



The Urgency of Modifying Regulations for the Safety of General Election Organizers in 2024¹

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ABSTRACT

General elections in Indonesia have been held 12 times, namely in 1955, 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014 and 2019. And, the general election simultaneously and costing not a few lives occurred in 2019. Basically, the simultaneous general elections held in 2019 had many irregularities, especially the large number of members of ad hoc election organizers who fell ill and died. This happened in almost every region. Does the 2019 general election have anything to do with the increased workload of ad hoc election organizers due to the simultaneous implementation? Type of research uses normative legal research methods. It is called so, because normative research focuses on prescriptive research, using secondary data such as laws and regulations, legal theories, legal principles, and scientific works of legal scholars. The problems that occurred in the 2019 general election can be anticipated by making adequate regulatory modifications in order to create a rational, humane authority, and better election management than the previous period. There needs to be a guarantee of the quality of direct, general, free, secret, honest and fair elections. The implementation of simultaneous elections has provided a heavy workload, long implementation time and very tiring manual vote counting. Members of the voting and counting organizing group need to be protected by making some kind of regulation in their favor.

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1. Introduction

The organization of general elections in Indonesia, which is run by the General Election Commission, continues to experience developments and improvements in each stage of its implementation. Since the General Election Commission was established, until now, the procedures for organizing general elections have continued to be refined. Voting and vote counting in general elections have been adjusted several times in line with the times.⁵

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⁵ Indra, M. (2011). *Dinamika Hukum Tata Negara Indonesia*, Bandung: PT Refika Adiatma, p. 267.

The simultaneous regional elections towards the end of 2024 will be the closing period of the entire series of democratic parties in Indonesia this year. In 2019, legislative elections and executive elections (president-vice president) were held. This year, for the second time, Indonesians are voting with five ballots-four legislative and one executive-simultaneously.

General elections are the most tangible form of the principle of sovereignty in the hands of the people. The most concrete form of sovereignty can be observed from the people's participation in organizing general elections. Law No. 7 of 2017 is the legal basis for this sovereignty. In addition, the regulation also harmonizes the election regulations that have been previously contained in Law No. 42 of 2008, Law No. 15 of 2011, and Law No. 8 of 2002. The presence of Law No. 7 of 2017 is a solution to the political dynamics that occur regarding election organizers and election participants.⁶

The General Election Commission is a state institution that has the authority to organize general elections in Indonesia. Law No. 7 of 2017 has regulated that the duties of the General Election Commission are at the central, provincial and district levels. The General Election Commission is a permanent election organizing body that is assisted by a temporary (*ad hoc*) election organizing body. The Sub-district Election Committee (located in the sub-district), the Voting Committee (located in the sub-district), the Voting Organizing Group (located at the polling location), are *ad hoc* election organizing institutions. These *ad hoc* election organizing institutions are the frontline and face directly with voters (the community).⁷

In carrying out their duties, the Voting Committees have various challenges. They are required to be able to serve the voters. They must be able to remember the detailed procedures for conducting elections. In addition, they also have an important role in determining the permanent voters list. The failure and success of voting at each polling location lies in their work. So, there is no problem if we call the Voting Committee the “backbone” of democracy. The integrity of elections is at stake in their hands. The integrity of the Voting Committees is closely related to voters’ trust in the results of elections as part of the political process.

Of course, the Voting Committee cannot work if it is not assisted by the Voting Organizer Group, which in general elections is tasked with supervising and ensuring that the voting process runs smoothly and fairly,⁸ ensuring security and order during the voting process, checking the identity of voters, printing ballots, and also counting votes. Then, the Voting Organizing Group must be able to ensure that voters have valid voting rights, be able to compile voter lists, be able to distribute ballots, and be able to count votes after the voting process is complete. The Voting Organizing Group is responsible for reporting the results of the vote count and maintaining the security of the polling station.

The work of the Polling Organizing Group is quite demanding. The span of their activities is quite long, starting from the formation process to the completion of the organization can last approximately 1-2 months.⁹ During this period of work, Voting Organizing Group members will receive honorarium in accordance with the regulations set by the General Election Commission. In addition, General Election Commission Regulation No. 3 of 2019, stated in Article 51 “vote counting at polling stations is carried out after the

⁶ *Ibid.*

⁷ Gaffar, Janedjri M. (2013). *Demokrasi dan Pemilu di Indonesia*, Jakarta: Konstitusi Press, p. 47.

⁸ Purwanda, S., Ambarwati, A., Darmawati, D., & Prayudi, P. (2024). Haluan Kesejahteraan Sosial Dalam Diskursus Teori-Teori Keadilan. *Dinamika Hukum*, 25(1), 152-161. <https://doi.org/10.35315/dh.v25i1.9819>

⁹ Suharizal. (2012). *Pilkada, Regulasi, Dinamika dan Konsep Mendatang*, Jakarta: Rajawali Pers, p. 210.

preparation of the vote counting meeting as referred to in Article 48 is completed.” So, the counting of votes at the polling station begins after the voting is completed.

Basically, the simultaneous general elections held in 2019 had many irregularities, especially the number of members of *ad hoc* election organizers who fell ill and died. This happened in almost every region. This is quite strange, considering that this did not happen in the previous general election, in 2014, which at that time still separated the holding of presidential and vice-presidential elections and the election of legislative members.¹⁰ Does the 2019 general election have anything to do with the workload of the *ad hoc* election organizers increasing due to its simultaneous implementation? Therefore, it is necessary to review the regulations regarding the workload of members of the *ad hoc* election organizers in the implementation of this year’s simultaneous general elections, so that there are no more casualties. Furthermore, it is necessary to develop a democratic election concept so that in the coming years similar incidents will no longer be repeated, and we prioritize the safety of human life above all else.

Based on our research, we traced and found articles that have similarities with our research, but have fundamental differences, such as from Santi Hariati et al, with the title “Analysis of External Factors Affecting the Workload of the Voting Organizer Group in the 2019 General Election.” The difference lies in the focus of the problem where Hariati found that there were external factors causing the death of the Voting Organizer Group in the 2019 General Election. These factors include tasks, work environment, and work organization that affect the workload of the Voting Organizer Group in 2019. The results showed that tasks had a positive and significant influence on the workload of the Voting Organizer Group. Hariati concluded that the work environment and organization also affect the quality of work in the implementation of simultaneous elections.¹¹ Continuing from the results of research conducted by Ratama et al, “Analysis of the Performance of the Voting Organizing Group and Vote Counting in Simultaneous Elections.” Ratama saw that in carrying out its duties, the Voting Organizing Group experienced an increase in workload due to the increase in ballots from holding simultaneous elections. This caused many members of the Voting Organizer Group to become exhausted and even die.¹² Meanwhile, the novelty of our research lies in the legal analysis of existing regulations on the workload in the implementation of simultaneous elections by members of the Voting Organizing Group and the Voting Committee. So, our research has a different side of the focus of the problem, which explains more about the regulatory rules relating to internal and external factors that become the workload of members of the Voting Organizing Group and the Voting Committee.

2. Method

This type of research uses normative legal research methods. It is called so, because normative research focuses on prescriptive research, using secondary data such as laws and regulations, legal theories, legal principles, and scientific works of legal scholars.¹³ This

¹⁰ Ramadhanil, F., Pratama, H. M., Salabi, N. A., & Sadikin, U. H., (2019). *Evaluasi Pemilu Serentak 2019: Dari Sistem Pemilu ke Manajemen Penyelenggaraan Pemilu*, Jakarta: Perkumpulan untuk Pemilu dan Demokrasi (Perludem), p. 66.

¹¹ Hariati, S., Nasution, M. A., & Warjio, W. (2021). Analisis Faktor Eksternal yang Mempengaruhi Beban Kerja Kelompok Penyelenggara Pemungutan Suara pada Pemilihan Umum 2019. *PERSPEKTIF*, 10(2), 467-474. <https://doi.org/10.31289/perspektif.v10i2.4616>

¹² Ratama, R., Situmorang, T. P., & Ginting, B. (2023). Analisis Kinerja Kelompok Penyelenggara Pemungutan Suara (KPPS) dalam Pemilihan Umum Tahun 2019 di Kabupaten Tapanuli Utara. *PERSPEKTIF*, 12(3), 1030-1042. <https://doi.org/10.31289/perspektif.v12i3.9731>

¹³ Suyanto. (2023). *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris dan Gabungan*, Gresik: Unigres Press, p. 86-108.

research is supported by a statutory approach, historical approach, conceptual approach.¹⁴ This analysis uses the method of analyzing legal materials in the form of literature data, the results of which are arranged in an organized and systematic manner so that the objectives of the research in this article are easy to understand.

3. Analysis of Discussion Results

The 2019 general election is organized based on Law No. 7 of 2017 on General Elections, and is one of the most important elements in maintaining people's sovereignty because it places the people as the main point of sovereignty. Indonesia has held five legislative elections and four executive elections after the reformation, namely in 1999, 2004, 2009, 2014 and 2019. The 2019 election is the first simultaneous election that combines the election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council as well as the election of the President-Vice President.

Law No. 7 of 2017 simplifies and harmonizes several electoral arrangements in one law. The unified electoral arrangements are: Law No. 42 of 2008 on the General Election of the President and Vice President, Law No. 15 of 2011 on the General Election Organizer, and Law No. 8 of 2012 on the General Election of Members of the House of Representatives, Regional Representatives Council, and Regional People's Representatives Council. This year, 2024, the implementation of simultaneous general elections still uses Law No. 7 of 2017 which is also the basis for the implementation of the 2019 general elections. Based on the experience of the 2019 general election, there are several problems that must be anticipated and improved so that the previous conditions will not be repeated in the 2024 general election.

The organizers of the 2024 general elections must be able to carry out and organize general elections properly, professionally, with integrity and transparency. Admittedly, the organizers of the 2019 general elections had many weaknesses, and for the current 2024, the potential for these weaknesses can be repeated given the challenges and complexity of the problems in this general election which is simultaneous, the conditions are considered the same as in 2019. The challenges and complexity of the problems referred to in this case are related to the increased workload of ad hoc election organizing institutions such as the Sub-district Election Committee, the Voting Committee, and the Voting Organizing Group.

3.1. Regulatory Basis for the Implementation of Simultaneous General Elections in Indonesia

General elections in Indonesia have been held 12 times, namely in 1955, 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014, and 2019.¹⁵ General elections are a way in a democratic system to elect representatives of the people who will sit in government, elections are also a form of fulfillment of human rights in the political field.¹⁶ Elections are carried out by adhering to the principles of direct, general, free, secret, and honest.¹⁷ General elections

¹⁴ Carney, G. (2015). Comparative Approaches to Statutory Interpretation in Civil Law and Common Law Jurisdictions. *Statute Law Review*, 36(1), 46-58. <https://doi.org/10.1093/slr/hmu019>

¹⁵ Abbas, A., & Dompok, T. (2020). Dampak Demokrasi terhadap Kesejahteraan (Studi Kasus di Indonesia). *Dialektika Publik*, 5(1), 43-49. <https://doi.org/10.33884/dialektikapublik.v5i1.2417>

¹⁶ Hofi, M. A., & Wicaksono, T. (2023). Menjaga Eksistensi Kedaulatan Rakyat Dalam Bidang Politik, Hukum, dan Ekonomi. *Hakim: Jurnal Ilmu Hukum dan Sosial*, 1(3), 141-153. <https://doi.org/10.51903/hakim.v1i3.1235>

¹⁷ Dwianto, A., & Makhali, I. (2024). Analisis Penerapan Asas Langsung, Umum, Bebas, Rahasia, Jujur, dan Adil terhadap Pemilihan Wakil Bupati Tulungagung Sisa Masa Jabatan 2018-2023. *Mizan: Jurnal Ilmu Hukum*, 13(1), 29-44. <https://doi.org/10.32503/mizan.v13i1.5329>

have three main functions, namely as a means to elect public officials (government formation), accountability of public officials, and political education of the people.¹⁸

The simultaneous election model stipulated in the General Election Law is motivated by the Constitutional Court Decision No. 14/PUU-XI/2013, which states that the implementation of the presidential and vice-presidential elections and the elections of members of the people's representative institutions that are not simultaneous are not in line with constitutional principles that require efficiency in governance and the right of citizens to vote intelligently.

Article 201 paragraph 8 of Law No. 1 of 2015 states that simultaneous voting nationally in the elections of Governors-Vice Governors, Regents-Vice Regents, and Mayors-Vice Mayors in all regions of the Unitary State of the Republic of Indonesia will be held in November 2024. This indicates that the stages of the general election of the president and vice president and the general election of members of the people's representative institutions and the election of regional heads will all take place in 2024. The implementation of simultaneous general and regional head elections in 2024 is the biggest democratic party that will determine the course of the Indonesian nation in the next five years. Therefore, the election organizers must be well prepared and mature.

Changes in election regulations from year to year now have many differences. The basis for simultaneous elections, the increase in political parties, the number of ballots that must be cast, have made the 2024 general election more complicated and confusing. This is also true for first-time voters who are exercising their right to vote for the first time in this year's democratic party. In addition, the simultaneous implementation of the general election will be a burden for the Sub-district Election Committee in the sub-district, the Voting Committee in the village, and the Voting Organizing Group in each polling location.

The large number of ballots has the potential to cause the Voting Organizing Group officers to experience fatigue which can result in death. It takes action from a plan that is made in detail to achieve a goal. In the implementation of simultaneous elections with the intention of simplifying and minimizing costs, election organizers must pay attention to and strengthen the democratic order in order to achieve common goals. The 2019 simultaneous general elections must be a joint evaluation material for this year's implementation. Of course, all parties want this implementation to go according to plan as envisioned together.

3.2. Problem Solving through Modification of Election Regulations

Democracy aims to create a sovereign system of government for the people.¹⁹ The government formed through general elections comes from the people, is run in accordance with the will of the people and is devoted to the people for the welfare of the people.²⁰

The problems that occurred in the 2019 general elections can be anticipated by making adequate regulatory modifications in order to create a rational, humane authority, and better general election management from the previous period. There needs to be a guarantee of the quality of direct, general, free, secret, honest, and fair elections. What needs to be done?

¹⁸ Wijaya, S., Amiruddin, S., & Budiati, A. (2023). Strategi Komisi Pemilihan Umum Kabupaten Pandeglang untuk Meningkatkan Partisipasi Pemilih Dalam Pilkada Serentak di Kabupaten Pandeglang Tahun 2020. *Jurnal Cabaya Mandalika*, 4(3), 335-349. <https://doi.org/10.36312/jcm.v4i3.1788>

¹⁹ Ridwan, Z. (2011). Negara Hukum Indonesia Kebalikan Nachtwachterstaat. *Fiat Justisia: Jurnal Ilmu Hukum*, 5(2), 141-152. <https://doi.org/10.25041/fiatjustisia.v5no2.56>

²⁰ Putri, N. H., Laia, A., & Laia, B. (2023). Sistem Proporsional Pemilihan Umum Dalam Perspektif Politik Hukum. *Jurnal Panah Keadilan*, 2(2), 66-80. <https://doi.org/10.57094/jpk.v2i2.1006>

The implementation of the 2024 election stages will not run smoothly as expected if there is no rearrangement of the available regulations. In the absence of changes to the General Election Law and the Regional Head Election Law, any technical rules related to each stage of the election need to be regulated by the General Election Commission Regulation. The General Election Law and the Regional Head Election Law have authorized the General Election Commission to form General Election Commission Regulations as technical implementation²¹ of the two laws as long as they do not conflict with them. This authority is an opportunity for the General Election Commission to regulate as well as anticipate problems in organizing general elections and regional head elections.

The main thing that needs to be done is to be able to ensure that the new regulations must be able to prevent organizers, both permanent and ad hoc election organizers, from excessive workload. The regulation needs to be regulated in as much detail as possible so that there is a balanced portion between work and rest time. They need to be protected from things that adversely affect health and even threaten life safety.

The General Election Commission Regulations that are prepared and promulgated must pay attention to the period of time and discussion. This means that the stipulation of the General Election Commission Regulations must be carried out long before the start of the stage, so that there is a period of time for organizers to understand the substance of the arrangements in the norms in the General Election Commission Regulations. Internalization and technical guidance must be detailed so that the organizers' perceptions are truly intact, which is useful to avoid mistakes and violations in carrying out their duties. In addition, there must be sufficient time to conduct counseling and socialization of the General Election Commission Regulations to voters and election participants and stakeholders. After all, very limited socialization and counseling leads to the understanding of various stakeholders.

Although simultaneous general elections intend to simplify and minimize the cost of holding elections,²² it does not mean that humanitarian affairs should be underestimated. Regulatory modifications need to pay attention to the physical and psychological affairs of organizers related to the health affairs of the organizing group through heavy work time must be supported by adequate logistics. Logistics support work activities, the availability of nutritious food, rich in protein, vitamins, and medicines. In addition, it is also necessary to pay attention to the welfare²³ of groups of organizers who work no longer according to the ideal working time. The implementation of simultaneous elections requires fast-paced and accurate conditions. However, ideally humans work with normal time at 7.5 hours. The work activities of election organizers, which when viewed from the working time of employees where they usually enter work at 07.30 and leave work at 16.00, and rest time is only an hour at 12.00-13.00, then the ideal working time has been exceeded. Special attention needs to be paid to this. Not to mention, if there are logistical delays. Sometimes they eat late. Or even eating late at night, and staying up until the early hours of the morning. As for psychological matters, the mental health of organizers also needs to be regulated. Their mentality will be tested by the inner pressures of the general elections and regional head elections in 2024. The heavy demands of the job, in which they must behave well and correctly, make them unable

²¹ Sumanto, D., & Nggilu, S. (2020). Kedudukan Peraturan Komisi Pemilihan Umum (PKPU) Dalam Tata Susunan Peraturan Perundang-undangan Republik Indonesia. *Datuk Sulaiman Law Review (DaL.Rev)*, 1(1), 27-38. <https://doi.org/10.24256/dalrev.v1i1.1594>

²² Tarina, U., Febrian, M. R., Prihastuti, I. C., & Nurcahya, W. F. (2024). Efektivitas Penyerapan Anggaran Belanja Negara Dalam Pemilihan Umum. *Journal of Law, Administration, and Social Science*, 4(5), 785-797. <https://doi.org/10.54957/jolas.v4i5.885>

²³ Mustawa, M., Hamid, A. H., & Purwanda, S. (2022). Refund of State Financial Losses in Realizing the Welfare State of Law. *Amsir Law Journal*, 4(1), 51-61. <https://doi.org/10.36746/alj.v4i1.125>

to make the slightest mistake. Public pressure through protests from voters and witnesses, from the leadership of the organizers, to external institutions that highlight the performance of the organizers. These are all things that they will face in the field. Regarding these problems, there must be a formula!

4. Closing

Elections are one of the most important elements in maintaining popular sovereignty. Democracy in Indonesia has placed the people as the ultimate sovereignty holder. Indonesia has held five general elections after the reformation, namely in 1999, 2004, 2009, 2014 and 2019. The 2024 election is the second simultaneous election, after the previous one in 2019, which combined legislative and presidential-vice-presidential elections. The legal basis for the 2024 general election is still the same as in 2019, which was held under Law No. 7 of 2017 on General Elections.

Simultaneous elections still leave an impact on the group of organizers of voting and counting, where the implementation of simultaneous elections has given them a heavy workload, long implementation time and very tiring manual vote counting. Members of the voting and counting organizing group as the spearhead of the implementation of voting and counting in the implementation of simultaneous general elections need to be protected by making some kind of regulation in their favor.

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Conflict of Interest Statement:

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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