



# IMPLEMENTATION OF CRIMINAL ELECTION LAW ENFORCEMENT AGAINST VOTING RIGHTS ABUSE PRACTICES IN PALANGKA RAYA CITY IN 2024

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## ABSTRACT

This research discusses the implementation of criminal law enforcement against the abuse of voting rights based on Law Number 7 of 2017 and the obstacles faced by the Palangka Raya City Election Supervisory Board (Bawaslu) in the 2024 elections. Using an empirical juridical method thru literature study and interviews, the research found that Bawaslu has handled cases of vote misuse, including double voting by two students, thru the Gakkumdu Center mechanism in accordance with legal procedures. However, the effectiveness of law enforcement is still hindered by time constraints in handling cases, a lack of evidence, low public legal awareness, and suboptimal support in technology and budget for training and political education. This research emphasizes the importance of strengthening institutional capacity, budgetary support, enhancing monitoring technology, and community participation to make election oversight and law enforcement more effective and integrity-driven.

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## 1. INTRODUCTION

Elections are one of the main pillars of the Indonesian democratic system and serve as a means of implementing the sovereignty of the people as stated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Thru elections, the people exercise their political rights to directly, freely, and responsibly choose their representatives and leaders. So that the election results truly reflect the will of the people, every stage of its implementation must be based on the principles of direct, general, free, secret, honest, and fair (Luber Jurdil). Although election regulations have been comprehensively established, in practice, the implementation on the ground is still marred by various violations that can threaten the integrity of the democratic process. One of the more serious forms of violations is the abuse of voting rights, which can include actions such as voting more than once, using another voter's identity, or manipulating the permanent voter list (DPT). These actions fall into the category of criminal offenses as regulated in Article 516 and Article 533 of Law Number 7 of 2017 concerning General Elections (hereinafter referred to as the Election Law).

In the 2024 elections in Palangka Raya City, a real case of vote misuse was successfully uncovered by the Palangka Raya City Election Supervisory Board (Bawaslu) in collaboration with the Integrated Law Enforcement Center (Gakkumdu). Based on a report by ANTARA News (February 29, 2024), two students with the initials YG and SM were proven to have committed double voting at two polling stations (TPS), namely TPS 82 and TPS 65, using someone else's voting rights. They were promised a reward of nearly one million rupiah for voting

at several polling stations. The seized evidence includes notification form C, attendance lists, electronic ID cards, motorcycles, and mobile phones. The case shows that electoral criminal offenses can still occur even tho the legal system has been clearly regulated. 1 The causes do not only stem from the intentions of individual perpetrators, but also from weak supervision at the grassroots level, lack of diligence among polling station officers, and low legal awareness in the community. This situation underscores the importance of the role of Bawaslu as the election supervisory agency in carrying out preventive and enforcement functions, as well as strengthening inter-agency coordination to maintain the integrity of the elections.

Normatively, Article 516 of the Election Law states that any person who intentionally casts their vote more than once at one or more polling stations (TPS/TPSLN) during the voting process shall be punished with imprisonment for a maximum of 18 (eighteen) months and a fine of up to Rp18,000,000.00 (eighteen million rupiah). This article prohibits anyone from casting their vote more than once at one or more polling stations. Meanwhile, Article 533 of the Election Law states that any person who intentionally claims to be someone else and/or casts their vote more than once at one or more polling stations during the voting process shall be punished with imprisonment for a maximum of 1 (one) year and 6 (six) months and a fine of up to Rp18,000,000.00 (eighteen million rupiah). This article imposes a criminal penalty on anyone who intentionally uses someone else's voting rights. These two provisions serve as the legal basis for Bawaslu and Gakkumdu in addressing electoral criminal offenses. However, in practice, the effectiveness of electoral law enforcement still faces various obstacles. One of them is the time constraints in the process of handling reports or findings of violations. Based on the statement from the Palangka Raya City Bawaslu, every report or finding must be followed up within a period of seven days from the receipt of the report. If within that period the proof process is not fulfilled, Bawaslu can extend the handling time by an additional seven days to complete the proof process. This time limitation often poses a challenge, especially when the available evidence is limited or requires further verification with the relevant authorities. In addition, the low public participation in reporting violations and the difficulty in obtaining valid evidence also slow down the law enforcement process.

Therefore, strategic steps are needed to enhance the effectiveness of the implementation of election laws. These efforts include strengthening the institutional capacity of Bawaslu, utilizing digital technology in reporting and monitoring systems, as well as enhancing legal literacy and political awareness among the public, particularly among young voters who are more susceptible to violations. Thus, it is hoped that the process of monitoring and law enforcement in future elections can proceed more quickly, transparently, and with integrity.

## 2. RESEARCH METHODS

This research uses an empirical juridical approach, which examines the implementation of law in the field by combining normative and empirical aspects. This approach is chosen so that the research not only explains the applicable legal provisions but also illustrates how these legal norms are implemented by the Bawaslu of Palangka Raya City in handling cases of electoral fraud in the 2024 elections. The types of data used consist of primary data and secondary data. Primary data were obtained thru direct interviews with three informants from the Bawaslu of Palangka Raya City, namely:

- a. Mrs. Endrawati, S.H., M.H., as the Chairperson of Bawaslu Palangka Raya City;
- b. Mr. Eko Wahyu Sulistiobudi, S.E., as the Coordinator of the Legal, Prevention, Public Relations, and Community Participation Division;
- c. Mr. Yansen, S.Pd., as the Coordinator of the Violation Handling and Dispute Resolution Division.

Meanwhile, secondary data were obtained thru library research on Law Number 7 of 2017 concerning General Elections, Bawaslu Regulation Number 7 of 2022 concerning the Handling of Findings and Reports of Election Violations, and relevant scientific literature. Data collection techniques were carried out thru in-depth interviews, then analyzed descriptively qualitatively, based on empirical facts and legal theory to produce objective conclusions. This analysis is used to assess the extent of the effectiveness of the implementation of Article 516 and Article 533 of Law Number 7 of 2017 in the practice of election law enforcement in the city of Palangka Raya. This research was conducted at the Palangka Raya City Bawaslu Office, Central Kalimantan Province, in October 2025, with the aim of comprehensively describing Bawaslu's efforts in enforcing election law and identifying hindering factors and efforts to improve the effectiveness of supervision in the future.

## 3. RESULT AND ANALYSIS

### Implementation of Criminal Law Enforcement in Elections against Abuse of Voting Rights as Regulated in Law Number 7 of 2017 on Elections

The enforcement of criminal law in the administration of General Elections (Pemilu) plays a very important role in ensuring the realization of a democratic process that is honest, fair, and has integrity. The law in the context of elections not only functions to penalize violations but also serves as an instrument to maintain the purity of the people's voice and protect the fundamental principles of democracy. As stated by Soerjono Soekanto

(2005), law enforcement is an effort to realize the values of justice, certainty, and utility into social reality. Therefore, the implementation of criminal law enforcement in elections must be able to balance legal certainty and the sense of justice that exists in society. In the framework of the theory of electoral law enforcement, Jimly Asshiddiqie (2013) explains that electoral law is part of constitutional law with special characteristics, because its implementation is bound by strict stages and schedules. The enforcement of election law must be carried out quickly, accurately, and transparently so as not to disrupt other stages. This is in accordance with the concept of a time-bound procedure, where each violation must be addressed within a certain timeframe to ensure that the election results remain valid and have strong legal legitimacy.

Meanwhile, Lawrence Friedman in his theory of the legal system emphasizes that the success of law enforcement depends on three main components: the substance of the law (rules), the structure of the law (law enforcement agencies), and the culture of the law (public awareness). In the context of elections, these three aspects must work in harmony so that monitoring and enforcement of violations, including the misuse of voting rights, can be carried out effectively. The institution that plays a strategic role in carrying out this function is the General Election Supervisory Agency (Bawaslu). Bawaslu is tasked with overseeing all stages of the election while also enforcing rules related to administrative, ethical, and criminal election violations. To strengthen this function, Law Number 7 of 2017 concerning Elections, specifically Articles 486 to 487, established the Integrated Law Enforcement Center (Gakkumdu) consisting of elements from Bawaslu, the Police, and the Prosecutor's Office. Thru this forum, the handling of electoral criminal offenses is carried out in an integrated manner and coordinated across institutions. According to Satjipto Rahardjo (2006) in the theory of progressive law, law should not only be understood as written rules but also as a means to uphold public morality and social justice. This means that in the context of elections, law enforcement is not just about punishing violators but also about maintaining public trust in the democratic process. This view is very relevant when linked to law enforcement practices in the regions, including in the city of Palangka Raya.

The implementation of criminal law enforcement in the conduct of elections plays an important role in ensuring the realization of an honest, fair, and integrity-based democratic process. Based on an interview with Mr. Yansen, S.Pd., the Coordinator for Handling Violations and Dispute Resolution at the Palangka Raya City Bawaslu, information was obtained that in the 2024 Election, the Palangka Raya City Bawaslu discovered electoral criminal violations in the form of abuse of voting rights committed by two students with the initials YG and SM. This case has become one of the important findings that illustrate the continued violations of the principles of direct, general, free, secret, honest, and fair (Luber Jurdil) in the conduct of elections. According to Mr. Yansen's explanation, the finding originated from field supervision by TPS supervisors who detected instances of double voting at two different polling stations (TPS), namely TPS 82 and TPS 65. The investigation revealed that both perpetrators used other voters' identities to cast multiple votes. Based on clarifications from witnesses and the perpetrators, it was found that the act was carried out at the invitation of certain parties in exchange for money, which was planned to be done at several other polling stations before being discovered by the polling station officers. This finding shows that the practice of vote-buying remains a serious challenge in the enforcement of election law. According to Mahfud M.D. (2010), the essence of law enforcement is not only to ensure legal certainty (*rechtssicherheit*), but also to guaranty justice (*gerechtigkei*) and utility (*zweckmabigkeit*). In this context, Bawaslu's action to process the violation reflects an effort to maintain a balance between normative law enforcement and the protection of democratic justice principles. In this case, the Palangka Raya City Bawaslu handled the matter based on the provisions of Article 516 and Article 533 of Law Number 7 of 2017 on General Elections, which stipulates that Article 516 prohibits a person from voting more than once at one or several polling stations and Article 533 regulates criminal sanctions for a person who intentionally uses another person's voting rights. Based on these provisions, Bawaslu implements violation handling procedures in accordance with Bawaslu Regulation Number 7 of 2022 concerning Election Violation Handling. The process begins with the receipt of reports or findings, initial verification, clarification with the relevant parties, collection of evidence, and the preparation of a legal opinion to determine the elements of a criminal offense.

In an interview, Mr. Yansen explained that Bawaslu only has seven days from the receipt of the report to conduct an initial examination, and can extend the time by an additional seven days if the evidence obtained is insufficient. This provision indicates that the mechanism for handling electoral violations is swift and time-bound, as emphasized by Jimly Asshiddiqie (2019) that the effectiveness of electoral law enforcement heavily relies on timely handling, because the entire electoral process occurs within a short and structured period. After the examination stage is completed, the results of Bawaslu's review are submitted to the Integrated Law Enforcement Center (Gakkumdu), which consists of elements from Bawaslu, the Police, and the Prosecutor's Office, to be discussed together and determine the follow-up actions. In this case, Gakkumdu decided that the actions of the two students met the elements of an electoral criminal offense, so they could be processed according to the applicable law. This process aligns with the theory of progressive law enforcement proposed by Satjipto Rahardjo (2006), which emphasizes that law should be implemented not merely as a normative text, but also as an instrument to uphold the values of social justice and public morality. Bawaslu, in this context, not only acts as a supervisory institution but also as a guardian of democratic integrity, ensuring that every citizen exercises their

voting rights legitimately and responsibly. However, Mr. Yansen also mentioned that in practice, Bawaslu faces several factual obstacles, such as time constraints, lack of evidence, and low public participation in reporting violations. Many people are aware of indications of violations but are reluctant to report them due to fear, lack of understanding of legal procedures, or feeling that the evidence they possess is not strong enough. This view is in line with Laila Safitri's (2023) research in the *Journal of Elections and Indonesian Democracy*, which states that the low legal awareness of the public is a dominant factor hindering the enforcement of election laws at the regional level.

In addition, the effectiveness of supervision at the polling station level also needs to be strengthened. Although polling station supervisors have been placed at every location, the results of the supervision have not been optimal due to the lack of widespread public participation. According to Hadjon (2015), public participation in election supervision is a form of horizontal oversight that can strengthen the accountability of supervisory institutions and prevent potential violations early on. Thus, the implementation of law enforcement against cases of vote misuse in Palangka Raya City has been carried out in accordance with legal provisions and the principles of democratic justice. Bawaslu not only addresses violations but also upholds the morality of the law in maintaining the purity of the people's vote. Despite facing technical limitations, Bawaslu's commitment to handling this case demonstrates the important role of the supervisory agency in maintaining the fairness and integrity of the elections.

### **Obstacles in the Implementation of Handling and Law Enforcement Against Abuse of Voting Rights by Bawaslu Palangka Raya City in the 2024 Election**

In the theory of law enforcement, obstacles or constraints are factors that directly influence the effectiveness of law enforcement in society. According to Soerjono Soekanto (2005), the success of law enforcement is influenced by five main elements, namely the substance of the law, the structure of the law, facilities and infrastructure, society, and legal culture. When one of these elements does not function well, the implementation of the law will face obstacles. In the context of conducting elections, these obstacles not only pertain to normative aspects but also encompass institutional, social, and cultural factors related to the implementation of field supervision.

Lawrence M. Friedman also explains that the effectiveness of the law is determined by three important components, namely the substance of the law (the applicable rules), the structure of the law (law enforcement agencies), and the culture of the law (public awareness). When one of these components is weak, the legal system as a whole will not function well. In the context of Bawaslu, obstacles often arise from limited human resources, inter-agency coordination, and low public legal awareness. Meanwhile, according to Miftah Thoha (2012), an effective public institution can only operate under the principle of good governance, which is accountable, transparent, and participatory management. In other words, the success of election supervision is not only determined by the performance of Bawaslu but also by the extent to which this institution can build cooperation with local governments, political parties, and civil society in maintaining the integrity of the elections.

The implementation of criminal law enforcement in the 2024 elections regarding the abuse of voting rights in Palangka Raya City is not without various obstacles, both from internal institutional factors and external societal factors and field conditions. Based on field interviews with two informants from the Palangka Raya City Election Supervisory Board (Bawaslu), namely Mrs. Endrawati, S.H., M.H. as the chairperson of the Palangka Raya City Bawaslu, and Mr. Eko Wahyu Sulistiobudi, S.E., from the Legal, Prevention, Public Relations, and Community Participation Division, several real challenges have been identified in the implementation of supervision and law enforcement for the 2024 elections. The obstacles in the implementation of handling and law enforcement that often occur are as follows:

a. **The Low Legal Awareness of the Community and Public Participation**

In an interview, together with Mrs. Endrawati S.H., M.H., it was emphasized that one of the most fundamental obstacles in the implementation of supervision is the low level of legal awareness among the public regarding the importance of maintaining voting rights. Many people do not yet understand that voting more than once, using someone else's voter identity, or lending one's identity for use by others constitutes a criminal offense in elections based on Article 516 and Article 533 of Law Number 7 of 2017. This condition causes most violations not to be reported to the Bawaslu because they are considered normal or even reasonable political strategies. The low public participation in reporting alleged violations also becomes a major obstacle in the law enforcement process. This is in line with Satjipto Rahardjo's (2000) view that the effectiveness of the law does not only depend on the existence of norms but also on the public's awareness to obey and enforce them. As also stated by Mr. Eko Wahyu Sulistiobudi S.E., in practice, the community often hesitates to become witnesses or report because they fear facing legal consequences, lack confidence in the process, or do not understand the correct reporting mechanism. Therefore, increasing legal awareness becomes a key factor for the

success of election supervision. In addition, the younger generation also plays a strategic role in strengthening legal awareness and public participation. As a group with a high level of digital literacy, the younger generation can play an active role in monitoring the electoral process, reporting suspected violations, and disseminating educational information thru social media. They are not just voters, but also future leaders who need to be equipped with political awareness and moral responsibility toward the democratic process. According to Mahfud M.D. (2021), the success of democracy in Indonesia depends on the involvement of the younger generation in maintaining the integrity of elections. Their participation becomes a moral and social force to create an honest and transparent political culture. Therefore, Bawaslu, together with local governments and educational institutions, needs to strengthen socialization programs and participatory supervision training among the youth, so that they become the frontline in promoting clean and fair elections.

b. Budget Constraints for Training and Community Education

One of the most significant internal obstacles at the Palangka Raya City Bawaslu is the minimal budget allocation for conducting Technical Guidance (Bimtek) activities for supervisors and legal education for the community. The limited budget makes it impossible to conduct training activities comprehensively at all levels of supervision, especially in peripheral areas and villages with a large number of polling stations. This condition directly impacts the supervisors' ability to understand reporting techniques, as well as the lack of public education about the dangers of violating voting rights. The lack of budget also causes socialization activities to be conducted only on a small scale and not regularly. Miftah Thoha (2012) mentioned that the performance of public institutions is not only determined by the capacity of Human Resources but also by the availability of adequate financial resources to support the execution of their duties. Therefore, support from local governments and political parties becomes very important. Local governments can play a role in helping to finance non-partisan socialization and political education activities thru institutional cooperation schemes. Meanwhile, political parties as participants in the elections also have a moral responsibility to provide political education to their cadres and sympathizers, as emphasized by Ramlan Surbakti (2014) that political parties are obliged to play a role in building political awareness among the public. This cross-institutional collaboration is a tangible manifestation of collaborative governance, an approach to governance where various parties share responsibilities to achieve common goals, including strengthening the integrity of democracy at the local level.

c. Time Constraints in Handling Violations

Based on the provisions of the Election Law and Bawaslu Regulation Number 7 of 2022, the handling process of alleged electoral criminal violations is conducted using a 7+7 working day system. According to Mr. Yansen, the division of time is designed so that the investigation process can proceed quickly yet remain accurate. In the first 7 days, the focus of the activities is on the initial examination stage, clarification, and the collection of statements and supporting evidence. Subsequently, an additional 7 days are used if the initial examination results indicate any deficiencies or incompleteness of evidence, requiring extra time for verification and refinement of the case file. This 7+7 time pattern helps maintain a balance between accuracy and efficiency, although in practice, the Sentra Gakkumdu team often faces high time pressure, especially when the election stages reach critical periods.

d. Limited Evidence and Supporting Facilities

In cases of electoral fraud, the available evidence is generally administrative in nature, such as C6 forms or voter attendance lists (C7). However, proving the element of intent in criminal violations requires additional evidence such as video recordings, photos, or direct witness statements. However, most polling stations are not equipped with adequate digital documentation facilities, making the proof process at the Gakkumdu level slower and less comprehensive.

e. Inter-agency Coordination that is Not Optimal

Another equally important obstacle is the inter-agency coordination that has not yet been fully integrated. In the process of clarifying violation reports and validating duplicate voter data, there are often differences in perception between Bawaslu, KPU, and Dukcapil regarding the legal basis and the limits of each institution's authority. Similarly, in the Sentra Gakkumdu forum, differences in perspective sometimes arise between the Police and the Prosecutor's Office regarding the proof of intent in electoral criminal offenses. This difference in legal interpretation slows down the case resolution process and causes inefficiency in time. Abdul Fickar Hadjar (2010) stated that the success of law enforcement depends on the coordination and integration among law enforcement agencies, especially when their authorities overlap.

f. Limitations of Technology Facilities and Supporting Infrastructure

Although Bawaslu has implemented a digital system like Siwaslu Online, its application in several sub-districts has not been optimal due to weak internet connectivity and limited supporting devices. In addition, the low level of digital literacy and public awareness regarding the importance of reporting

violations has resulted in some reports still being made manually. This slows down data validation and the follow-up on violations. R. Otje Salman (2012) emphasized that the effectiveness of law enforcement will be hindered if it is not supported by adequate technological means and work facilities.

These obstacles illustrate that the enforcement of electoral criminal law is not only related to the normative aspects of legislation but also involves institutional factors, infrastructure, and the legal culture of society. According to Soerjono Soekanto (2005), the success of law enforcement is greatly influenced by five main factors, namely the substance of the law, law enforcement apparatus, facilities and infrastructure, society, and legal culture. In this context, the obstacles faced by Bawaslu Kota Palangka Raya indicate that the aspects of supporting facilities and public legal awareness still need to be strengthened for the monitoring system to operate more effectively.

Despite facing various obstacles, the effectiveness of Bawaslu Kota Palangka Raya's efforts in preventing the abuse of voting rights continues to show positive results. Based on the results of interviews and field observations, there are several important achievements that demonstrate the success of the prevention strategy: First, cases of vote misuse were successfully reduced compared to the previous election. Although there were instances of double voting by two students with the initials YG and SM, the number was relatively small and was promptly addressed thru the Integrated Law Enforcement Center (Gakkumdu). This fact shows that early preventive measures thru socialization and voter data mapping have a significant impact on reducing violation cases. Second, the capacity of field supervisors has increased. Thru training and technical simulations, supervisors at the polling station level have become more responsive in detecting and documenting indications of violations. Many supervisors are now able to report digitally accompanied by photo or video evidence, which speeds up the handling process.

Third, public legal awareness has increased thanks to direct public education and thru digital media. According to Mahfud M.D. (2021), public legal awareness is the main prerequisite for the success of the law, as the law is only effective if society makes it a part of social behavior. In this context, Bawaslu's educational approach has proven effective in fostering public participation, especially among young voters. Fourth, digital oversight and information transparency have increased. The implementation of Siwaslu Online and public reporting channels strengthens the principles of transparency and accountability of the supervisory agency. Although not yet optimal due to technical limitations, this digitization is an important step toward technology-based electoral governance.

Theoretically, the steps taken by the Palangka Raya City Bawaslu represent the application of preventive law enforcement and good electoral governance, where electoral law enforcement is not only carried out after violations occur but also thru a data-based prevention system, collaboration, and public awareness. According to Satjipto Rahardjo (2006), law should serve as a means of public moral development, not merely as an instrument of enforcement.

Similarly, Philipus M. Hadjon (2015) emphasizes that good supervision is participatory and educational in nature. These principles are clearly evident in the strategy of the Palangka Raya City Election Supervisory Board (Bawaslu), which combines repressive (enforcement) and preventive (prevention) approaches. Thus, the efforts of the Palangka Raya City Bawaslu in addressing and preventing the misuse of voting rights in the 2024 elections have been effective and proportional, although they still face challenges at the technical and participatory levels. The success of this institution is not only measured by the number of cases handled but also by its ability to build a transparent, inclusive, and community law-awareness-based monitoring system.

#### 4. CONCLUSION

Based on the results of the research and interviews with the Bawaslu of Palangka Raya City, it can be concluded:

- a. The Palangka Raya City Bawaslu has implemented criminal law enforcement for election-related cases of vote misuse in Palangka Raya City during the 2024 elections, fundamentally in accordance with the applicable positive legal framework, namely Law Number 7 of 2017 on General Elections and Bawaslu Regulation Number 7 of 2022 on Handling Election Violations. The Palangka Raya City Bawaslu has carried out law enforcement functions by involving the Gakkumdu Center in a coordinated manner and adhering to the principles of professionalism, accountability, and transparency. However, the effectiveness of implementation in the field still faces various technical and structural obstacles, including limited handling time, lack of supporting evidence, and low public participation in participatory supervision. Overall, Bawaslu's efforts demonstrate a strong commitment to maintaining the integrity and fairness of the elections. However, increasing legal awareness among the public, especially the younger generation, as well as strengthening coordination and support across institutions, is still necessary so that future election supervision can be more effective and sustainable.
- b. Obstacles in the implementation of handling and law enforcement against electoral fraud at the Palangka Raya City Bawaslu in the 2024 elections stem from internal and external factors. Internally, budget constraints, lack of training for supervisors, and the suboptimal digital system hinder the

effectiveness of monitoring. Externally, low legal awareness and community participation are the main obstacles. In addition, coordination between agencies has not been optimal. Therefore, strengthening institutional capacity, budgetary support, and collaboration between Bawaslu, local governments, political parties, and the community are necessary to achieve more effective election supervision.

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