be registered because the report is not qualified formil.
4	6 May 2019	A	PPK Krueng Barona Jaya district	That plenary design at the level of Krueng Barona Jaya District was carried out on April 23, 2019. PPK is suspected of errors when making a design between form C-1 and DA-1.	The reason cannot be registered because the report is not qualified formil.

Source: PANWASLIH Aceh Besar Performance Report, 2019

Based on the information in table 1 above about reports that cannot be registered, there are several reasons for the reasons for the unable to register the report, including:

1. Because the report is given past the maximum period or deadline given. So that causes the expiration of the situation. In reality, it has exceeded the deadline for 7 days since the fact that there was an incident of violation of the election administration.
2. Then because the report is not fulfilled formil. Then it can't be processed. The fulfillment of the formil requirement is in the form of the complete identity of the complainant and reported.

This is as referred to in the Regulation of the Election Supervisory Agency (PERBAWASLU) Number 8 of 2018 concerning the Resolution of Administrative Violations of Elections.

Table 2
Registered Reports

No	Report Date	Complainant (initials)	Reported	Description of cases
1	29 April 2019 (001/LP/PL/ ADM/KAB/ 01.08/IV/2019	S	PPK Darul Kamal district.	Suspected of violations of the election administration, namely in the reading of the results of the recapitulation of the vote data was condemned. Plenary sub-district is not carried out in accordance with the procedures in the laws and regulations.
2	30 April 2019 (002/LP/PL/ ADM/KAB/ 01.08/IV/ 2019	FJ	Chairman and Member of PPK Indrapuri Subdistrict, Kuta Cot Glie, Seulimuem, Jantho City, Kuta Malacca, Suka Makmur, Montasik, Blang Bintang, Ingin Jaya.	Suspected of violations of election administration, namely in form C-1 there are findings in the form of differences between the recapitulation of the results of vote calculations in the sub-district plenary carried out by the PPK with form C-1 obtained at the level of vote calculations at polling stations in the form of plenary is not carried out in accordance with procedures in the laws and regulations.
3	1 May 2019 (003/LP/PL/ ADM/KAB/ 01.08/IV/ 2019	S	PPK Baitussalam district	Suspected violations of election administration, namely when the calculation does not involve witnesses from other political parties, but only witnesses from one of the national parties that have been determined and placed by UAR candidates for dprk Aceh Besar. The plenary was not conducted in accordance with the procedures in the laws and regulations.
4	1 May 2019 (004/LP/PL/ ADM/KAB/ 01.08/IV/ 2019	MA, IS and AS	All PPK Aceh Besar Regency	Suspected of violations of election administration, namely found 2 different sub-district recap results in Ingin Jaya District, there was a swelling of the votes of certain party candidates in the Kuta Malacca District PPK. Form C-1 of the DPRK and DPRA is given in an empty condition filled with witnesses without being examined by kpps, so that the number of valid votes is different from the number of valid votes. Many differences in the number of votes in the sub-district recap, so that there is an increase and some are reduced, and plenary is not carried out according to the procedures in the laws and regulations.
5	2 May 2019 (005/LP/PL/ ADM/KAB/ 01.08/IV/ 2019	MA	PPK Lhoknga Subdistrict, PPK and KPPS one of the villages in Seulimuem Subdistrict.	Suspected violations of election administration, namely the process of recapitulation of votes in DA-1 DPRA inputted by ppk does not match the data in form C-1 obtained.

Source: PANWASLIH Aceh Besar Performance Report, 2019

Based on the information in the 2nd (second) table above are registered reports that are fulfilled by formil and do not expire, namely not exceeding the time limit in providing reporting. Where the registered report there is a brief description of the alleged violations during the election in Aceh Besar Regency in 2019.

Some cases of alleged election violations in some districts of Aceh Besar Regency, as in the table above in the form of:

1. Implementation of plenary that is not carried out in accordance with the procedures in the laws and regulations;
2. The difference between the recapitulation of the results of the vote calculation;
3. Vote calculations that do not involve witnesses from other political parties;
4. Form C-1 of the DPRK and DPRA is given in an empty condition filled with witnesses without being examined by kpps, so that the number of valid votes is different from the number of valid votes.
5. The existence does not match the data inputted with the data contained in Form C-1.

Table 3
Court Decision and Advanced Action

No	Report Date	Complainant (initials)	Reported	Description of cases	Court Decision
1	29 April 2019 (001/LP/PL/ ADM/KAB/ 01.08/ IV/2019)	S	PPK Darul Kamal district	Suspected violations of the election administration, namely in the reading of the results of recapitulation of vote data were condemned. On April 21, 2019, there was a very significant difference.	Recalculated votes
2	30 April 2019 (002/LP/PL/ ADM/KAB/ 01.08/IV/ 2019)	FJ	Chairman and Member of PPK Indrapuri Subdistrict, Kuta Cot Glie, Seulimuem, Jantho City, Kuta Malacca, Suka Makmur, Montasik, Blang Bintang, Ingin Jaya	Suspected of violations of election administration, namely in form C-1 there are findings in the form of differences between the recapitulation of the results of vote calculations in the plenary district that is carried out by the PPK with form C-1 obtained at the level of vote calculations at polling stations in the form of plenary is not carried out in accordance with procedures in the laws and regulations.	Recalculated votes
3	1 Mei 2019 (004/LP/PL/ ADM/KAB/ 01.08/IV/ 2019)	MA, IS and AS	All PPK Aceh Besar Regency	PPK District Want Jaya found the swelling of the votes of certain party candidates in PPK Kuta Malacca District. Form C-1	Recalculated votes

				of the DPRK and DPRA is given in an empty condition filled with witnesses without being examined by kpps, so that the number of valid votes is different from the number of valid votes. There are many differences in the number of votes in the sub-district recap, so that some increase and some are reduced.	
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Source: PANWASLIH Aceh Besar Performance Report, 2019

Based on some of the reports registered in table 3 there are 5 registered reports. Of the 5 reports there are 3 reports that have been made and there is a follow-up of the verdict in the form of recalculation of votes. It can be concluded that from 5 registered reports there are 2 reports that do not follow up.

The report on April 29, 2019 (001/LP/PL/ ADM/KAB/ 01.08/IV/2019), April 30, 2019 (002/LP/PL/ ADM/KAB/ 01.08/IV/ 2019) and May 1, 2019 (004/LP/PL/ ADM/KAB/ 01.08/IV/ 2019). Accordance with the contents of the verdict, the report should carry out recalculation of the vote again. Where necessary to carry out the contents of the verdict requested for follow-up.

Reports based on tables 1, 2 and 3 are reports that are settled out of court or non-litigation. Researchers obtained 1 (one) case of the 2019 election issue in Aceh Besar Regency which was resolved in the Jantho District Court. Where there is a criminal violation of the election in the case in question. The following is given a detailed table of the verdict of the disputed case:

Table 4
Jantho Aceh Besar District Court Decision

No	Case	Court Decision	Advanced Action
1	Nomor: 145/ Pid.sus/2019/PN Jth An. Rezky Munandar Alias Simon Alias Emon bin Moeis Arsyad	<ol style="list-style-type: none"> 1. 1. Declare the examination of the verdict case in the absence of the accused (in absentia); 2. 2. Declaring defendant RM validly and convincingly guilty of committing a criminal offence "willfully voting more than once at one polling station or more" as in the third alternative charge; 3. 3. Criminally charge the accused with imprisonment for 5 months and a fine of Rp. 5,000,000 (Five million rupiah) with the provision that if the fine is not paid, it is replaced with a prison sentence for 1 month. 4. 4. Establish evidence in the form of: <ul style="list-style-type: none"> - 2 pieces of DPRK letter that have been voted by candidates Dapil 3 Aceh Besar An. Teuku Syahrial No. 2 of the working party and has been signed by mawardi as chairman of KPPS TPS 03 Lambheu Village, Darul Imarah District; - 1 bundle DPT PEMILU in 2019 TPS 03 Lambheu Village Darul Imarah Subdistrict signed by the chairman of KIP 	Permanent legal force (<i>inkracht</i>)

		<p>Aceh Besar Cut Agus Fatahillah.</p> <ul style="list-style-type: none"> - 1 bundle DPT ELECTION in 2019 TPS 014 Lambheu Village Darul Imarah Subdistrict signed by the chairman of KIP Aceh Besar Cut Agus Fatahillah. - 1 bundle SK PANWASLIH RI about the appointment of commissioners of Panwas Aceh Besar Regency. - 1 bundle SK chairman of the election supervision committee Aceh Besar regency about the establishment of Sentra Gakkumdu Election in 2019. - 1 bundle SK KPU Aceh Besar regency on the determination and appointment of PKTPS in Lambheu Village, Kec. Darul Imarah for the 2019 Election signed by the chairman of the village village committee lambheu amar makruf; - 1 bundle SK penwascam Darul Imarah about the appointment of staffers TPS 03 Lambheu Village, Kec. Darul Imarah, Aceh Besar; - 1 bundle SK penwascam Darul Imarah about the appointment of Panwas Deesa Lambheu, Kec. Darul Imarah, Aceh Besar; - 1 piece of KPPS guidebook on the 2019 election vote; - Returned to the Public Prosecutor for use in the case file of defendant Mawardi S bin Gun Gun; <p>5. Charging the defendant to pay a case fee of Rp. 5000 (five thousand rupiah); ordered the PU to announce this ruling on the notice board of the Court or the Regional Government Office of Aceh Besar Regency.</p>	
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Source: PANWASLIH Aceh Besar Performance Report, 2019

Based on the table above, it can be concluded that the legal consequences or sanctions given to those who commit electoral criminal violations by deliberately voting more than once at one polling station or more, it can be punished with imprisonment for 5 months and a fine of Rp. 5,000,000 (Five million rupiah) with the provision if the fine is not paid, it was replaced with a one-month prison sentence.

Researchers can also conclude that the types of election violations that occur in Aceh Regency are large, including:

1. Administrative or administrative violations of elections, namely administrative violations of elections including violations of procedures, procedures, or mechanisms related to the administration of the implementation of elections in each stage of the Election.
2. Election criminal violations, in the form of providing incorrect information in filling in the self-filling of voter lists, people who disrupt, obstruct or interfere with the running of election

campaigns, election campaign organizers who violate campaign bans, provide incorrect information in election campaign fund reports, cast their votes more than once and so on.

These types of election violations can get legal action in the form of administrative sanctions and also criminal sanctions:

- Administrative sanctions in the form of temporarily disabling members of the Provincial KPU, members of the Regency or City KPU who are proven to have taken actions that resulted in disruption of the stages of The Election As Article 13 of Law No.7 of 2017, cancellation as a pair of candidates and prospective members of the DPR, DPD, provincial DPRD, and district or city DPRD by the KPU as Article 286 of Law No.7 of 2017, written reprimand, temporary stop, or permanent stop for the Election Organizer.
- Criminal sanctions in the form of imprisonment and fines with a certain number of costs. From the lightest imprisonment of 6 months in prison to the heaviest or at most 6 years in prison. The lightest fine is 6 million rupiah to at most 100 billion rupiah as described in Chapter II of the General Election Law regarding the criminal provisions of elections.

IV. CONCLUSION

Based on the results of the research and discussion above on the previous page, the researchers can conclude that the violation of the law committed by the election organizers in Aceh Besar Regency includes violations of election administration, in the form of violations of recapitulation calculations not in accordance with procedures, vote calculations that do not involve witnesses from other parties are not in accordance with the mechanisms or procedures of applicable laws and regulations and the termination of plenary meetings. Recapitulation of votes unilaterally is not in accordance with the procedure. Furthermore, the criminal violation of the election is in the form of giving incorrect information in the report and voting more than once.

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