



## Challenges and the Urgency of Regulatory Reform for Ad Hoc Election Bodies: A Case Study of Luwu Regency

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### A B S T R A C T

This study aims to analyze the strategic role of Ad Hoc election bodies in the implementation of General Elections in Luwu Regency, as well as to identify the challenges encountered throughout the election process. The research adopts a normative-empirical legal method, employing statutory, historical, comparative, and conceptual approaches. Data were collected through the examination of primary and secondary legal materials, which were systematically analyzed to address legal issues and practical conditions in the field. The findings reveal that Ad Hoc election bodies play a crucial and decisive role in ensuring the success and credibility of electoral processes. However, their legal status and authority are not yet explicitly and comprehensively regulated under Law Number 7 of 2017 on General Elections. Furthermore, budget limitations significantly affect various aspects of election administration, including the training of election officers, the quality of logistical arrangements, and the integrity of vote casting and counting processes. Therefore, it is necessary to revise the existing law to reinforce the legal framework governing Ad Hoc election bodies and ensure adequate budget allocation to support an efficient, transparent, and accountable election process. Legal protections must also be strengthened to prevent any form of intervention or intimidation against Ad Hoc election bodies during all election stages.

### INTRODUCTION

The Unitary State of the Republic of Indonesia is a democratic country where the government system of a country is absolute power determined by the people. This is a statement of its ideological and factual nature and absolutely cannot be rejected. As a democratic country, a critical stage that must be implemented is to hold general elections democratically and with integrity in order to realize national goals (Rahma, 2021).

In modern times, the majority of countries in the world choose a democratic system in the process of their constitutional life. Likewise, Indonesia, as an independent and sovereign country, explicitly affirms that it is a country with people's sovereignty as stated in Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. With this affirmation, as a form of manifestation of people's sovereignty, a democratic contestation is designed called the General Election (Sahadi et al., 2020; Marwah & Yulyana, 2024). General Elections (Pemilu) is a means of people's sovereignty which are implemented with principles directly, generally, freely, secretly, honestly, and fairly every five years to elect Members of the People's Representative Council, Regional Representative Council, President and Vice President and Regional People's Representative Council (Charda et al., 2023; Purba, 2024; Silalahi, 2022).

The design of direct elections, especially executive stakeholders, is the result of an amendment to the 1945 Constitution of the Republic of Indonesia as a form of fatigue towards the authoritarian New Order regime, which gave rise to a wave of resistance with the success of the reformers in overthrowing the authoritarian regime in 1998. As a

consequence of the implementation of direct elections, election-organizing institutions were formed to organize the democratic contest periodically. Constitutionally, the position of election organizers is stated in Article 22E Paragraph (5) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that general elections are held by a national, permanent, and independent general election commission. Indonesia has held general elections several times. History has recorded that the first election was held in 1955. Elections have been held 12 times, namely in 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014, and 2019. The majority of elections are held every 5 years, except in 1955-1971 due to the guided democracy model during the Soeharto era and 1997-1999 when President Soeharto announced his resignation as President (Hantoro, 2023; Suparto, 2017).

Provisions on elections are regulated in the 1945 Constitution (UUD) Article 22E, which is then further described in one document, Law Number 7 of 2017, concerning General Elections. Elections are held to elect the President and Vice President, the People's Representative Council (DPR), the Regional Representative Council (DPD), the Regional People's Representative Council (DPRD), and the Regional Head and Deputy Regional Head (Triwahyuningsih, 2019).

Several regulations emerge in each election period, and regulatory changes are made during the election to follow political developments in the country. After the Constitutional Court Decision Number 14/PUU-XI/2013, which granted part of the judicial review request for Law Number 42 of 2008 concerning the Presidential and Vice Presidential Elections filed by Effendi Gazali et al., this simultaneous election regulation

emerged, the issuance of this Constitutional Court decision is one of the new legal breakthroughs. Where in its decision, the Constitutional Court stated: Article 3 Paragraph (5), Article 12 Paragraph (1) and Paragraph (2), Article 14 Paragraph (2), and Article 112 of Law Number 42 of 2008 do not have binding legal force (unconstitutional) (Ashari, 2016).

The change in the election system from gradual elections to simultaneous elections is to strengthen the presidential system adopted by the Republic of Indonesia. As in the Presidential Government system, there are several principles, including: 1) The head of state becomes the head of government (executive); 2) The government is not responsible to Parliament (DPR) because Parliament and the government are equal; 3) Ministers are appointed and responsible to the President; 4) The executive and legislative are equally strong. The implementation of the 2019 Election is the largest election and is an advancement for the democratic journey of the Indonesian nation. Where the election of the President and Vice President, DPR, DPD, and DPRD Province, Regency/City are held simultaneously (Wijaya, 2021).

The expected implication of the implementation of simultaneous elections is the efficiency of election implementation, which can reduce state spending on elections. The KPU is a national, permanent, and independent election-organizing institution tasked with implementing elections. The KPU has a hierarchical structure; namely, the KPU is domiciled in the Capital City of the Republic of Indonesia, the Provincial KPU is domiciled in the Provincial Capital, and the Regency/City KPU is domiciled in the Capital City of the Regency/City (Mawardi, 2022).

The establishment of the KPU is based on the attribution authority contained in Article 22E of the 1945 Constitution, which is further regulated in Law Number 7 of 2017. In Article 6 of Law Number 7 of 2017, it is stated again that the KPU consists of: a. KPU; b. Provincial KPU; c. Regency/City KPU; d. PPK; e. PPS; f. PPLN; g. KPPS; and h. KPPSLN. Referring to Article 6, the PPK, PPS, PPLN, KPPS, and KPPSLN are election organizers of an ad hoc nature formed by the Regency/City KPU to organize elections at the lower level in one election period with appointment through a decision issued by the Regency/City KPU, containing elements of authority and term of authority. If further explained, the Regency/City KPU forms the PPK, the PPK forms the PPS, and the PPS forms the KPPS (Sumanto & Ngjilu, 2020).

The 2019 Election was held in 810,329 polling stations, involving 81% public participation; this was a democratic success. However, it is regrettable that this 5-year event is not an event filled with joy but brings deep sorrow to the country. This democratic party that has been carried out is like a natural disaster for the nation; it is recorded that 1027 people have become victims, namely, 883 people are sick, and 144 people have died (Sitepu, 2019). The implementation of the 2019 simultaneous elections has given a heavy workload to election organizers. This heavy workload has caused many victims to fall. This shows that the KPU does not provide occupational safety and health guarantees for its workers. The wages given are not comparable to the workload carried out. This is not a trivial matter that is then resolved by giving the hero of democracy badges and supplies to families. For the author, the KPU must fulfill its obligations as an employer to election organizers (Sofia, 2019).

According to the election law expert from the University of Indonesia, Titi Anggraini, the workload of the ad hoc election organizers/officers, starting from the Voting Organizer Group (KPPS), TPS supervisors, PPS at the village level, and PPK at the sub-district level are still too heavy. This situation is suspected to be the cause of at least 84 election officers passing away since voting day, based on data from the KPU and Bawaslu until February 18, 2024. Based on the British Broadcasting Corporation BBC Indonesia's investigation, the death of election officers is estimated to have reached 100 people. Election activists have proposed that the design of the simultaneous election be changed so that the workload of election officers can be further reduced, namely by dividing it into national and local simultaneous polls. So that the election is in the spotlight of various parties (Kliwantoro, 2022).

Amid political turmoil and public demands for transparency and integrity in the election process, the 2024 election has given rise to an urgent need to strengthen the position of ad hoc organizers. In a changing political landscape, ad hoc organizers have a crucial role to play in ensuring that elections are fair, free from harmful political interference, and in accordance with fundamental democratic principles. The biggest problem is their vulnerability to corrupting political influence. In a changing political battlefield, ad hoc organizers are easy targets for conflicting interests. Despite their determination to run elections with neutrality and integrity, intense political pressures often threaten their balance. They struggle to maintain their autonomy and independence, sometimes at the risk of intimidation or harassment from interested parties (Sucahyo, 2020).

Strengthening the position of ad hoc organizers requires bold and planned steps. First of all, strong laws or regulations are needed to provide a clear framework and improve their independence. This includes guarantees of freedom from political influence and legal protection against attempts at intimidation or pressure from interested parties. In addition, ad hoc organizers must be supported with adequate resources, be it in the form of sufficient budget, trained personnel, or the necessary technological infrastructure. This will allow them to carry out their duties effectively and efficiently without relying on external parties who may have political motives (Aulia, 2024).

Based on the description above, there are two issues. First, the position of the election organizers is ad hoc. The formation of PPK, PPS, and KPPS is done through a decision. Does the existing decision give rise to rights and obligations for the two election organizing institutions? What about the delegated authority given, then related to the power of the existing decision in providing legal certainty? Second, the obstacles faced by Ad Hoc organizers in the implementation of the General Election.

## METHOD

This study uses a qualitative research method with an empirical normative approach to analyze the role of Ad Hoc organizers in the implementation of the General Election in Luwu Regency. The empirical normative approach was chosen because this study not only examines the legal provisions governing the role of Ad Hoc bodies in elections but also examines the implementation of these rules in practice in the field. This approach allows researchers to analyze how legal

norms are applied and interpreted by implementers at the regional level while identifying legal and technical obstacles faced in the election implementation process (Soekanto & Mamudji, 2020).

The location of the study was determined purposively, namely in Luwu Regency, as an area that is the scope of election implementation by Ad Hoc organizing bodies. Primary data in this study were obtained through direct interviews with informants who are relevant to the topic, such as members of the District Election Committee (PPK), Voting Committee (PPS), and Voting Organizer Group (KPPS). This interview technique aims to gain a contextual understanding of the challenges, roles, and dynamics faced by Ad Hoc organizers in the general election process (Creswell & Creswell, 2018).

In addition to primary data, this study also relies on secondary data sourced from literature studies. The secondary data includes laws and regulations, books, scientific articles, official documents, and other relevant literature sources. The use of a combination of primary and secondary data is expected to provide a comprehensive picture of legal issues, technical practices, and conceptual solutions in strengthening the role of Ad Hoc bodies in the electoral system in Indonesia, especially in Luwu Regency (Jacobs, 2024).

## RESULTS AND DISCUSSION

Law Number 7 of 2017 concerning General Elections is an instrument that regulates general elections as a manifestation of a democratic and integrity-based state system to ensure consistency and legal certainty as well as practical and efficient general elections as a means of implementing people's sovereignty, which is carried out directly, generally, freely, secretly, honestly, and fairly in the unitary state of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The implementation of elections is closely related to the election organizers, who are national, permanent, and independent institutions, namely the General Election Commission, as referred to in Article 22 E paragraph (5) of the 1945 Constitution.

The Election Organizers, in this case, the General Election Commission, have a central and strategic role to directly contribute to the journey of national and state life in the state system every five years to hold general elections, which are a manifestation of the people's sovereignty process as an important thing to determine the principles of legality, legitimacy, and credibility for a government supported by all the people, and the process is carried out according to measurable stages.

Law No. 7 of 2017 concerning General Elections was born in the framework of regulating the implementation of elections, one of the objectives of which is to realize fair and integrity-based elections which are directly implemented by the General Election Commission consisting of the KPU, Provincial KPU, Regency/City KPU, PPK, PPS, PPLN, KPPS, KPPSLN as referred to in Article (6) of Law No. 7 of 2019 where each hierarchically has a role related to the duties, authorities, and obligations that will direct its responsibilities as an independent and independent institution which is explicitly stated in Articles (12) to (20) and Articles (51) to (70), and in organizing elections the KPU is free from the influence of any party related to the implementation of its duties and authorities. The Voting Organizing Group, as part of the components of the general

election organizers in the lowest hierarchy, has a very vital and important role because they are the ones who carry out the technical stages and are directly related to and serve the interests of the community who have constitutional rights to channel political aspirations and vote at TPS, and other parties who have a direct interest in the implementation of the Election as a national event. Therefore, the KPPS, as an ad hoc election organizing body, is the spearhead that will determine the success and success of the Election and provide guarantees that will raise the quality of democracy and provide strong legitimacy to determine the continuity of government in a particular cycle as part of our constitutional system for the journey of national and state life.

The 2024 Election normatively regulates the duties, authorities, and obligations of the KPPS; KPPSN is regulated in Articles 68-70 and, at the technical level of implementation and operations, are regulated in PKPU No. 3 of 2019 as amended in PKPU Number 9 of 2019 concerning Voting and Counting. The main task of the KPPS is to carry out the Voting and Voting Counting, which, of course, begins with various other preparations to support the activities of the stages referred to above, both pre-implementation and post-implementation, starting from the announcement and delivery of notifications to the public who have the right to vote and the requirements according to other provisions, preparation of TPS as a means for voting and vote counting activities, preparing equipment, organizing voting by voters, carrying out vote counting, recording the acquisition of votes through the prepared forms, announcing the results of the vote counting and other activities related to the implementation of voting and vote counting at the Polling Station. The task of the KPPS is to carry out the technical stages of the Election so that everything is measurable within a limited time; therefore, with so many items that must be implemented, holistic abilities and understanding are needed related to all technical activities that must be carried out at the TPS, accompanied by professionalism and integrity as well as excellent mental and physical abilities, to carry out the duties and authorities regulated by regulations through the stages of the Election.

KPPS, as the vanguard in organizing general elections, both presidential and vice presidential elections and legislative and regional representative council elections, are required to complete all such complex tasks through the authority they have and a series of inherent obligations, and are constantly faced with and cannot escape from pressure or intimidation from various parties, both individuals and groups based on subjective backgrounds and arguments with the aim of influencing the process and stages for the purpose of benefiting and unilateral interests.

This is a challenge for KPPS to be able to resolve problems and issues, be free from pressure or intimidation, and face them with a professional attitude and integrity so that they are not easily shaken and influenced and continue to maintain an independent attitude, maintain and have a commitment that the tasks carried out are a mandate for the national interest.

Based on the results of the interview I conducted with the Commissioner of the Luwu Regency KPU on behalf of Syamsul Rijar, SE said that, Indeed, in the political constellation in the general election, pressure and intimidation will be faced by the KPPS because they are faced with contestants for both the presidential election and the legislative election who are

definitely competing to get support to get significant votes, and in reality, election activities are still faced with an unhealthy level of competition from election participants, with all kinds of ways to get a victory, both positive and negative, including efforts to intervene negatively by influencing and intimidating election organizers, including the KPPS which is always in a very vulnerable position which will directly affect its performance as an election organizer. The role of the ad hoc KPPS organizer, as a component of the election organizer, is very strategic because it is one of the factors determining the success of the implementation of the election, determining the quality and progress of democracy, which is getting better and will strengthen the state system according to the constitution in the journey of the life of the nation and state as an effort to build a stronger country, providing welfare and prosperity for its people.

### Recapitulation of Election Results

The task of Ad Hoc Institutions in the context of elections is a critical task, especially in ensuring that the election process runs transparently, fairly, and accountably. Specifically, the task of Ad Hoc Institutions to report the results of the recapitulation of election results involves several crucial steps, namely:

1. Implementation of Recapitulation, Ad Hoc Institutions, such as the Election Committee, PPK (Sub-district Election Committee), or KPU (General Election Commission) at a higher level, are responsible for collecting and processing election results data from each TPS (Polling Station). After the vote count at each TPS is complete, they conduct a recapitulation to ensure that all votes are counted correctly and there is no manipulation or error.
2. Preparation of the Recapitulation Report: After the recapitulation process is complete, the Ad Hoc Institution then prepares a recapitulation report containing the final results of the election, both the number of votes received by each candidate and the number of valid and invalid votes. This report usually includes:
  - a. Total number of votes cast;
  - b. Comparison of valid and invalid votes;
  - c. Percentage of votes for each candidate;
  - d. Final results of the calculation at the district/city, provincial, and national levels (depending on the type of election).
3. Data Verification and Validation: Ad hoc Institutions are also tasked with ensuring that the data received from each TPS has been verified correctly and that there are no errors. This includes checking the completeness of documents, the validity of signatures, and the correctness of the vote count.
4. Publication and Socialization of Results: After the recapitulation report is completed and validated, the Adhoc Institution will publish the results transparently to the public. This is done to avoid doubt and ensure that the election results are acceptable to the public.
5. Handling Disputes or Discrepancies: If there are discrepancies or disputes related to the election recapitulation results, the Adhoc Institution has a role in facilitating the resolution of the problem. Usually, if fraud or violations are found, the ad hoc institution will work with the authorities to ensure that the legal process runs according to applicable provisions.

6. Reporting to Authorities: The recapitulation report of the election results is also submitted to the authorities, such as the central KPU or Bawaslu, to ensure that the election results are in accordance with existing regulations and are ready to be officially announced.

### Obstacles faced by Ad-Hoc organizers in implementing the General Election.

#### 1. Limited Authority.

Institutions or committees are formed to carry out special tasks in the general election process (elections), which are usually temporary and have limited authority. The arrangement is carried out according to the needs of the ongoing election, whether for legislative elections, presidential elections, or regional head elections. This limited authority means that their duties and authorities are limited by a specific scope and time, as well as clear rules. The limited authority of Adhoc election organizers means that they only have limited authority in several matters, including:

- a. Limited Scope of Duties: Ad hoc institutions only carry out tasks that have been determined by applicable laws or regulations. They do not have more authority than what is assigned to them. For example, they cannot change or add technical provisions of the election or act outside the scope of duties given by the KPU or other election institutions.
- b. Limited Duration of Duty: Ad hoc institutions are temporary, functioning only during the period of holding an election or a particular election, such as until the voting is completed and the results are counted. Once the election is over, these Ad hoc institutions are dissolved, and their authority is no longer valid.
- c. Authority over certain decisions although Adhoc organizers are responsible for organizing the election stages in the field, their authority is limited in terms of larger strategic decisions. For example, they cannot make decisions about changing election results or changing the results of the vote recapitulation without going through legitimate procedures and higher mechanisms, such as the central, provincial and regional General Election Commissions.

Some examples of Ad Hoc Institutions with Limited Authority include;

- a. PPS (Voting Committee): At the village or sub-district level, PPS is formed to ensure the running of the voting. Its authority is limited to administrative and technical tasks, such as distributing ballots, organizing voting, and recording and counting votes at the TPS level.
- b. PPK (Sub-district Election Committee): Tasked with recapitulating the vote count results at the sub-district level and then submitting them to the district/city KPU. PPK also ensures that the election results from various TPS are recorded correctly. Their duties are highly dependent on the instructions given by the KPU, so their authority is limited to these regulations.

### Weak Human Resources.

Based on the interview results, several challenges and obstacles have arisen in efforts to strengthen the human resources of the Ad Hoc Agency in organizing the election in Luwu Regency. The challenges and barriers that occur are at the sub-district level, where there are obstacles in the registration of

prospective members of the Ad Hoc Agency, namely the lack of interest from the community to register as prospective members of the Ad Hoc Agency so that many prospective members of the Ad Hoc Agency do not have previous experience in organizing elections. Sub-districts that experience conditions like this will face significant challenges because more complex assistance and supervision are needed to adapt to the process within the scope of the KPU.

At the recruitment and selection stage, these challenges and obstacles cannot be seen directly. However, after the new members are selected, these challenges and barriers will be visible. Therefore, the Luwu Regency KPU takes a complete approach to assisting and supervising new members. This approach is different from that of members who already have experience working in the KPU environment, where they can be more independent and have more space to carry out their duties. In facing this challenge, the Luwu Regency KPU developed a strategy in the form of special training and provision to support the adaptation of new Ad Hoc Body members. Special training and provision, both in terms of technical and interaction with the community, can help reduce the experience gap between new and experienced members. Thus, strengthening human resources in the Ad Hoc Body will be more effective and have a positive impact on the smooth implementation of the Election in Luwu Regency.

#### Budget Constraints

Ad hoc institutions that organize elections, such as the Voting Committee (PPS), the District Election Committee (PPK), and other institutions formed specifically for elections, often face various obstacles in carrying out their duties. One of the main obstacles is budget constraints. This limitation can affect the effectiveness and smoothness of the implementation of elections at various levels, from TPS to the provincial or national level. The following is a review of how budget constraints can affect ad hoc institutions' implementation of elections. In addition to limitations in the technical financing of organizing general elections, there is also something that is very influential, namely the honorarium for election organizers, as we can see from the list of honorariums below. Honorarium for the Voting Committee (PPS) in the 2024 Election/Regional Election:

1. Honorarium for the PPS chairman in the 2024 Pilkada is IDR 1,500,000 per month.
2. Honorarium for PPS members in the 2024 Pilkada is IDR 1,300,000 per month.
3. Honorarium for the PPS secretary in the 2024 Pilkada is IDR 1,150,000 per month.
4. Honorarium for PPK administrative and technical staff/implementers in the 2024 Pilkada is IDR 1,050,000 per month.

Some of the impacts of the implementation of the General Election that occur if the budget is limited to the Ad Hoc institution organizing the election, based on the results of an interview with Mrs. Arsinah, SE. on Monday, September 3, 2024, in the Legal and Human Resources section, said that: "A limited budget can have a significant impact on the implementation of the General Election (Pemilu), especially on ad-hoc institutions organizing the election such as the Voting Organizer Group (KPPS), the Voting Committee (PPS), and the District Election Committee (PPK)". From the results of the

interview, the author analyzed that there would be several impacts that would arise, including:

- a. **Inadequate Training:** Limited budgets may limit the ability to provide adequate training to ad-hoc organizers. Without sufficient training, organizers may not fully understand proper election procedures, which could lead to technical and administrative errors.
- b. **Limited Recruitment:** An insufficient number of ad-hoc organizers can affect the smooth operation of the field, considering that each TPS requires several officers to carry out their duties.
- c. **Delays in Distribution of Election Equipment,** If the budget is limited, the distribution of election equipment such as ballot boxes, ballot papers, and other forms can be disrupted, especially in remote areas. This delay can disturb the voting process, which must take place on time.
- d. **Limited Infrastructure,** If the budget is insufficient, organizers may have difficulty in providing adequate infrastructure, such as a secretariat and polling stations (TPS) that are decent and comfortable for voters. This can create inconvenience for voters, especially in areas with high density.
- e. **Lack of Incentives for Officers,** Many ad-hoc officers work with an honorarium system. If the budget is limited, the incentives and honorariums received by officers may be inadequate, which can affect their work enthusiasm and even cause absence or resignation from officers.
- f. **Hampered Information Distribution,** Socialization through the media or public campaigns that use a limited budget may not be effective in reaching all levels of society, especially in more remote areas.

#### CONCLUSION

Based on the research results, the Ad Hoc organizing body has a very strategic and decisive role in ensuring the smooth running and credibility of the implementation of the General Election in Luwu Regency. The existence of Ad Hoc bodies such as PPK, PPS, and KPPS are the spearheads that deal directly with the voting and vote-counting process, so their position is very vulnerable to intervention or intimidation that has the potential to affect the integrity of the election. However, the regulation regarding the position and authority of the Ad Hoc body in Law Number 7 of 2017 concerning General Elections has not been regulated firmly and explicitly, resulting in a vacuum of norms that have an impact on weak legal protection for them in the field. In addition, budget limitations are also a major inhibiting factor, which affects the quality of organizer training, logistical readiness, and the integrity of the voting and vote-counting process. Therefore, a revision of the election regulations is essential to clarify the legal construction, strengthen the authority of the Ad Hoc body, and, at the same time, add provisions for sanctions for parties who intervene or intimidate. In addition, strengthening the budget is an essential requirement for the implementation of the election to run effectively, professionally, transparently, and accountably.

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