

Legal Analysis of the Implementation of the Authority of the Demak Regency General Election Supervisory Body in Supervising and Handling Criminal Offenses in the 2024 General Election

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Abstract. *Bawaslu has the authority to handle election violations which previously only had the nature of supervision and study. Bawaslu has the authority to examine, review and decide on cases related to election violations committed by election participants and organizers. The purpose of this research is to find out and analyze the authority of the General Election Supervisory Body in supervising and handling General Election Crimes in Demak Regency as well as to find out and analyze the obstacles and solutions for the General Election Supervisory Body in supervising and handling General Election Crimes in 2024 in Demak Regency. the obstacles and solutions for the General Election Supervisory Body in supervising and handling General Election Crimes in 2024. This legal research uses empirical legal research methods. Empirical juridical research, namely legal research using legal principles and principles in reviewing, viewing and analyzing problems in research, in addition to reviewing the implementation of law in practice. The theories used in this research are the theory of authority and the theory of legal effectiveness. Based on the research results, it can be concluded: 1) The authority of the General Election Supervisory Agency in supervising and handling General Election Crimes in Demak Regency, in this case, Bawaslu's authority in supervising and handling election crimes is a form of attribution of authority granted directly by Law Number 7 of 2017, which confirms the legality and legitimacy of Bawaslu's actions as part of the legal and constitutional function of election supervision. Bawaslu has a crucial role in ensuring that the 2024 Election in Demak Regency runs honestly and fairly through monitoring, preventing and taking action against various election violations, including the involvement of ASN and election crimes through the Integrated Law Enforcement Center (Gakkumdu). 2) Obstacles and solutions for the General Election Supervisory Agency in carrying out supervision and handling criminal acts in the 2024 General Election, various challenges such as limited human resources and budget, difficulty detecting the practice of money politics and black campaigns, as well as a lack of public understanding regarding the task of election supervision. To overcome these obstacles, Bawaslu needs to strengthen the capacity of supervisors through training and recruitment, utilize technology in monitoring, and improve coordination*

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with civil society, media and law enforcement agencies to create cleaner, more transparent and more democratic elections.

Keywords: *Bawaslu; Crime; Election; Supervision.*

1. Introduction

The Republic of Indonesia is a country based on law, this is clearly stated in the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which upholds Human Rights and guarantees every citizen in the fields of Law and Government.¹The implementation of this article must reflect legal certainty for the state.²Law in general is the entire collection of rules or rules in a common life, the entire rules regarding behavior that apply in a sanction.³Criminal law is part of the overall law that applies in a country.⁴

Conceptually, a state of law with democratic principles should prioritize the fulfillment of people's sovereignty. In this case, general elections (elections) in Indonesia are one of the benchmarks in describing a democratic state as a form of people's sovereignty.⁵

The core meaning of elections for a democratic political life is as an institution for changing power with standards, regulations, and ethics of elite political traffic that is able to function well and orderly in the realization of democratic elections based on aspects of rules, processes, and results.⁶Regarding the process aspect, it certainly cannot be separated from the history of the implementation of the election itself which began in 1971 which was the second time in the history of elections in Indonesia, with a crisis of trust by election officials due to the rampant allegations of manipulation carried out by election officials.⁷

Since then, the background to the formation of election supervisors. Not enough there, the crisis continued in the 1977 election, with more massive fraud and violations. However, it was only in 1982 that election supervisors were formed under the name of the Election Implementation Supervisory Committee (Panwaslak Pemilu) as a refinement of the General Election Institution which at that time was still part of the Ministry of Home Affairs or at that time known as the Department of Home Affairs.⁸

In the reform era, the General Election Commission (KPU) was formed, which is the election organizer who is required to be independent and autonomous. This means, without inter-

¹M. Hamdan, Criminal Law Politics, Rineke Grafindo Persada, Jakarta 1997, p. 1

²Prodjodikoro and Wirjono, Principles of Indonesian Criminal Law, PT. Ertesko, Jakarta, 1969, p. 72

³Sudikno Mertokusumo, Understanding the Law, Liberty, Yogyakarta, 1991, p. 38

⁴Moeljatno, Principles of Criminal Law, Rineka Cipta, 2002, p. 1.

⁵Muhammad Andri Alvia Wiwin, "The Existence of Bawaslu in Handling Election Violations After the Determination of National Vote Results," Sultan: State Administrative Law Research 1, no. 1 (2022): pp. 21–26.

⁶Lalu Sopan Tirta Kusuma, "The Role of the General Election Supervisory Body in Enforcing Election Law (Study of Handling Election Violations at the Gakkumdu Center of West Nusa Tenggara Province)," Ulul Albab 23, no. 2 (2019): pp. 110–116.

⁷Ibad, MN, Salbiyah, B., & Saputri, FI The Role and Authority of the General Election Supervisory Body in Handling Alleged Administrative Violations. Verfassung: Journal of Constitutional Law, 2(2), 2023, pp. 125–146.

⁸Dahoklory, M., & Ubwarin, E. Realizing More Meaningful Participatory Election Supervision (Meaningfull Participation). Community Development Journal: Journal of Community Service, 4(2), 2023, pp. 4939–4944.

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ference from the authorities. On the other hand, the Election Supervisory Committee (Panwaslak Pemilu) experienced a change in nomenclature to the General Election Supervisory Committee (Panwaslu). Over time, through Law of the Republic of Indonesia Number 12 of 2003, an ad hoc institution related to election supervision was formed. Only then was this institution formed as a permanent institution through Law of the Republic of Indonesia Number 22 of 2007 called the General Election Supervisory Body (Bawaslu).

Bawaslu of the Republic of Indonesia, Bawaslu Province and Bawaslu Regency/City, (hereinafter referred to as Bawaslu) have the authority to supervise and resolve process disputes where the 2 (two) authorities have an urgent role in overseeing the integrity of the process and the integrity of the general election results, one of the important supervisory roles carried out by Bawaslu is the stage of updating the voter list up to the recapitulation of the counting of votes where there are many potential violations that require Bawaslu to be observant in these stages. On the other hand, Bawaslu is given the authority to resolve process disputes if there are election participants who feel they have been treated unfairly by the organizers or due to disputes between election participants.

Four years later, the issuance of Law of the Republic of Indonesia Number 15 of 2011 concerning the Implementation of General Elections strengthened Bawaslu to form election supervisors at the provincial level under the name Bawaslu Province. Until the last time the existence of Bawaslu from every election was strengthened again through Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections (hereinafter simply referred to as "Law No. 7 of 2017") which requires the establishment of a permanent Regency/City Bawaslu which further strengthens and clarifies its position and authority.

Based on the laws and regulations, Bawaslu has a major task and authority in supervising and executing all election processes starting from prevention, resolving election process disputes, to handling violations. Talking about election violations, in the concept of election law enforcement in Indonesia, it is categorized into 4 (four) types, namely violations of the code of ethics of election organizers, violations of election crimes, administrative violations of elections, and other violations of the law. One of the most interesting things in every election event, one of them, is the handling of administrative election violations.

In the 2024 General Election, the Demak Regency General Election Supervisory Body will supervise the stages of the general election in accordance with regulations which include supervision of updating voter data, supervision of the arrangement and determination of electoral districts, supervision of nominations, supervision of campaigns, supervision of logistics, supervision of voting and vote counting, supervision of the recapitulation of vote counting and supervision of the determination of election results.

Handling of every election violation in the construction of the Election Law certainly begins with a report of alleged election violations, which are then discussed in the integrated law enforcement center. The Election Law and Bawaslu Regulations related to the Gakkumdu Center regulate that the process of handling election criminal violations is carried out in four stages of discussion.⁹

⁹Surahman Surahman et al., "Redesigning the Handling of Criminal Violations in the 2024 Election: Efforts to Achieve Justice," *Jurnal Usm Law Review* 6, no. 3 (July 22, 2023): p. 1005

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From the findings of the cases and reports above, Bawaslu carried out two mechanisms in handling election violations through two methods, namely compiling studies and recommendations and through open examination hearings. Where for the election, Bawaslu has made Perbawaslu Number 7 and 8 of 2022. There is also Perbawaslu Number 31 of 2018 concerning the Gakkumdu Center. In a form of election crime, he provided input, the formation of the Gakkumdu Center uses the legal basis of Perbawaslu. Meanwhile, he continued, the selection of Gakkumdu is based on joint regulations between Bawaslu, the Police, and the Prosecutor's Office.¹⁰In the 2024 General Election, Gakkumdu's work will be guided by Bawaslu Regulation 3 of 2023 concerning the Integrated Election Law Enforcement Center.

The practice of election violations is very vulnerable. Therefore, one of the efforts in realizing a quality election is to ensure that the mechanism runs according to regulations. To ensure that the implementation of the election runs according to the principles of "direct, general, secret, honest, and fair" or commonly called "luberjurdil", an election justice system was formed that relies on the prevention and handling of violations and dispute resolution by Bawaslu and its ranks to the lowest level.

Bawaslu of Demak Regency is preventing alleged violations, especially by ASN in campaigning. Before the general election was held, Bawaslu of Demak Regency developed a prevention strategy (preventive efforts) to avoid violations during the election.

Bawaslu of Demak Regency has the task of preventing violations in general elections and regional head elections and resolving process disputes as regulated in Law Number 10 of 2016 and Bawaslu's authority as regulated in Law Number 7 of 2017. Monitoring carried out by Bawaslu is not only on candidate candidates but also on voters, namely ASN, as well as the implementation of the election process. This monitoring is based on applicable laws and regulations that have been set by the central government, as well as collaborating with related institutions. Bawaslu of Demak Regency and its staff actively supervise all ongoing campaign activities to ensure that no ASN are involved in the campaign. In addition, Bawaslu also monitors social media accounts to ensure that ASN are not involved in the campaign on the platform.

Furthermore, Bawaslu Demak Regency carries out action as part of a series of processes for handling violations and disputes in accordance with the established standard operating procedures (SOP). This action is carried out through the Integrated Law Enforcement Center (Gakkumdu). The function of the Gakkumdu Center is as a communication forum and carries out in every election crime violation, implementation of election crime patterns, data centers, competency improvement, monitoring, and evaluation. The pattern for handling election crimes has been detailed in the SOP on election crimes at the Gakkumdu Center, which is expected to create a good and effective general election system.

Based on this background, the author is interested in conducting research in the form of a thesis with the title "Legal Analysis of the Implementation of the Authority of the Demak Regency General Election Supervisory Body in Supervising and Handling Criminal Acts in the 2024 General Election".

¹⁰Aras Firdaus, "Money Politics in General Elections by the General Elections Supervisory Body: Supervision of Election Crimes," *justiqa journal* 2, no. 1 (July 22, 2020): 61–69,

2. Research Methods

This legal research uses empirical legal research methods. Empirical legal research is legal research using legal principles and principles in reviewing, viewing, and analyzing problems in research, in addition to reviewing the implementation of law in practice.¹¹

3. Results and Discussion

3.1. Implementation of the Authority of the Demak Regency General Election Supervisory Body in Supervising and Handling Criminal Offenses in the 2024 General Election in Demak Regency

a. Data Update Monitoring

Based on the IKP that has been analyzed jointly by Bawaslu and all stakeholders, when entering the data updating supervision stage, Bawaslu of Demak Regency implemented preventive efforts which are outlined in the recapitulation in the following table.

Bawaslu Prevention Data for Demak Regency

Prevention Category	Number of Activities
Vulnerability Identification	2.119
Education	3.36
Community Participation	1
Inter-institutional cooperation	4
Publication	59
Appeal	73
Other activities	16
Amount	2.608

Source: Supervision Data from the P2H Division of Bawaslu, Demak Regency

The table shows the prevention activities of the Demak Regency Bawaslu and the Sub-district Panwaslu throughout Demak Regency at the stage of compiling the voter list which have been carried out in various forms, including appeals and suggestions for improvement made in writing or through publications or social media as well as direct prevention which is stated in the prevention form.

b. Campaign Monitoring

KPU Regulation Number 3 of 2022 concerning the Stages and Schedule for the Implementation of the 2024 General Election, the campaign stages for the 2024 Election will be held from November 28, 2023 to February 10, 2024. However, the campaign implementation time has been regulated according to each campaign method. Campaigns using the limited meeting method, face-to-face meetings, distribution of campaign materials, installation of campaign equipment, and debates between presidential and vice presidential candidate pairs will be held from November 28, 2023 to February 10, 2024. Meanwhile, the public meeting and campaign advertisement methods will start from January 21, 2024 to February 10, 2024. Participants in the General Election, both Political Parties, Presidential and Vice Presidential Candidate Pairs, Candidates for Members of the Indonesian House of Repre-

¹¹Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 33.

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sentatives, Candidates for Members of the DPD, Candidates for Members of the Provincial DPRD, Candidates for Members of the Regency/City DPRD, are required to carry out each campaign method according to the schedule set by the KPU.

c. Logistics Supervision

Preparation for supervision of the stages of procurement of election logistics involves several important steps. Here are some of them:

1. Supervision Standards: Establish clear and transparent supervision standards to ensure that the election logistics procurement process is carried out effectively and efficiently.
2. Direct Supervision: Conducting direct supervision of the election logistics procurement process to ensure that the process is carried out transparently and accountably.
3. Use of Technology: Using technology, such as geographic information systems, to monitor and oversee the election logistics procurement process.
4. Coordination with Related Parties: Coordinating with related parties, such as the KPU and Bawaslu, to ensure that the election logistics procurement process is carried out effectively and efficiently.
5. Logistics Quality Supervision: Conducting quality supervision of election logistics to ensure that the logistics meet the established standards.

d. Supervision of Voting and Vote Counting

Supervision of the stages of the Voting held on February 14, 2024 is certainly one of the priorities because it is the peak of the democratic party in Indonesia. No exception in Demak Regency, Bawaslu Demak Regency has also prepared a planning for supervision to evaluation at this stage.

At the supervision planning stage, the Demak Regency Bawaslu took the following steps:

1. Forming a team to facilitate supervision of the stages of voting and vote counting for the 2024 Election.
2. Conduct a coordination meeting with the Sub-district Election Supervisory Committee.
3. Conduct coordination meetings with the KPU and other stakeholders.
4. Attending a coordination meeting facilitated by the Central Java Provincial Bawaslu with the Regency/City Bawaslu.
5. Through the Sub-district Election Supervisory Committee, provide training to the Village/Sub-district Election Supervisory Committee and TPS Supervisors.

e. Supervision of Vote Counting Recapitulation

The recapitulation of the vote count for the 2024 Election at the Demak Regency level was held on March 3-4, 2024 at the Amantis Hotel. To prepare for supervision, the Demak Regency Bawaslu held a coordination meeting with the Sub-district Panwaslu first. The meeting was held on March 1, 2024 at the Demak Regency Bawaslu Office Hall to collect special events that occurred in the sub-district level recapitulation.

The results of the supervision of the sub-stages of the recapitulation of the counting of the 2024 Election results at the Demak Regency level, 8 points out of 9 supervision focuses did

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not find any problems. However, 1 crucial thing that was found was a difference during the recapitulation. This is in line with the findings of the Sub-district Panwaslu which were conveyed at the coordination meeting on March 1, 2024. Supervision of the recapitulation of vote acquisition was carried out starting from the recapitulation at the sub-district level carried out by the PPK. The Demak Regency Bawaslu instructed the Sub-district Panwaslu together with the PKD to carry out supervision attached to the recapitulation according to the predetermined schedule. Supervision is carried out in stages by distributing data from the results of supervision starting from the PKD level to the Demak Regency Bawaslu. This supervision data is then collected and analyzed for potential violations that could arise and prevention is carried out.

At the Adhoc Election Organizer Formation Stage, Demak Regency Bawaslu received 1 (one) Report from an Indonesian citizen named Nashoha on March 24, 2023. With the Reported Parties Abdul Haris (Head of PPK Bonang) and Ali Mashudi (Head of PPS Purworejo Village) with the main point of the report being the alleged unprofessionalism of the Head of PPK Bonang and the Head of PPS Purworejo Village in the recruitment process of the PPS Secretariat and Pantarlih in Purworejo, Bonang District. The results of the initial study of the Report were not registered, because the submission of the Report exceeded the time limit determined by Law.

At the DPRD Member Nomination Supervision Stage, the Demak Regency Bawaslu ranks at the Sub-district level received 1 (one) Report from an Indonesian citizen named Suprihono Setyawan, S.Kom. with the Reported Party being the Village Apparatus. The report was submitted to the Mranggen Panwascam on August 25, 2023. The main point of the Report was that the Banyumeneng Village Apparatus, Mranggen Sub-district, participated in the Declaration activity held by a Political Party held in Semarang. The report was not registered because it was not an Election violation, but from the Report, the Mranggen Sub-district Panwaslu forwarded it to the authorized Agency, namely the Banyumeneng Village Head.

In the campaign supervision stage in Demak Regency, there were 14 (fourteen) findings of election violations, namely violations of election administration. The findings were the results of supervision by Panwascam from 14 sub-districts in Demak Regency. The main findings were the installation of campaign equipment by election participants in prohibited locations as stated in PKPU Number 15 of 2023. From these findings, Panwascam from each sub-district followed up by conducting an initial study and recommending to Bawaslu Demak to be forwarded to the KPU Demak.

At the monitoring stage of voting and vote counting, the Demak Regency Bawaslu carried out 1 (one) handling of violations, which was based on Findings. The main Findings were that the Head of the Demak Bawaslu received initial information in the form of a screenshot of Haryanto's WA story, which was suspected to be the Head of Banjarsari Village, Sayung District, who posed with 2 fingers after using his voting rights, which was suspected to be in support of one of the Candidate Pairs. The information was sent by someone via WA on February 14, 2024. The initial information which was then used as a Finding was registered by the Demak Bawaslu and followed up by forwarding it to the authorized agency, namely the Regent of Demak.

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At the supervision stage of the Vote Counting Results Recapitulation Process, Bawaslu Demak Regency carried out 3 (three) handlings of Reports of alleged Election violations. The three Reports at the supervision stage of the results recapitulation process are as follows:¹²

1. Report from Indonesian citizen in the name of XXX. with the Reported in the name of XXX (Demak Regency DPRD Candidate) on February 26, 2024. The report was registered with the Number: XXX/Reg/LP/PL/Kab/XXX/III/2024. The main point of the report is the alleged falsification of diplomas in the Demak Regency DPRD Member Nomination process carried out by XXX (XXX Legislative Candidate Electoral District I Number 2). The Demak Regency Bawaslu followed up by clarifying the parties concerned and a discussion was held at the Gakkumdu Center. Furthermore, the report was not proven to be an election crime and was discontinued.

2. Report from Indonesian citizen named XXX on February 26, 2024. With the main point of the report on February 14, 2024, it is suspected that someone voted more than once at TPS 12, XXX Village, XXX District. In addition, there was an allegation of intimidation by the KPPS to voters to vote for certain candidates at TPS 1, 2, 6, 7, 8, 11, 12, 13, 14, 15, XXX Village, XXX District during the voting. The report with the reported party being the KPPS at TPS 1, TPS 2, TPS 6, TPS 7, TPS 8, TPS 11, TPS 12, TPS 13, TPS 14, TPS 15, XXX Village, XXX District was not registered, because the submission of the report exceeded the time limit determined by law. However, the Demak Regency Bawaslu conducted an investigation with the report as initial information.

3. Report from Indonesian citizen named XXX on February 26, 2024. With the main point of the report on February 14, 2024, it is suspected that someone voted more than once at TPS 12, XXX Village, XXX District. In addition, there was an allegation of intimidation by the KPPS to voters to vote for certain candidates at TPS 1, 2, 6, 7, 8, 11, 12, 13, 14, 15, XXX Village, XXX District during the voting. The report with the reported party being the KPPS at TPS 1, TPS 2, TPS 6, TPS 7, TPS 8, TPS 11, TPS 12, TPS 13, TPS 14, TPS 15, XXX Village, XXX District was not registered, because the submission of the report exceeded the time limit determined by law. However, the Demak Regency Bawaslu conducted an investigation with the report as initial information.

Bawaslu Demak Regency and all ranks at the 2024 simultaneous general election stages since the supervision of the formation of ad hoc election organizers to the supervision stage of the recapitulation of vote counting results have submitted 1 (one) continuation of violations of other laws and regulations, 1 (one) recommendation of violations of other laws and regulations, and 14 (fourteen) recommendations of election administration violations. The continuation and recommendations have been followed up by both the relevant agencies and the Demak Regency KPU.

Specifically for handling election crimes, it is under the authority of the Integrated Law Enforcement Center (Gakkumdu). Law Number 7 of 2017 concerning General Elections, includes the Integrated Law Enforcement Center (Sentra Gakkumdu) in Article 1 number 38 which reads "The Integrated Law Enforcement Center hereinafter referred to as Gakkumdu is a center for law enforcement activities for election crimes consisting of elements of

¹²Interview with the Head of Demak Bawaslu: Ulin Nuha, SH, MH on January 20, 2025

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Bawaslu, Provincial Bawaslu, and/or Regency/City Bawaslu, the Republic of Indonesia National Police, Regional Police, and/or Resort Police, and the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office, and/or the District Prosecutor's Office."

Meanwhile, in Bawaslu Regulation Number 3 of 2023 Article 2 it is stated that the handling of election crimes is carried out under one roof in an integrated manner by the Gakkumdu Center. This means that in handling cases that have the potential to violate election criminal law, Bawaslu cannot make its own policies because there is a Gakkumdu center consisting of Bawaslu members, police members and prosecutors who handle it in an integrated manner.

The Gakkumdu Center of Demak Regency Bawaslu consists of 22 personnel with details; 10 personnel from Bawaslu consisting of 5 commissioners of Demak Regency Bawaslu, 1 Head of Demak Regency Bawaslu Secretariat, 1 Head of Legal Sub-Division, Dispute Resolution and Violation Handling, and 3 staff of the Violation Handling Division. As for the elements of the Demak District Attorney's Office, the personnel included in the Gakkumdu organizational structure are 6 people, namely the Head of the District Attorney's Office, Head of the General Criminal Section, Head of the Civil and State Administration Section, Head of the Management Section of Alleged Violation Goods and the head of the general criminal subsection. Meanwhile, from the elements of the Demak Police Resort also consists of 6 personnel starting from the Head of the Demak Police Resort, Deputy Head of the Police Resort, Head of the Criminal Investigation Unit, and 3 criminal investigation personnel.

Routine activities carried out by the Gakkumdu Demak center during the 2024 Election stages include holding coordination meetings to map potential violations with the aim of maximizing prevention efforts in the form of socialization in various ways. In addition, Gakkumdu Demak also patrols and pickets at the Bawaslu Demak office during the stages, so that if there are election violations, the Gakkumdu Center elements can move quickly to handle violations according to applicable regulations.

During the election stages, Sentra Gakkumdu has received 3 reports of alleged election crimes. One report was registered because it met the formal material requirements. The other 2 reports were not registered because they did not meet the formal material requirements so that the reports were then treated as initial information which ultimately became the task of Bawaslu of Demak Regency to conduct further investigations.

According to the author, the results of the study related to the authority of the Demak Regency General Election Supervisory Body in supervising each stage when studied using the theory of authority that Bawaslu has carried out the authority in the form of implementing the task of supervising the implementation of the 2024 Election in Demak Regency with the legality in the form of a letter of assignment and the authority to use attributes in its supervision. In addition, Bawaslu is also authorized by the government through applicable regulations to recommend the results of supervision to related parties to follow up on the results of their supervision.

If observed from the task of election supervision and handling of election criminal violations committed by Bawaslu, Bawaslu acts as a mandate, meaning that Bawaslu does not have attributive authority. Bawaslu only carries out actions or implements decisions based on regulations that have been determined by the government. Election supervisors become executors of tasks that have been determined by stakeholders and Bawaslu should not interpret

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the actions that must be taken when carrying out supervisory duties, although in practice many cases are found that are not covered by regulations, so that sometimes it is difficult for election supervisors to handle these cases.

Next, it is studied using the theory of legal effectiveness, that the supervision and handling of election criminal violations carried out by the Demak Regency Bawaslu in the 2024 Election has carried out its legal function for justice, certainty and its benefits. This is proven by the fact that supervision and handling of violations are carried out evenly, without discrimination and are indeed carried out in accordance with the regulations studied for the benefit of the process and results of the 2024 election. In addition, the activities to handle violations are carried out together with Law Enforcement Officers consisting of the police and prosecutors who are members of the Sentra Gakkumdu. This is certainly in accordance with the theory of legal effectiveness which is the analytical tool in this study.

3.2. Obstacles and Solutions of the Demak Regency General Election Supervisory Body in Supervising and Handling Criminal Offenses in the 2024 General Election

Democracy in elections is designed to replace the appointment system in the form of a monarchy which is considered to tend to give rise to authoritarian leaders. In general elections is one aspect of democracy, with the formation of election supervisors as an ideal means or mechanism in the framework of the process of peaceful transfer of power and in accordance with the 1945 Constitution of the Republic of Indonesia and Pancasila.

The implementation of the General Election held every 5 (five) years aims as a means of people's sovereignty to realize a Democracy as the core of the life of the Nation, State. Through the Democratic General Election process, it produces a quality General Election that can produce a government that is recognized by all people and supported by the people, while also determining the Principles of Legality, Legitimacy, and Credibility.

The General Election process aims to form a democratic, strong and people-supported government and to achieve goals based on the 1945 Constitution of the Republic of Indonesia and Pancasila. Theoretically, elections are a mechanism that was born to provide legitimacy to democratic power. Elections in a country are not just any elections but elections that give birth to government power and authority, in the implementation of elections there are several stages and involve several institutions that have duties and authorities in accordance with laws and regulations.¹³

The existence of the Election Supervisory Body (Bawaslu) as a supervisor of general elections (elections) as well as a quasi-judicial institution is to maintain honest and fair elections as mandated by reform.¹⁴ The duties and authorities of Bawaslu have been given by Law Number 7 of 2017 concerning General Elections (Law Number 7 of 2017 concerning General Elections), namely to carry out prevention, supervision, action against violations, and dispute resolution in the implementation of elections. The norms for implementing Bawaslu

¹³Bustanudin. (The Role of the Election Supervisory Agency of the Special Region of Yogyakarta in Handling Election Violations in 2014 (Siyasah Perspective), Faculty of Sharia and Law, Sunan Kalijaga State Islamic University of Yogyakarta, pp. 2-3

¹⁴Qurrata Ayuni, "The Idea of a Special Court for Regional Head Election Result Disputes," Journal of Law & Development 48, no. 1 (April 2018): 211

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supervision are regulated in the Bawaslu Regulation (Perbawaslu) as the legal basis for technical guidelines for supervision. In addition, Bawaslu stipulates Supervision Guidelines at each level and stage of election implementation, supervision work tools, supervision calendars, and evaluation tools for supervision results.¹⁵ If there is an election violation, Bawaslu has the authority to take action against election violations, both administrative and criminal. Bawaslu will coordinate with the National Police and the Prosecutor's Office regarding election crime cases.

Bawaslu's authority as a decision maker for administrative violations and election process disputes is regulated in Article 461 and Article 468 of Law Number 7 of 2017 concerning General Elections.¹⁶ Bawaslu in an effort to resolve disputes will act as a mediator by bringing together the disputing parties through mediation or deliberation to reach a consensus. If no agreement is reached between the two parties, Bawaslu will act as an examining panel in an adjudication hearing as a last resort at Bawaslu whose decision is final and binding. Specifically regarding disputes in the determination of election participants such as verification of Political Parties, determination of candidates for members of the DPR, DPD, Provincial DPRD, and Regency/City DPRD in the Permanent Candidate List (DCT), and determination of the Presidential and Vice Presidential candidate pairs, a lawsuit can be filed with the State Administrative Court.

In the 2024 General Election, there is the same election system as before, because based on the Constitutional Court's decision regarding the general election which is carried out in a combined manner, including the election of the President and Vice President and Members of the Indonesian House of Representatives, DPD, Provincial DPRD, Regency/City DPRD which is called a simultaneous election. So in the election changes, in its function, how is the role of the Demak Regency Bawaslu in realizing the stages of the 2019 simultaneous democratic election, so that it adheres to democratic values.

Which consists of Registration, Determination, Updating of Voter Data, Nomination, Campaign, Quiet Period, on D-Day (when the time comes) for Voting, Vote Recapitulation to Determination of the Winning Candidate Pair for the General Election. Each stage of the General Election is very likely to experience Disputes or Violations. In the implementation of the 2024 General Election, based on Law Number 7 of 2017 concerning General Elections, in general the General Election Stages can run smoothly according to the time and schedule that has been determined even though there are still many problems starting from the Determination of the Permanent Voter List (DPT), the Implementation which still has many Problems, the Implementation of the Campaign still has many Violations and during the Implementation there are Fraud Problems.

How the organizers try to go through the stages without temptation related to corruption, deviant behavior and so on also illustrates how ethical supervision is very important for every organizer or ethical supervision is important for the organizers. Because in any case in this context there are certainly incidents, there are transactions that are not only from political parties, but also candidates, and many cases that we found in 2019 such as the legislative

¹⁵Nuryati Solapari, "Election Supervision," in Election Lecture Series 1: Election Supervision (Serang: Banten Province Bawaslu Seminar and Banten Jaya University, 2021), 5.

¹⁶"Law Number 7 of 2017 Concerning General Elections". Article 468.

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elections. At the beginning of the campaign there were various cases, there were cases that emerged including money politics. Furthermore, money politics is one of the practices that can create political corruption.

In handling violations in the form of election crimes, there are obstacles borne by election supervisory officers. These obstacles are the limitations of the time period for handling election crime violations, with the limited time period making it difficult for Bawaslu to collect evidence in the process of reviewing the handling of criminal acts.

The General Election Supervisory Body (Bawaslu) of Demak Regency has a strategic role in ensuring that the 2024 Election runs honestly, fairly, and transparently. However, in carrying out its duties, Bawaslu faces various obstacles that hinder the effectiveness of supervision and handling of election crimes. One of the main obstacles is the limited human resources that are not comparable to the vast area of supervision and the complexity of election problems. The limited number of supervisors makes it difficult for Bawaslu to reach all sub-districts and villages in Demak Regency optimally.

In addition, the lack of budget is also an obstacle in the implementation of election supervision. Effective supervision requires adequate facilities, infrastructure, and technology. However, often the available budget is not enough to support maximum operations, especially in terms of supervisor mobility, training for officers, and the use of technology in monitoring the election process. This budget limitation makes several aspects of supervision less than optimal.

Another obstacle is the still rampant practice of money politics and black campaigns that are difficult to detect and prove legally. Money politics is one form of violation that often occurs at the grassroots level, where perpetrators and recipients are often reluctant to report for various reasons, such as fear or being accustomed to the practice. Meanwhile, black campaigns that spread through social media are increasingly difficult to monitor because of their fast-spreading nature and are often carried out anonymously.

Another challenge faced by Bawaslu is the lack of public understanding of election regulations and the role of election supervisors. Many voters are not yet fully aware that they have the right to report election violations. In addition, there is a tendency for some people to be apathetic towards violations that occur, either because of ignorance or distrust of the applicable legal system. The lack of public participation in this supervision makes Bawaslu's task even more difficult.

Bawaslu also faces obstacles in enforcing the law against election violations. The process of handling election crimes requires coordination with various parties, such as Sentra Gakkumdu (Integrated Law Enforcement Task Force), the police, and the prosecutor's office. However, in practice, differences in perception and interests between these institutions often slow down the process of investigating and taking action against election violations.

To overcome these obstacles, Bawaslu Demak Regency needs to increase human resource capacity by conducting additional training and recruitment for election supervisors. Intensive training can improve supervisors' skills in detecting and handling election violations more effectively. In addition, cooperation with civil society and election monitoring organizations also needs to be strengthened to expand the supervision network.

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In the face of budget constraints, Bawaslu can optimize the use of information technology in election supervision. The use of digital-based monitoring applications, such as online reports and rapid reporting systems, can help accelerate the detection and handling of violations. In addition, cooperation with the media and digital platforms can also be utilized to disseminate information about election supervision more widely.

To overcome money politics and black campaigns, Bawaslu needs to strengthen prevention strategies through public education. Massive socialization regarding the negative impacts of money politics and the importance of clean and honest elections must continue to be carried out. Increasing public awareness of the dangers of money politics can encourage them to be more courageous in reporting illegal practices that occur in their environment.

Closer coordination with Sentra Gakkumdu is also needed to speed up the process of handling election violations. Bawaslu must ensure that every report of violations is followed up quickly and transparently, so that it can have a deterrent effect on the perpetrators. With more solid cooperation between Bawaslu, the police, and the prosecutor's office, it is hoped that law enforcement against election violations can run more effectively.

With these various solutions, it is hoped that the Demak Regency Bawaslu can carry out its duties more optimally in the 2024 Election. Although the challenges faced are quite large, a strong commitment to maintaining election integrity will be the key to success in creating honest, fair, and democratic elections in Demak Regency.

On the topic of obstacles and solutions to the implementation of supervision and handling of criminal acts in the 2024 election, the author presents a study based on the theory of authority that Bawaslu can formulate obstacles experienced during the process of supervision and handling of violations in accordance with the authority it has. Bawaslu does not have affirmative authority so that various obstacles arise in the field which result in limited action against difficulties that arise in the field. However, Bawaslu still has the authority to submit recommendations to related parties regarding the obstacles faced. It's just that because Bawaslu's authority is limited to being an executor, often the handling of violations resulting from supervision is not optimal.

In addition, if examined using the theory of legal effectiveness, cultural factors also affect the effectiveness of the law, meaning that the actions taken in handling criminal election violations committed by the Demak Regency Bawaslu are also influenced by local culture, for example the clarification process carried out in a humane manner. Then also considering that the law must be enforced, but criminal law is the last alternative taken if other preventive efforts are no longer effective, this also applies to the supervision and enforcement of violations committed by the Demak Bawaslu. As much as possible, the Demak Regency Bawaslu tries to prevent rather than directly take action against violations. This means that when it is still monitored as potential, the supervisors immediately move quickly to coordinate with all related parties to find a solution so that violations do not occur.

Another thing that the author noted was the practice of money politics that seemed to have been normalized by the people of Demak Regency, as if accepting money to vote was a requirement or to attract public interest so that people would want to participate in making the 2024 election a success. In the practice of money politics, Bawaslu seemed to be a toothless tiger because it could supervise but had great difficulty proving the existence of

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money politics, this was due to the reluctance of the public to work together to eradicate money politics or because of overlapping regulations.

Viewed from the theoretical perspective of authority, Bawaslu's authority in supervising the election process is also increasingly 'weakened' due to overlapping supervision per stage where each division clashes with each other as the PIC for supervision, for example the violation handling division which is responsible for overseeing the campaign but the division's task is to carry out studies or clarifications on reports or case findings.

4. Conclusion

1. The authority of the General Election Supervisory Body in supervising and handling General Election Crimes in Demak Regency has important authority in supervising and taking action against election violations in Indonesia, including in Demak Regency. Based on Law Number 7 of 2017 concerning Elections, Bawaslu is tasked with supervising all stages of the election, starting from supervising the updating of voter data to supervising the final election results. In addition, the Demak Regency Bawaslu also prevents violations both directly and through social media, by using prevention and enforcement strategies in accordance with applicable procedures, while also handling violations that have already occurred, be it administrative violations, code of ethics, or election crimes. Bawaslu also collaborates with law enforcement agencies through the Integrated Law Enforcement Center (Gakkumdu) to handle election criminal violations. The authority of the Demak Regency Bawaslu in supervising the 2024 Election has been carried out in accordance with regulations as a form of mandatory authority, where Bawaslu acts based on rules without attributive authority to interpret actions outside the provisions. In terms of the theory of legal effectiveness, the implementation of supervision and handling of violations by Bawaslu is considered to have fulfilled the aspects of justice, certainty, and legal benefits, with a collaborative approach through the Gakkumdu Center together with law enforcement officers.

2. Obstacles and solutions of the General Election Supervisory Body in supervising and handling Criminal Acts of the 2024 General Election, the General Election Supervisory Body (Bawaslu) has an important role in ensuring that the 2024 Election runs honestly and fairly, but faces various obstacles such as limited authority, overlapping between divisions, and the influence of local culture that prioritizes a preventive and humanist approach. In addition, the practice of money politics that has been normalized by society makes it increasingly difficult for Bawaslu to prove and take action due to minimal public support and weak regulations, limited human resources, budget, and the practice of money politics and black campaigns that are difficult to detect. In addition, the lack of public understanding of the role of Bawaslu and law enforcement that is hampered by coordination between institutions is also a challenge. To address this, Bawaslu needs to increase the capacity of supervisors through training and recruitment, utilize technology for monitoring, and strengthen cooperation with civil society, the media, and law enforcement agencies to accelerate the handling of violations and create cleaner and more democratic elections.

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