

THE ROLE OF THE KOLAKA REGENCY ELECTION SUPERVISORY AGENCY IN PREVENTING MONEY POLITICS IN THE 2024 ELECTION

PERAN BADAN PENGAWAS PEMILU KABUPATEN KOLAKA DALAM PENCEGAHAN MONEY POLITIC PADA PEMILU 2024

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ABSTRACT

This study aims to analyze the effectiveness of the role of the Kolaka Regency Election Supervisory Agency (Bawaslu) in preventing the practice of money politics in the 2024 election and identify its inhibiting factors. This study uses a juridical-empirical method with a descriptive qualitative approach. Primary data was obtained through direct interviews with members of the Kolaka Regency Bawaslu, while secondary data came from official documents, laws and regulations, and related literature. The results of the study show that although Bawaslu has carried out its supervisory duties, challenges such as limited human resources, low legal awareness of the community, and obstacles in proving the practice of money politics are significant obstacles in prevention. This study provides recommendations to increase the capacity of Bawaslu and strengthen the role of the community in reporting violations.

Keywords : Bawaslu, Money Politics, Election, Prevention.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis efektivitas peran Badan Pengawas Pemilu (Bawaslu) Kabupaten Kolaka dalam mencegah praktik politik uang pada Pemilu 2024 serta mengidentifikasi faktor-faktor penghambatnya. Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan kualitatif deskriptif. Data primer diperoleh melalui wawancara langsung dengan anggota Bawaslu Kabupaten Kolaka, sedangkan data sekunder berasal dari dokumen resmi, peraturan

perundang-undangan, dan literatur terkait. Hasil penelitian menunjukkan bahwa meskipun Bawaslu telah menjalankan tugas pengawasan, tantangan seperti keterbatasan sumber daya manusia, rendahnya kesadaran hukum masyarakat, dan kendala pembuktian praktik politik uang menjadi hambatan signifikan dalam pencegahan. Penelitian ini memberikan rekomendasi untuk meningkatkan kapasitas Bawaslu serta memperkuat peran masyarakat dalam pelaporan pelanggaran.

Kata Kunci : Bawaslu, Politik Uang, Pemilu, Pencegahan.

I. INTRODUCTION

Pancasila is the main legal basis in Indonesia which serves as a guideline in all aspects of legal regulation. The fourth precept gives recognition to the principle of democracy which is translated in the sense that power or sovereignty is in the hands of the people, as affirmed in Article 1 paragraph (2) of the 1945 Constitution. Thus, the people have a major role in determining the direction of constitutional life.¹

It has become a general agreement that the formal mechanism for realizing people's sovereignty is through general elections which are carried out directly and freely in free elections. General Elections are the process of electing individuals to occupy certain political positions or positions.² General elections can be interpreted as a means of people's sovereignty to elect members of the House of Representatives, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional House of Representatives, which are carried out directly, publicly, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia in 1945. General elections are an important instrument in democracy that adheres to a representative system, to realize the sovereignty of the people by forming a legitimate government and as a means of articulating the aspirations and interests of the people.³

General elections are the main mechanism in realizing people's sovereignty. Elections function as a means for people to elect their representatives in government directly, publicly, freely, secretly, honestly, and fairly.⁴ As an instrument of democracy, elections are also a way to form a legitimate government and channel the political aspirations of the people. However, in practice, elections are inseparable from various challenges, one of which is money politics. Money politics is the act of influencing voters in exchange for material benefits for certain political

¹ Syafa'at Anugrah, et al. (2018). Pendidikan Pancasila. Parepare: Sampan Institute, hlm. 113.

² Faljurrahman Jurdji. (2018). Pengantar Hukum Pemilihan Umum. Jakarta: Kencana, hlm. 1.

³ Moh. Mahfud MD. (2009). Politik Hukum Di Indonesia. Jakarta: Rajawali Press, hlm. 60.

⁴ Fakhruzy, A. (2020). Mendobrak Kedaulatan Rakyat dalam Sandera Partai Politik. Jurnal Politikom Indonesiana, 5(1), 25-36.

interests. This undermines the essence of democracy because it replaces qualified leaders with those who have the financial power to win elections.

Law Number 7 of 2017 concerning Elections gives authority to the Election Supervisory Agency (Bawaslu) as one of the election organizing institutions other than the KPU and DKPP to supervise the implementation of elections and prevent violations, including money politics. Bawaslu is tasked with compiling supervision standards, preventing and prosecuting election violations, and handling election process disputes. Bawaslu is also responsible for supervising the stages of the election, starting from updating voter data, determining electoral regions, candidacy, to campaigns and vote counting. In addition, Bawaslu is authorized to receive and follow up on reports of alleged election violations, including money politics, through mediation or adjudication mechanisms.⁵

Despite having broad authority, the effectiveness of Bawaslu in preventing money politics still faces various obstacles. Some of the factors that cause weak supervision according to research by Azry Yusuf, et al. include the culture of transactional politics in society, limited human resources in Bawaslu, and regulations that still make it difficult to take action against money politicians.⁶ In addition, several comparative studies show that the phenomenon of money politics does not only occur in Indonesia, but also in other democracies such as Singapore. Election watchdogs in Singapore are implementing a preventive approach that emphasizes voter education, transparency of campaign funds, and criminalization of vote-buying practices.⁷ It is different in Indonesia, especially in areas such as Kolaka which still face challenges in the form of low legal awareness of the community and weak law enforcement. Therefore, this study not only makes an empirical contribution to the role of Bawaslu Kolaka, but also enriches a comparative perspective in election supervision in developing countries

Initial observations of the 2024 election in Kolaka Regency show that there are no reports related to alleged money politics. However, in the 2018 Regional Elections, there were eight reports of alleged money politics that were not followed up due to a lack of evidence or the non-fulfillment of elements of violations. This raises the question of whether the absence of money politics reports in the 2024 election really reflects a clean election.

Based on these conditions, further research on the effectiveness of Bawaslu's role in preventing the practice of money politics is very important. An evaluation of election supervision is needed to ensure that

⁵ Maulana, A., et al. (2024). Peran Bawaslu Dalam Pengawasan Dan Penindakan Pelanggaran Administrasi Pemilu Melalui Media Sosial: Analisis Yuridis Normatif Di Kabupaten Pinrang. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 4(1), 176-189.

⁶ Yusuf, A., et al. (2024). Politik Uang Dalam Pemilu Dan Pemilihan. *Indonesian Journal of Legality of Law*, 7(1), 104-108.

⁷ Kurniawan, M. J. (2023). Komparasi Sistem Pendanaan Partai Politik Di Indonesia Dan Singapura. *Jurnal Locus Penelitian dan Pengabdian*, 2(12), 1116-1168.

elections take place in accordance with democratic principles and are free from fraudulent practices that can undermine the integrity of elections.

II. METHOD

Research Method is a way or effort to do something by using the mind carefully to achieve a goal by searching, writing, composing, formulating, and analyzing until compiling a report.⁸ This study uses a juridical-empirical method with a descriptive qualitative approach. Juridical-empirical research is legal research on the direct enactment or implementation of normative legal provisions in every particular legal event that occurs in society.⁹ Primary data was obtained through direct interviews with members of the Kolaka Regency Bawaslu, while secondary data was collected from official documents, laws and regulations, and related literature. Data analysis was carried out with a qualitative descriptive approach to describe the phenomenon of money politics and the effectiveness of Bawaslu's role in prevention.

III. ANALYSIS AND DISCUSSION

a. The Role of the Kolaka Regency Bawaslu in Preventing Money Politics in the 2024 Election

Bawaslu as an election organization that has the task of supervising the implementation of elections or regional head elections.¹⁰ The duties of the Regency/City General Election Supervisory Agency (Bawaslu) are regulated in detail in Law Number 7 of 2017 concerning General Elections. Bawaslu is responsible for preventing and prosecuting election violations and election process disputes at the district/city level. In this case, Bawaslu is tasked with identifying, monitoring, and following up on every form of violation that occurs during the implementation of elections, such as administrative violations, ethical violations, and election crimes. In addition, Bawaslu also handles disputes over the election process, namely problems that arise between election participants related to the stages and implementation of elections.¹¹

The Election Supervisory Agency (Bawaslu) at the district/city level has an important role in resolving disputes over the election process in their areas. First, Bawaslu received applications from parties who felt disadvantaged in the election process. After receiving the application, Bawaslu conducts formal and material verification to ensure the completeness and validity of the documents as well as the substance of the problem. Furthermore, Bawaslu mediates between the parties to the dispute with the aim of reaching a peace agreement without the need to proceed to a further stage. However, if mediation is unsuccessful,

⁸ Cholid Narbuko & Abu Achmadi. (2003). *Metodologi Penelitian*. Jakarta: Bumi Aksara, hlm. 1.

⁹ Mukti Fajar ND, & Yulianto Achmad. (2010). *Dualisme Penelitian Hukum Normatif dan Hukum Empiris*. Yogyakarta: Pustaka Pelajar, hlm. 34.

¹⁰ Gunawan Suswanto. (2016). Mengenal Penegak Demokrasi. Jakarta: Erlangga, hlm. 23.

¹¹ Saputra, A. E. (2024). Peran Badan Pengawas Pemilu Dalam Menjaga Keadilan Dan Transparansi: Tinjauan Hukum Administrasi: The Role Of The Election Supervisory Agency In Maintaining Fairness And Transparency: A Review Of Administrative Law.

Bawaslu will continue with the adjudication process, namely dispute resolution through a hearing that results in an official decision. In the end, the district/city Bawaslu is authorized to decide the dispute and give a final decision regarding the problems that occur.¹²

Money politics is an effort to influence the actions of other people's behavior using certain rewards.¹³ The meaning of money politics is the act of buying and selling votes in the political process and power. These actions take place in a wide range, from the election of village heads to the general elections of a country.¹⁴ Those included in the forms of Money Politics are cash or public facilities.¹⁵

According to Mr. Jakson, S.Hut. as the Commissioner of the Kolaka Bawaslu Coordination for Handling Violations and Dispute Resolution, the Kolaka Regency Bawaslu in carrying out its role as a supervisory institution for the conduct of elections in the 2024 simultaneous elections is running quite optimally, but I myself as a commissioner feel that it is not optimal, because it can be seen from the money politc vulnerability index and campaign violations are still moderately vulnerable which is above 50% and where under his supervision the Bawaslu has collaborating with Panwascam, the police, the TNI, Linmas to the community, and spreading supervision from socialization to patrols to all areas that may be in the safe category to prone to violations, the lack of optimal supervision in Bawaslu itself where there are still many regions that do not know the policies in elections, especially remote areas, and low knowledge, maybe this is our focus from Bawaslu in the upcoming elections more actively entering remote areas.

Furthermore, Mr. Jakson, S.Hut as the commissioner of the Violation Handling and Dispute Resolution division revealed in detail that there are at least 4 concrete roles carried out by the Kolaka Bawaslu in carrying out its role to prevent the practice of political money, including:

1. Socialization to the Community

Socialization to the community is a very important first step in efforts to prevent money politics.¹⁶ Bawaslu Kolaka actively organizes socialization activities at various levels of society, ranging from the village level to youth and local communities. Mr. Jakson emphasized that this socialization is not only aimed at providing information about the dangers of money politics but also to build a collective awareness of the importance of clean elections. At every opportunity, the public is given the understanding that money politics not only

¹² Cahyadi, R., & Hermawan, D. (2019). Strategi Sosial Pencegahan Politik Uang di Indonesia. *Jurnal Antikorupsi Integritas KPK RI*, 5(1), 29-41."

¹³ Amal, I. (2022). Fenomena dan faktor penyebab masifnya praktik politik uang pada pemilu di provinsi banten. *Madani Jurnal Politik dan Sosial Kemasyarakatan*, 14(03), 592-606.

¹⁴ Thahjo Kumolo. (2015). *Politik Hukum Pilkada Serentak*. Bandung: PT Mizan Publiko, hlm. 155.

¹⁵ Ahmad Khoirul Umam. (2006). *Kiai dan Budaya Korupsi di Indonesia*. Semarang: Rasail, hlm. 24

¹⁶ Pahlevi, M. E. T., & Amrurobbi, A. A. (2020). Pendidikan Politik dalam Pencegahan Politik Uang Melalui Gerakan Masyarakat Desa. *Integritas: Jurnal Antikorupsi*, 6(1), 141-152.

damages the quality of elections, but also has implications for the election of incompetent and irresponsible leaders. In addition, Bawaslu also encourages the public to actively report if they see the practice of money politics around them.

2. Ad Hoc Supervisory Capacity Building

Bawaslu Kolaka is also very serious in increasing the capacity of Ad Hoc supervisors, such as Panwascam, PPD, and PPL, who are the spearhead of supervision in the field. Mr. Jakson explained that Ad Hoc supervisors are at the forefront of detecting and handling money politics violations. Therefore, Bawaslu routinely holds training to strengthen supervisors' understanding and skills in identifying indications of money politics, collecting evidence, and understanding related regulations. This training also includes simulations of supervision and case handling in the field so that supervisors are better prepared to face various real-world scenarios that may occur during the election period. With a better capacity, it is hoped that Ad Hoc supervisors can play an effective role in preventing money politics and providing appropriate sanctions against violations.

3. Participatory Supervision

Bawaslu Kolaka implements a participatory supervision strategy by directly involving the community in the election supervision process. Mr. Jakson explained that participatory supervision is carried out by inviting various elements of society, such as religious leaders, traditional leaders, youth, and civil society organizations, to participate in monitoring the course of the elections. This approach aims to expand the scope of supervision, considering the limited number of Bawaslu personnel in the field. The public is given the understanding that their role in reporting and monitoring potential violations, including money politics, is very important in maintaining the integrity of elections. In addition, Bawaslu also opens a reporting channel that is easily accessible to the public to make it easier for them to convey information related to violations.

4. Inter-Agency Cooperation

Cooperation with various institutions, both law enforcement and community organizations, is one of the strategic steps taken by the Kolaka Bawaslu in preventing and cracking down on the practice of money politics. Mr. Jakson emphasized that Bawaslu cannot work alone in dealing with this issue, so synergy with other institutions such as the police, prosecutor's office, and non-governmental organizations (NGOs) is needed. This collaboration is important to ensure that any violations found can be acted upon quickly and appropriately, especially in terms of law enforcement. The police play a role in the investigation process and arrest the perpetrators, while the prosecutor's office is tasked with processing money politics cases to the court. Thus, this cooperation creates a strong and integrated coordination flow in dealing with money politics violations.

Based on the results of the interview above, it can be concluded that efforts to prevent money politics require a comprehensive and collaborative approach. Socialization to the public is key in building

awareness of the dangers of money politics, while increasing the capacity of Ad Hoc supervisors ensures their readiness to detect and take action on violations in the field. Participatory supervision involving the community also strengthens supervision, considering the limitations of Bawaslu personnel. In addition, cooperation between agencies, including with the police, prosecutors, and NGOs, is essential to ensure that any money politics case is handled quickly and thoroughly. Through good synergy between various parties, it is hoped that the practice of money politics can be suppressed, so that elections can run more cleanly, fairly, and with dignity.

b. Factors Inhibiting the Kolaka Regency Bawaslu in Preventing Money Politicks in the 20224 Election

The General Election Supervisory Agency (Bawaslu) is the body responsible for supervising the election process. Bawaslu plays an important role in the orderly and smooth election.¹⁷ Bawaslu was formed to ensure election integrity by preventing, detecting, and cracking down on potential election fraud. Bawaslu plays an important role in ensuring that the election process takes place fairly, fairly, and free from interference and abuse.¹⁸

The holding of general elections in Indonesia, including in Kolaka Regency, plays a crucial role in maintaining the principles of democracy and governance based on the will of the people. The majority system of government with elections as its main instrument is the basis for determining the leaders and representatives of the people. In this context, Bawaslu as the General Election Supervisory Agency has an important task to ensure that the election runs in accordance with democratic principles and applicable regulations.¹⁹

However, in carrying out the duties of Bawaslu, there are several weaknesses/obstacles in the implementation of the 2024 General Election, especially related to the prevention of money political practices. In this study, the author found that the main obstacle to law enforcement of money politics practices lies in the weak regulations governing money politics itself, both those regulated in the Election Law and the Election Law. The following author describes the weaknesses of the regulations that regulate money politics.

1. Money Politics Handling Time Limit

The handling of *money politics crimes* starts from the reporting process, which can report violations of money politics crimes at the lowest level, namely the District Supervisory Committee (Panwascam), to the City Regency Bawaslu or above the level. Reporting of criminal acts should be opened and carried out by anyone, anytime, and anywhere, where there are election criminal

¹⁷ Rusmana, I. P. E. (2024). Kewenangan Antara Bawaslu Dan Aparat Penegak Hukum Dalam Penanganan Tindak Pidana Pemilu. *Jurnal Rechtens*, 13(2), 261-284.

¹⁸ Adrian Rivalni. *Peran Badan Pengawas Pemilu (Bawaslu) Kota Bengkulu Dalam Menjamin Integritas Pemilihan Umum*. *Jurnal Ilmu Hukum*, 1(1), 2-3.

¹⁹ Andi Mulyadi. Evaluasi Kinerja Bawaslu Dalam Menangani Pelanggaran Pada Pemilu 2019 Di Kota Sukabumi. *Jurnal Hukum*, 6(1), 122-123.

violations, they are not limited to certain people. The reporting period to the election supervisor is a maximum of 7 days from the discovery of election criminal violations. The time limit from reporting to the district court decision which is only limited to approximately 30 working days, this results in many reports of alleged money political crimes that are difficult for election supervisors to follow up on because the deadline has been exceeded, in addition to the lack of understanding related to evidence from election supervisors. Limited time also occurred at the investigation stage at the Gakumdu Center (Integrated Law Enforcement) and evidence at trial.

2. Subject Restrictions for Money Politics Actors

The regulation of money politics in the election law at each stage is different, both related to the subject and the criminal provisions. The subject of money politics actors at the campaign stage is aimed at the implementers, participants, and election campaign teams.²⁰ Meanwhile, during the quiet period of the implementers, participants, and/or the president/vice president's campaign team.²¹ As for the voting stage, the subject of money politics becomes 'everyone' without being limited by the quality or background of money political actors.²² According to the author, the subject of money politics actors is not only limited to "certain subjects" such as campaign implementers, participants, and campaign teams but should apply the element of "everyone" which means it can be anyone, both givers and recipients. This rule allows people to commit money politics crimes as long as they are not part of the campaign team, participant or election implementer. Money politics can be done to anyone during the voting and vote counting period, while during the campaign period as long as the participants, implementers, and campaign teams are not carried out, they cannot be subject to articles and criminal sanctions of money politics, because the subject elements are not met.

In addition to the above factors, empirically the results of the interview with Mr. Jakson S.Hut, as the commissioner of the Bawaslu division of supervision and inter-institutional relations, there are at least 3 things that cause supervision and prevention of money politics to be not optimal in the field, including:

1. The community is not willing to report

One of the main obstacles faced by the Kolaka Bawaslu in preventing money politics is the low willingness of the public to report. This unwillingness is often caused by fear of intimidation or threats from parties involved in money politics. People may be worried about their own safety or their families, especially if money politicians have strong political influence. Another contributing factor is the apathy of the community, where they feel that reporting will not bring about real change, so they choose to let these violations happen without intervention.

²⁰ Pasal 280 ayat (1) huruf j UU No.7 Tahun 2017 Tentang Pemilu

²¹ Pasal 278 ayat (2) UU No.7 Tahun 2017 Tentang Pemilu

²² Pasal 515 UU No.7 Tahun 2017 Tentang Pemilu

2. The Community Reported, But at the Time of Clarification Did Not Come

The second factor that hinders is people who have reported but are not present when called for clarification. This situation slows down investigations and often makes cases difficult to prove further. Fear of reprisals or threats from those involved in *money politics* is one of the main reasons why the public is reluctant to continue their participation in the clarification stage. Many whistleblowers feel safer withdrawing than engaging in legal proceedings that could potentially expose their identities, especially if there is no guarantee of security from the authorities.

3. The evidence is not corroborating

Weak or inadequate evidence is a major challenge in handling money politics cases. Bawaslu often receives reports that are not supported by strong evidence, making it difficult to follow up on the case. The public may not know the type of evidence needed to corroborate their reports, such as video footage, photos, or transaction documents. This ignorance makes them only provide information that is less in-depth or irrelevant to the criteria of legal evidence required in the investigation process.

Based on the factors that hinder Bawaslu Kolaka in the implementation of its role in preventing the practice of *money politics* above, it can be concluded that the implementation of the role of Bawaslu Kolaka in preventing *money politics* in elections still faces major challenges that hinder the effectiveness of supervision. One of the main obstacles is the low participation of the public in reporting on *money politics* practices, caused by the fear of social pressure and intimidation, as well as the apathy that arises from the perception that their reporting will not bring about real change. In fact, for people who have already reported, many of them are then absent when called for clarification, often due to concerns about threats or uncertainty of legal protection.

IV. CONCLUSION

The role of the Election Supervisory Agency (Bawaslu) in handling the practice of money politics in elections is regulated in Law No. 7 of 2017 concerning Elections. Based on the law, Bawaslu functions as a supervisor of the implementation of the election to ensure that the election process takes place honestly and fairly. In the context of money politics, Bawaslu has the authority to prevent, supervise, and take action against violations that involve giving or receiving money or other materials to influence voters' choices. Bawaslu can provide recommendations for administrative sanctions or report suspected money politics crimes to the authorities for further processing, such as the Integrated Law Enforcement Center (Gakkumdu), which involves the police and prosecutor's office to take action against violations in accordance with applicable law. Meanwhile, the factors that hinder Bawaslu in enforcing the practice of *money politics* can be classified into two, namely regulatory factors and factors of the condition of the community itself. Weak regulatory factors can be seen from the rules

limiting the time of handling *money politics* and the restrictions on the subject of actors in *money politics*. Meanwhile, the condition of the community empirically consists of conditions where the community is not willing to report. In addition, even though the public reported, at the time of clarification did not come and the last one was that the evidence did not corroborate.

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