



**JLPH:**  
**Journal of Law, Politic  
and Humanities**

E-ISSN: 2962-2816  
P-ISSN: 2747-1985

<https://dinastires.org/JLPH>    [dinasti.info@gmail.com](mailto:dinasti.info@gmail.com)    +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v5i6>  
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## **The Effectiveness of the Actions of the General Election Supervisory Agency (Bawaslu) of Palangka Raya City in Handling Election Crimes: A Case Study of Double Voting Using Another Person's Identity**

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**Abstract:** The occurrence of electoral fraud in Palangka Raya City was a direct finding by the General Election Supervisory Agency (Bawaslu) of Palangka Raya. The case involved the misuse of voting rights, specifically impersonating another person to vote, which constitutes a violation Article 533 of Law No. 7 of 2017 on General Elections. Upon discovering the incident, Bawaslu promptly referred the case to the police investigation team for further legal action. To prevent and address such issues, Bawaslu Palangka Raya has introduced an innovative public outreach program aimed at increasing community participation in election monitoring and preventing electoral violations. This study attempts to investigate the utilization of prevention and enforcement measures related to electoral violations and to identify the challenges in their execution. Using an empirical juridical method through observation, interviews, and online media data analysis, the research found that the implementation of prevention and enforcement efforts is not yet fully effective. Key obstacles include suboptimal inter-agency coordination, limited public awareness, and the constrained time frame for legal proceedings in handling election crimes. Currently, Bawaslu Palangka Raya's innovation community outreach serves as a short-term solution. This study recommends strengthening supervision and improving inter-agency coordination, with more active communication and cooperation to enhance institutional capacity.

**Keywords:** Bawaslu of Palangka Raya City, Election Crime, General Election, Palangka Raya City.

### **INTRODUCTION**

Democracy is a form of political governance in which the government's power originates from the people, either directly (direct democracy) or through representation (Triana et al., 2023). Direct democracy is a form of democracy in which every citizen casts their vote or opinion in decision-making. In representative democracy, all citizens elect representatives

through general elections to express opinions and make decisions on their behalf (Alfarisyi et al., 2023).

One of the characteristics of a democratic country is the conduct of scheduled and periodic general elections (Pemilu) (Juwita et al., 2023). Therefore, without the implementation of elections, the democratic nature of a country would cease to exist. Therefore, to ensure the democratic nature of the state, elections must be held in an accountable and high-quality manner (Asnawi et al., 2023). General elections (Pemilu) in a democratic country serve as an instrument or platform for implementing the democratic system, and elections are among the essential elements of democracy (Kilapong, 2020).

Each and every democratic event involving the election of legislative members is sometimes accompanied by fraud committed by various parties. These fraudulent acts are carried out either to discredit opposing candidates or to support certain candidates in order to ensure their victory in the legislative election (Winarto et al., 2022). The occurrence of such fraud is often indicated by numerous protests and complaints from the public to Bawaslu, both before and after the voting process at polling stations. Many of these complaints even escalate into regional election disputes (Pilkada) that are resolved through the Constitutional Court. However, what is currently happening is that the general election process has been tainted fraud has become a common occurrence, even though only a few cases are exposed and classified as election crimes (Riwanto et al., 2021). Examples include individuals voting more than once, using someone else's voting rights, vote-buying, dishonest election officials during the vote-counting process, manipulation of the final voter list (DPT), and other such violations. These are all illustrations of electoral fraud cases, which are legally referred to as election crimes. (Alfaliki & Dahlan, 2020).

This election crime also occurred in Palangka Raya City. The offense was a finding by the authorities, involving the misuse of voting rights, which constitutes a violation of Article 533 ("Undang-Undang Republik Indonesia Nomor 7 Tahun," 2017) Regarding the General Election, the suspect admitted to impersonating another person. The suspect was apprehended on Wednesday, February 14, 2024, by Bawaslu and was processed accordingly. Since this is an election crime, Bawaslu forwarded the case to Gakkumdu within 1x24 hours. Bawaslu serves as the entry point for handling election crimes. As all the legal elements were fulfilled, Bawaslu immediately referred the case to the police investigation team for further action. In the 2019 General Election (Legislative and Presidential), no cases of election crimes were found in Palangka Raya City, particularly those involving voting more than once. However, during the 2019 Regional Election (Pilkada), there was a case involving the misuse of another person's voting rights. Six university students in Palangka Raya were found to have used other people's voting rights during the 2019 Pilkada on Ketimpun Street, Palangka Raya City (Antara, 2024).

Then, in the 2024 General Election (Legislative and Presidential), there was a case of an election crime involving voting more than once using another person's identity. This incident was directly discovered by election supervisors at a polling station (TPS), where two individuals a couple with the initials YG and SM voted more than once using someone else's identity at TPS 82 on Borneo Street, Palangka Raya City. Further investigation revealed that the two suspects admitted to having previously voted at TPS 65 in Pahandut, and then cast their votes again at TPS 82 on Borneo Street. (Source: Direct interview with Mr. Yansen, S.Pd., Coordinator of the Division for Violation Handling and Dispute Resolution at Bawaslu Palangka Raya City).

Several cases of election crimes in Palangka Raya City need to be a concern for all parties in order to work together to prevent and find solutions so that similar incidents do not occur again. Bawaslu of Palangka Raya City has demonstrated its commitment to preventing election fraud driven by personal interests that could undermine the values of democracy.

The author also highlights the number of registered voters (DPT) in Palangka Raya City. Palangka Raya is one of the major cities in Central Kalimantan Province, which has the potential to experience an increase in the number of registered voters (DPT) during each election period. According to information the author gathered from the Official Website of the General Elections Commission (KPU) of Palangka Raya City, the number of registered voters (DPT) in Palangka Raya City during the 2019 to 2024 General Elections (Presidential and Legislative) is as follows :

**Table 1. Number of Registered Voters (DPT) in Palangka Raya City**

| Gender | Number of Registered Voters (DPT) in Palangka Raya City by Election Period |                 |
|--------|--|-----------------|
|        | Year 2019  | Year 2024       |
| Male   | 90.260 Persons   | 104.994 Persons |
| Female | 91.722 Persons   | 106.429 Persons |
| Total  | 181.982 Persons  | 211.423 Persons |

Source: KPU kota Palangka Raya

Considering the information about the quantity of registered voters (DPT) in Palangka Raya City by election period from 2019 to 2024, it can be concluded that the number of registered voters has increased in each period. This significant increase in the DPT carries the potential risk of electoral fraud. Therefore, it is essential for the General Election Supervisory Agency (Bawaslu) of Palangka Raya City to strengthen its supervision in a stricter and more effective manner to prevent election fraud, both now and in the future.

As previously explained, the goal of this research is to identify and understand the effectiveness of Bawaslu Palangka Raya City's efforts in preventing election crimes, as well as to identify and understand the challenges Bawaslu faces in addressing election-related offenses.

## METHOD

This research was conducted at the Bawaslu Office of Palangka Raya City using an empirical juridical method, which combines legal study with field-based factual analysis. The goal of this study is to directly comprehend and outline successful initiatives for handling and preventing election-related crimes. Among the data used are primary data collected via interviews with the Chairperson of Bawaslu and the Coordinator of the Violation Handling Division. Secondary data includes: the Republic of Indonesia's 1945 Constitution; tertiary data from other sources such as the sources referenced include the *Kamus Besar Bahasa Indonesia* (Great Dictionary of the Indonesian Language), various electronic media, and several legal instruments: Law No. 7 of 2017 concerning General Elections; Law No. 7 of 2023 concerning General Elections, which serves as an amendment to Law No. 7 of 2017; Regulation of the General Election Supervisory Agency (Bawaslu) No. 3 of 2023 concerning the Integrated Law Enforcement Center for General Elections (Sentra Gakkumdu); and Bawaslu Regulation No. 2 of 2024, which amends a previous Bawaslu Regulation and KPU Regulation No. 16 of 2024 concerning the General Elections Commission's documentation and legal information network.

In the research process, a descriptive qualitative and comparative analysis approach was used to analyze the data, employing a sampling technique random data collection to compare several groups. Informants were chosen due to their ability and direct connection to the research topic. Interviews were used to acquire the data, documentation, and online exploration, and then analyzed through three main stages: data reduction, data presentation (in the form of tables/graphs), and conclusion drawing according to the consistency and accuracy of the data, in order to address the research problems using a positive legal approach.

## RESULTS AND DISCUSSION

### The Effectiveness of Bawaslu Palangka Raya City's Actions in Handling Election Crimes in Palangka Raya City

Election supervision is carried out by Bawaslu and all of its ranks. In conducting election supervision, Bawaslu has duties, authorities, and obligations. Bawaslu functions both preventively and curatively preventing and addressing election violations, handling election process disputes, and overseeing all stages of election implementation. Furthermore, every report of suspected election breaches may be received, investigated, examined, and evaluated by Bawaslu, which may then suggest the findings of its investigations and evaluations to the appropriate parties. In addition to its duties and authority, Bawaslu also has the obligation to act fairly, provide guidance, and conduct periodic supervision of its subordinates. However, in this study, election supervision is not only interpreted as the duty and authority of Bawaslu but also includes participatory supervision by the public as a form of control in the election process, which can help minimize election violations.

Bawaslu Palangka Raya City has carried out its roles and functions in both preventing and addressing election violations. Bawaslu has also actively engaged the public to participate in election monitoring, aiming to prevent potential violations and take action against existing ones, thereby minimizing the occurrence of election crimes. One of the key efforts made by Bawaslu Palangka Raya City to enhance the way election crimes are handled effectively is by increasing public participation in the supervision and prevention of election violations, which includes the following:

First, Bawaslu of Palangka Raya City conducted a participatory election supervision outreach event at Aquarius Hotel, Imam Bonjol Street, Palangka Raya City, on Friday, August 26, 2022. The event carried the theme "Realizing a Democratic 2024 Simultaneous Election," involving all elements of society founded on elections that are straightforward, universal, free, private, honest, and equitable are the guiding principles. The objective of this outreach activity was to increase public participation from various sectors, including government, the community, and the media, encouraging them to be involved not only as voters but also as active participants in monitoring the entire election process from the beginning to the end of the 2024 election stages..

Second, Bawaslu of Palangka Raya City held a socialization event on internet (cyber) content monitoring for the 2024 simultaneous elections. The event took place at Aquarius Hotel Palangka Raya on Monday, November 4, 2024. It was attended by high school students and representatives from student executive boards (BEM) across Palangka Raya City. The purpose of this socialization was to provide the younger generation with a deeper understanding of the importance of monitoring digital content during the implementation of the 2024 elections.

Third, Bawaslu of Palangka Raya City, in collaboration with Gakkumdu's Integrated Law Enforcement Center team of Palangka Raya, held a socialization event on the supervision of the 2024 Simultaneous Regional Head Elections (Pilkada). The event took place at the University of Palangka Raya (UPR) on Tuesday, October 15, 2024. This socialization aimed to encourage UPR students to actively contribute to the supervision of the simultaneous Pilkada to be held on November 27, 2024, as well as to help foster a healthier and more democratic political climate.

Fourth, Bawaslu of Palangka Raya City held a Supervision Preparedness Roll Call with the theme "One Year Toward the 2024 Election" on Tuesday, February 14, 2023. The event was attended by the Regional Leadership Communication Forum (Forkopimda), community organizations, stakeholders, sub-district election supervisory committees (Panwaslu), and village supervisory officers (PKD) throughout Palangka Raya City. The roll call was led by the Chairperson of Bawaslu Palangka Raya City, Endrawati, S.H., M.H., who in her remarks stated that with one year remaining until the voting day on February 14, 2024, Bawaslu is increasingly

refining its steps to optimize election supervision from various aspects. “These efforts are part of Bawaslu’s commitment to safeguard the quality of democracy so that the election can be held in accordance with the legally required LUBER and JURDIL (direct, general, free, confidential, honest, and fair) principles,” she said. The series of events during the Supervision Preparedness Roll Call included the soft launching of the participatory digital supervision community “Jarimu Awasi Pemilu” (Your Fingers Monitor the Election), the launching of the Voting Rights Protection Post, and the Declaration of Peaceful and Integrity Based Elections.

The implementation of this preparedness roll call signifies that all levels of Bawaslu Palangka Raya City, along with the newly established Panwaslu at the sub-district and village levels, are ready to carry out their duties in supervising the 2024 General Election. In addition to organizing socialization activities as a preventive and enforcement effort against election crimes, under Article 5 paragraph (3) in accordance with Bawaslu Regulation No. 3 of 2023 concerning the Integrated Law Enforcement Center (Gakkumdu), Bawaslu Palangka Raya City established the Integrated Law Enforcement Center (Gakkumdu) to oversee the enforcement of election-related offenses of Palangka Raya City during the general election.

### **Obstacles Faced by Bawaslu Palangka Raya City in Handling Election Crimes**

The implementation of a policy is inseparable from the obstacles encountered during its execution. The Kamus Besar Bahasa Indonesia (KBBI) claims that the term “hambatan” means “obstacle” or “barrier” (Badan Pengembangan dan Pembinaan Bahasa, 2024). Based on Pasal 486 ayat (1) Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 regarding the General Elections, it is mentioned that “an Integrated Law Enforcement Center (Gakkumdu) shall be established, consisting of elements from to facilitate the efficient treatment of election-related crimes, Bawaslu, the Police, and the Prosecutor's Office.”

In the context of handling election crimes, supervision and enforcement are not solely the responsibility of a single institution, but rather a collaborative effort among three main institutions that make up the Integrated Law Enforcement Center (Sentra Gakkumdu). These three establishments are:

1. Bawaslu (General Election Supervisory Agency) Responsible for overseeing elections, receiving reports of election violations, and conducting preliminary assessments of alleged violations.
2. Polri (Indonesian National Police) Responsible for conducting investigations and inquiries into election crimes after receiving reports from Bawaslu.
3. The Office of the Prosecutor (the Republic of Indonesia's Attorney General's Office) Authorized to prosecute election crime cases that have been investigated by the police.

In practice, there are obstacles and challenges among the three institutions. Among the primary difficulties is:

#### **1. Differences in Perception Among Institutions in Handling Election Crimes**

Within Indonesia’s election law enforcement system, a critical issue is the differing legal interpretations among the institutions within the Integrated Law Enforcement Center (Gakkumdu) namely Bawaslu, the Police, and the Prosecutor’s Office regarding incidents suspected to be election crimes. Bawaslu, based on its duties and authority in supervision and receiving reports of violations, often concludes that certain actions meet the criteria for election crimes based on initial indications such as: a clear political motive, evidence in the form of money, goods, or documents, and supporting witness testimony. However, in practice, Bawaslu’s findings are not always accepted by the Police and the Prosecutor’s Office as constituting an election crime.

Based on an interview with Mr. Yansen, the Coordinator for Violation Handling and Dispute Resolution at Bawaslu Palangka Raya City, it was revealed that there are

challenges in inter-institutional coordination during the process of handling election crimes. Mr. Yansen stated: “When we find a case with available evidence, such as an envelope, a suspect, and witnesses, Bawaslu has assessed that the elements of an election crime have been fulfilled. However, when the case is discussed in the initial Gakkumdu meeting, there are often differences of opinion with other institutions.”

These differences arise because, during coordination meetings, the police or the prosecutor’s office do not always agree with Bawaslu’s initial assessment. Even when evidence is available, they may argue that the case is not strong enough in terms of criminal elements or consider it merely an administrative violation. Although Bawaslu may substantively assess that the case fulfills the elements of an election crime, the police may argue that there is no direct evidence linking the perpetrator to an election participant, and thus the case does not meet the criteria of Article 523 of Law Number 7 of 2017 as for General Elections.

This situation indicates that the effectiveness of Gakkumdu as a coordinating body for election law enforcement remains weak, particularly in terms of inter-institutional communication. Normatively, these three institutions are expected to operate within a unified legal framework. However, in practice, differing legal interpretations and standards of proof remain major obstacles.

## 2. Lack of Public Participation in Reporting Suspected Election Violations.

One of the obstacles in addressing election violations is the low level of public awareness and willingness to report suspected violations. People often choose to remain silent, refrain from reporting, or even ignore incidents that could undermine the integrity of the election. Some members of the public feel powerless or lack the confidence to report violations due to fear of retaliation from certain parties, concerns about the protection of their identity, or the belief that the reporting process is complicated and will not lead to any meaningful outcome. There are also those who believe that reporting violations is solely the responsibility of Bawaslu or law enforcement, and not the concern of ordinary citizens. In fact, public participation is one of the key elements in the participatory election monitoring system.

This lack of awareness can be caused by several factors, including fear of the perpetrators, concerns about personal safety, and the perception that the reporting process does not produce tangible results. In fact, from a legal perspective, the public has both the right and the obligation to participate in election monitoring, as outlined in Law Number 7 of 2017 of the Republic of Indonesia pertaining to General Elections, particularly in:

Article 434:

“The public may participate in election monitoring, which shall be carried out in a participatory manner by individuals, community groups, and non-governmental organizations.”

Article 448 paragraph (3):

“Any person may report suspected election violations to Bawaslu, the Provincial Bawaslu, or the Regency/Municipal Bawaslu.”

These provisions affirm that public involvement in the form of reporting is both a right and a means of contributing to a healthy and high-quality democracy. Therefore, the obstacle of low public awareness in reporting violations poses a serious challenge that must be addressed by election organizers. To overcome this challenge, efforts must include enhancing public education, increasing outreach and socialization, ensuring transparency, and guaranteeing protection for whistleblowers. Through these measures, it is hoped that collective public awareness will grow, and community participation in safeguarding the integrity of elections will be further strengthened.

### 3. Time Limitation in Handling Election Crimes

The Law Number 7 of 2017 Governing General Elections' Article 486 mandates that the investigation of electoral crimes be finished within 67 days after receiving the report.

Article 486 paragraph (1):

“The process of handling election crimes shall be conducted in a prompt, simple, and time-limited manner, with a maximum of 14 (fourteen) days for each stage.”

Article 486 paragraph (5):

“The process of resolving election crimes by the Integrated Law Enforcement Center (Gakkumdu) shall be completed no later than 67 (sixty-seven) days from the date the report is received.”

The time limitation aims to ensure that every alleged election crime can be followed up in a prompt, simple, and efficient manner, considering that elections are periodic and follow strict timelines that cannot be postponed. However, in practice, this time limit has become a serious obstacle for Bawaslu, particularly in carrying out its role as part of the Integrated Law Enforcement Center (Gakkumdu). Several reasons why this time constraint poses a challenge include:

#### a. The Complexity of the Handling Process Is Not Aligned with the Time Limit

The process of handling election crimes involves multiple stages, including: Receiving and filing reports; Preliminary assessment by Bawaslu; Investigation by the Police; Case file preparation and transfer; Prosecution by the Public Prosecutor; Court proceedings

Each of these stages requires time and inter-agency coordination, which is not always straightforward. In many cases, even clarifying evidence or witness statements can take several days. This becomes especially burdensome when the entire process must be completed within such a limited timeframe

#### b. Suboptimal Inter Agency Coordination

Gakkumdu consists of Bawaslu, the Police, and the Prosecutor's Office, each of which has different bureaucratic cultures and legal approaches. In practice, this often results in: Differing interpretations of legal events; Passive or delayed responses from one of the institutions; A lack of effective communication and shared understanding. When communication and coordination do not run smoothly, the limited time becomes a real obstacle, ultimately preventing Bawaslu from fully maximizing its supervisory role.

#### c. Limited Human Resources and Technical Capacity in the Field.

Many Bawaslu offices, especially at the district/city level, still face constraints in human resources, particularly in terms of investigators experienced in handling specialized crimes such as election offenses. Additionally, technical challenges remain, such as: Inadequate training in preparing legally sound reports; Limited information technology support for real-time reporting; Difficulties in accessing witnesses or evidence located in remote areas.

These factors slow down the handling process, making it difficult to resolve cases within the 67-day timeframe. With the time limit for handling election crimes set at 67 days as stipulated in Article 486 of Law Number 7 of 2017, the law enforcement process is required to proceed quickly and efficiently. However, in practice, this provision has become an obstacle for Bawaslu in carrying out its supervisory and enforcement functions, particularly due to issues of inter-agency coordination, limited time to complete all stages of the legal process, as well as technical and resource constraints in the field. Therefore, an evaluation and improvement of the institutional system of the to guarantee that election law enforcement may be done more successfully, the Integrated Law Enforcement Center (Gakkumdu) is required.

## CONCLUSION

The research findings and discussion presented above allow for the drawing of the following conclusions.

1. Bawaslu Kota Palangka Raya has carried out its roles and functions in both preventing and taking action against election violations. Bawaslu has also actively encouraged public participation in election monitoring in order to prevent and address potential violations, thereby minimizing the occurrence of election crimes. One of the effective measures taken by Bawaslu Kota Palangka Raya in handling election crimes is the implementation of innovative public outreach programs aimed at increasing community participation in preventing election violations
2. The primary challenges in addressing electoral offenses include differences in perception among institutions involved in enforcement, low public participation in reporting suspected violations, and strict time limits for processing election crimes. Based on these challenges, this study recommends enhancing inter-agency coordination, educating the public about voters' rights and obligations, strengthening Bawaslu's human and technical resources, reforming the law enforcement process to allow greater time flexibility, and conducting regular monitoring and evaluation management of election-related crimes.

Cooperation between the public prosecutor's office, the police, and Bawaslu inside the

Gakkumdu Center must be further strengthened is necessary to guarantee that election crimes are handled more effectively. This will help prevent differences in interpretation when assessing whether an act constitutes an election crime. The public must also be more involved in election monitoring. Many citizens are still unaware of the importance of reporting violations. Therefore, Bawaslu needs to be more proactive in promoting the significance of public participation in safeguarding the integrity of elections through educational activities or voter awareness campaigns that are easy to understand and accessible to all segments of society.

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