

The Dynamics of Anomaly Voters: Responding to Bawaslu Findings in the 2019 Election in Riau

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Abstract: This study tries to examine the findings of the election supervisory body (Bawaslu) regarding 32,556 anomaly voters ahead of the 2019 general election in Riau. This trend occurs because of the unsynchronization of data from the Regional General Election Commission (KPUD), the Central Statistics Agency (BPS) and the Population and Civil Registration Office (Disdukcapil) of Riau Province. Findings in the form of poor accuracy in determining the voter list by the KPUD of Riau Province have caused dynamics and polemics in the community. By using the concepts of Election theory and Democracy and Community Political Rights with a single case qualitative approach, this study finds that the potential for people whose data is not recorded by the Disdukcapil will not only lose their right to vote in elections but can also lead to potential violations of Human Rights. Therefore, this study tries to provide an early warning about the potential negative consequences of inaccurate voter data.

Keyword: *democracy; election; political participation;*

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INTRODUCTION

The anomaly of voter list data in the general election is still a problem that has not been resolved by the General Elections Commission (KPU). Several studies have shown the problem of the Permanent Voter List (DPT), such as Sari et al. (2019) and Nuryadi (2017). These three studies found the fact that the DPT problems in various regions in Indonesia were caused by the KPU's performance that was not optimal, the implementation of the Luber and Jurdil principles could be realized in the form of validating the Permanent Voters List (Nugraha, 2019), but the DPT anomaly was always a problem in the implementation of elections and became a mistake. one reason for filing a dispute over the results of the general election (Mulyaningsih & Wibisono, 2020).

The research above focuses on the problem of the KPU's performance as an election executive. However, it has not discussed the data source aspect which is an important factor in the many problems with DPT accuracy and its impact on the community (voters). For this reason, this research focuses on the data sources used by the KPU in determining the DPT as well as the potential loss of people's right to vote and will reduce voter participation rates in the General Election (Dedi, 2019). The researcher assumes that the main source of poor DPT accuracy is the quality of the data sources owned by the KPU. As explained by LIPI (Siregar & Ekawati, 2018), that

in terms of updating and credible data will determine the quality of the election and in this position the Government and the KPU are responsible for carrying out the DPT registration process in the General Election (Faiz, 2016).

The main data source in determining the DPT by the KPU to date has relied on population data from the population and civil registration office (disdukcapil). Then this data is synchronized with the last voter DPT. From the results of the synchronization of the two data sources, it is known that a number of voter data are not in accordance with the reality of the field (anomalies). It was found that one voter had two Population Identification Numbers (NIK). On the other hand, two voters have the same NIK. Then there are some voters who have died are still registered as voters.

This anomalous data then becomes a problem for the community because it is threatened not to be able to use their right to vote in elections. Based on data from the Director General of Disdukcapil, Ministry of Home Affairs, it is stated that there are still 31 million voters who have the potential not to be included in the DPT (Pradina & Husodo, 2020). There is a fact that a lot of voters in the 2014 general election who died during the 2019 election. This condition is of course concerning, because on the other hand there are constitutional rights of citizens who are missing, but on the other hand there are constitutional rights of citizens which should no longer exist, but are still used in the 2019 Election (Mahardika, 2019). The view of the Constitutional Court emphasizes that voter registration in the DPT is an administrative procedure that cannot negate matters of a substantial nature, namely the right of citizens to vote as dictated in the Constitutional Court Decision Number 102/PUU-VII/2009 concerning Judicial Review of Law Number 42 of 2008 concerning the General Election of President and Vice President.

This condition also occurred in Riau Province in the 2019 election where there were 32,556 anomalous voter data found by the Election Supervisory Body (Bawaslu). Bawaslu's findings related to this anomalous voter data can worsen public trust in the KPU so that it affects the performance level of the KPU as an election organizer. Therefore, election organizers need to carry out an accurate mechanism in determining the list of voters who will participate in elections in Riau Province, so that the level of political participation is above the national average. The accuracy of determining the voter list greatly affects the participation rate, performance and trust of the Riau KPUD in the eyes of the public. So it is very important to address the findings of 32,556 anomalous voter data by the Riau Province Bawaslu in the 2019 election. The research focuses on early detection of anomalous voter data problems that have an impact on the loss of public voting rights in elections in Riau Province. This research is expected to be a reference for election organizers to evaluate and find solutions to the problem of determining the DPT.

There are two kinds of democracy in the view of political science, namely; normative and empirical understanding. In a normative understanding, democracy is something that a country ideally wants to do or carry out, for example we know the expression "Government of the people, by the people, and for the people" for the realization of a fair government based on the people's choice (Faridhi, 2019). These normative expressions are usually translated into the constitutions of each country. However, we must also note that what is normative may not necessarily be seen in the context of everyday political life in a country. Therefore, it is very necessary to see how the meaning of democracy empirically, namely democracy in its manifestation in practical political life (Gaffar, 2010).

Strong democracy is rooted in the will of the people and aims to achieve the common good or benefit (Thalhah, 2009), because countries choose democracy as a state choice. According to Kelsen (2006), democracy is a continuous process towards perfection. The beginning of the idea of democracy was in the form of the idea of freedom in the human mind. The meaning of "freedom" is considered as something negative, in the form of being free from ties or the absence of all ties, the absence of all obligations, but that contradicts the idea of "freedom" which is analogous to Kelsen (2006) as the principle of self-determination. Democracy is also understood as a system of government that places the people as the sole vote holder through the electoral process. Talking about democracy certainly cannot be separated from politics, because to realize a democratic state requires active political participation from citizens. Political participation is an activity of citizens aimed at influencing government decision-making (Samuel P Huntington in Budiarjo, 2004).

Democracy is an approach towards the ideal of perfect self-determination (Thalhah, 2009), so that citizens' political participation is needed in the process. Political participation also means the participation of ordinary citizens in determining decisions that involve and affect their lives.

Participation as an activity is divided into two, namely active participation is an activity that is oriented to the process of political input and output. Included in the category of active participation are submitting proposals on a general policy, criticizing a policy, paying taxes, and electing a leader or government. Passive participation, namely activities that are oriented towards the output process. Activities included in the passive participation category are obeying the government, accepting and implementing whatever the government decides (Surbakti, 2008).

The embodiment of popular sovereignty is that voters have the right to cast their votes directly in accordance with the will of the heart without intermediaries. General elections have the meaning of carrying out the supervisory function, channelling the overall aspirations of all citizens, without discrimination based on ethnicity, religion, race, class, gender, occupation, and social status (Syaifurrohman & Erowati, 2020; Valentina & Dewi, 2017; Widianingsih, 2017).

The correlation between the implementation of elections and the validity of the Permanent Voter List can be studied through the Luber and Jurdil principles which are an inseparable unit. The implementation of elections that Luber Jurdil is seen as a process of legitimizing the instruments of democracy. The legitimacy in question is the ways in which elections are carried out. While the process of determining the Permanent Voter List can be categorized as one of the ways in holding elections (Izzaty & Nugraha, 2019).

Problems that arise in the determination of the Permanent Voter List include, among others, citizens who have met the requirements as voters but are not registered as voters, citizens who have not/not met the requirements as voters but are registered as voters, citizens who are registered more than one in the voter list, as well as citizens who are not registered as an election but exercise the voting rights of others. To overcome this, a supervisory mechanism has been carried out by the KPU and Bawaslu to support the validity of the Permanent Voter List, besides that Political Parties can also help to check the Permanent Voters List. The Constitutional Court's decision is enforced for citizens who meet the requirements as voters but are not registered in the Permanent Voters List so that the election can run in accordance with the LUBER JURDIL principle in order to achieve democracy (Izzaty & Nugraha, 2019).

In this regard, Surbakti (2008) provides 3 (three) parameters to assess whether a Permanent Voters List (DPT) meets the requirements of a democratic election. These parameters are as follows:

1. The voters' list is comprehensive, that is, all citizens entitled to vote are registered as voters in the Permanent Voters List.
2. The voter list is up-to-date in the sense that the Permanent Voter List has been adapted to the latest developments. Concretely, all citizens who have voted when voting is conducted have been registered as voters in the Permanent Voters List, and all registered voters who have died, changed domicile or become citizens of another country have been excluded from the Permanent Voters List.
3. The voter list is prepared accurately in the sense that the writing of identity and other information about voters is carried out accurately, so that citizens who have not or are not entitled to vote are not included in the Permanent Voter List.

The three indicators above become a reference for election organizers in order to guarantee the political rights of the people to choose leaders. In a democratic framework that places the community as the highest sovereignty, it will be damaged if the determination of the DPT is not accurate. To see how the government's efforts through the Ministry of Home Affairs, Disdukcapil and KPUD Riau in increasing the accuracy of voter data (government efforts), the theoretical approach to democracy, DPT and people's political rights has become an analytical tool in studying in depth related to saving citizens' voting rights in elections (Yandra, 2017) in particular the potential for misuse of DPT as well as carefully examining the empowerment of political rights.

RESEARCH METHOD

This study uses a qualitative method with a case study approach related to the findings of anomalous voter data by Bawaslu Riau. The focus of his research is on the election administration unit itself, namely KPUD and Bawaslu. By using this method, it is possible to describe and discuss research more deeply so that the exploration of research findings as an identification of problems

can be revealed. This approach is useful for social research, especially in electoral cases and can develop theories, evaluate, and develop interventions because of its flexibility and thoroughness (Baxter & Jack, 2008).

The first stage in this research with data collection is to distribute open questions to informants via google form. The total number of informants who answered the interview questions were 27 people, consisting of 13 people from the Provincial and Regency/City KPU institutions and 14 people from the Provincial and Regency/City Bawaslu. The collected data is then analyzed so that a general pattern is found from the results of the research questions. The second stage is to conduct in-depth interviews with the KPU Chair and Riau Bawaslu Chair to explore cases or data findings related to DPT voter anomalies and DPT inaccuracies that have not been answered in the first phase of data. The results of this interview are then analyzed and combined with the first data so that it becomes a comprehensive analysis.

Furthermore, in the process of justification and emphasis on problem points, the researchers also conducted interviews with election observers through election school activities 1 conducted by THEMIS Indonesia and researchers through the media or Zoom Meeting application. The informants were Usman Hamid, Hadar N Gumay, Djayadi Hanan, Heroik Pratama and Zainal Arifin Mochtar. Information from informants is analyzed to be mapped through the concept of elections and human rights.

RESULT AND DISCUSSION

Democracy and Trends in Political Participation in Riau Province 2013-2019

Based on the trend of public political participation in Riau since 2013-2019 in the general election, the average election for governors, presidents, legislators and regional heads is 64.2%. This figure is far from the national participation rate target of 80%. If explored in depth, community political participation is not yet participatory because this figure interprets that political participation still tends to be procedural. Political participation will be an indicator of the quality of democracy, especially in the implementation of elections. The involvement of citizens in voting is a political right that is clearly guaranteed through law if it is ignored it will certainly become a legal problem. The figure 1. is the participation rate of the people of Riau from 2013-2018.

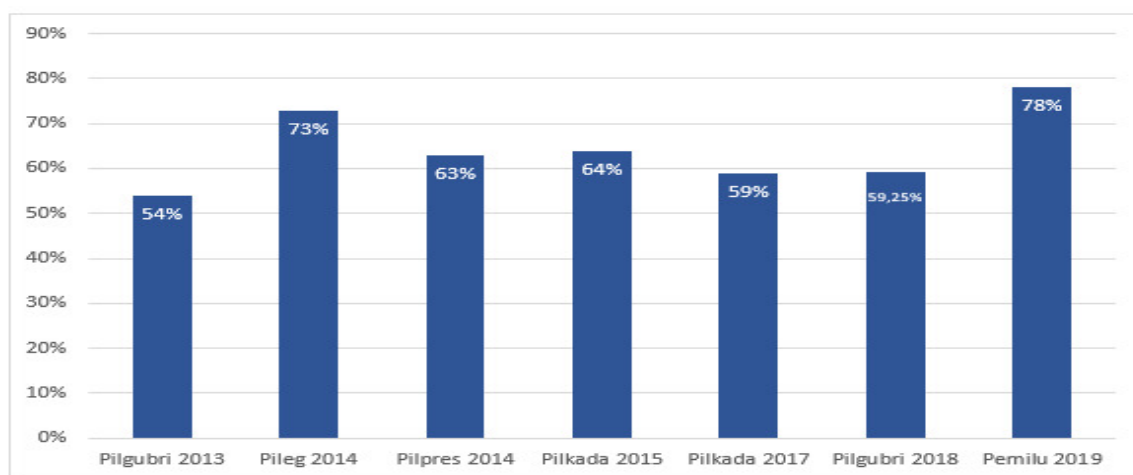


Figure 1. participation rate of the people of Riau from 2013-2018.

Source: KPUD Riau 2019

If you look at the graph above, it can be seen that the political participation of the Riau people is nothing more than political participation at the national level. One of the indications as found in this study is the number of voters who are not registered as DPT, but as regulated in Law No. 7 of 2017 concerning elections, voters who are not registered as DPT can use other identities (KTP or Passport) for elections. , but the reserve ballots only amounted to 2% of the DPT in each polling

station has not answered this. There are still voters who have not been able to cast their ballots because the available ballot papers are not enough, because the level of awareness of voters increases when the legislative election coincides with the presidential election.

Another very substantive problem is also related to population administrative data which does not have a single data base, so it has implications for the active involvement of voters to be able to participate in elections. This reality does not necessarily occur because of the inability of the government and organizers in the context of adequate coordination in the DPT, but the unwillingness to correct the problems of population data which ultimately results in the inaccuracy of the DPT. Even if there are citizens who are not recorded as voters, the consequences will be they will lose their political rights (Yandra, 2017).

This should not happen again in the implementation of elections because it will describe the poor governance of population administration in Indonesia. This issue is a classic problem that from election to election becomes an unresolved issue, even though when it comes to voter data by strengthening the KPU's position in managing full voter data or giving the Ministry of Home Affairs full rights for its management authority, so that the KPU is no longer held hostage by the issue of Voter Data.

Dealing with Anomaly Voter Findings

The Permanent Voter List (DPT) is seen as one of the guarantees of certainty for voters to exercise their political rights in organizing elections. Some of the parameters used to determine the DPT for the implementation of democratic elections, among others, must be comprehensive or citizens who have fulfilled the requirements as voters must be included in the Permanent Voters List, are up-to-date or in accordance with developments (Last DPT and DP4), and are accurate. or the information obtained must be accountable and its validity can be guaranteed (Izzaty & Nugraha, 2019).

Accurate and up-to-date data is a problem faced by the Riau KPUD in determining the DPT. Bawaslu found as many as 32,556 anomalous voter data spread across several regencies/cities. This data was found by Bawaslu after synchronization between population data by the Ministry of Home Affairs and the last DPT of voters in Riau, namely the 2018 Governor Election. following:

- a) More than one person has the exact same element data
- b) More than one person has the same NIK
- c) One person has more than one NIK
- d) Dead people are registered as voters

The anomalous data above are the most common cases found by the KPU against the data obtained from the Disdukcapil. The KPU does not have the authority to delete the duplicate data because it is not the KPU's domain, but the one that has the authority is the Ministry of Home Affairs or its sub-organization, namely Disdukcapil. So the thing that can be done is to conduct field verification directly. The obstacle that occurred during verification was that voters who had duplicate data could not be found by the team. This causes the duplicate data cannot be validated by the KPU. In addition, there are several causes for the occurrence of anomalous voter data as follows:

- a) Inaccuracy of DP4 data submitted by the Ministry of Home Affairs so that data on people who have died are still found on the voter list.
- b) The level of community mobility is quite high and they do not obey the population administration. This causes the latest data not to be updated by disdukcapil
- c) Disdukcapil's negligence occurred in deleting data on residents who had moved, this caused duplicate data to occur
- d) The implementation of coklit is not optimal due to the limited human resources of the coklit officer
- e) The KPU does not have the authority to update population data, so it only relies on population data from the Disdukcapil

KPU's position in accessing population data is passive, even related to population data itself, the KPU does not have access so that DP4 data is voter list data that is only received through the Ministry of Home Affairs. The voter data bank which is continuously updated on the list as has been mandated through Law No. 7 of 2017 concerning elections by the KPU is not used as a comparison from the previous elections. This is certainly related to the inadequate coordination of the Ministry of Home Affairs and the KPU, both at the central and regional levels regarding population data (Ulyanisa & Satrio, 2021).

Apart from the above, the anomaly data that became the findings of Bawaslu were finally resolved by means of field verification by the KPU through PPDP through the Coklit. The results of the verification are then entered into the SIDALIH application to be used as a temporary DPT. It can be seen that the randomness of voter data shows that there is no single well-built data.

In implementing the determination of DPT, participation from several elements is needed, such as implementing agencies (KPU), supervisory agencies (Bawaslu and election participants), supporting institutions (Kemendagri, police, TNI) and the community (individuals and groups). According to Breinkerhoff, one level of participation is to conduct consultations and collaborate on joint activities. Consultation is a two-way exchange of information and views which also includes information dissemination and gathering feedback and reactions (Yandra, 2016).

Collaboration is a joint activity where the initiator invites other groups to get involved but the initiator still has control over decision making and control. This form of participation moves at a level above the collection of feedback towards the involvement of external actors in problem solving, policy design, monitoring and evaluation, and so on (Yandra, 2016). Joint decision making is a collaboration in which there is a shared control over the decisions made. This distributed control of decision-making or policy will be more useful when the knowledge, capacity, and experience of external actors are felt to be very critical in order to achieve policy objectives.

KPU Riau cooperates with Disdukcapil to get access to population data of potential voters which is used as the basis for determining the DPT. Data on potential election voters (DP4) from the Ministry of Home Affairs is combined with DPT data for the last election. The results of the analysis of the combination of the two data are then matched and researched (coklit). After the coklit process is complete, the next step is to input data into the KPU's SIDALIH application. The results of the SIDALIH data are then used as temporary DPT to be confirmed directly by the community. Within 14 days the KPU received complaints from the public regarding the published temporary DPT data. If there is an error in the SIDALIH data, then a review process is carried out for the data that is considered problematic. Then the last stage is the determination of the DPT. This stage is carried out after all problematic data is resolved by the coklit officer and entered into the SIDALIH application. However, in practice SIDALIH has not become a full power application in the process of administering voter data. It is necessary to develop this application so that it can be synchronized with the data from the Ministry of Home Affairs which can be updated at any time. Therefore, it is necessary to have adequate coordination from the Ministry of Home Affairs with the KPU how in the future population data can be integrated with voter data. To support this process, it is necessary to have political will from the president because the power to coordinate and communicate between government agencies is his responsibility.

Political Rights and Potential Human Rights Violations

Every citizen is protected by the constitution in terms of political and governmental rights as regulated in Article 27 paragraph (1) and Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution. The fulfillment of the people's sovereignty as explained in the Preamble of the 1945 Constitution. According to Usman Hamid that the election is the same as the fulfillment of human rights, therefore the election process must protect the human rights of citizens, including the use of the right to vote. People's sovereignty is implemented in the form of elections, and citizens who are the owners of that sovereignty in the implementation of elections must be protected so that they can exercise their voting rights/political rights, the State is obliged so that everyone can exercise these rights without being hindered by electoral administration issues which ultimately violate human rights. provided for in the state constitution. In this context, the

problem of the invalidity of the DPT which has the potential for someone to lose their voting rights has implications for human rights violations committed by the state during the implementation of elections in Indonesia. In the implementation of the General Election, the reference is in the form of the Permanent Voter List (DPT) determined by the KPU, but problems will arise when the DPT base originating from the Ministry of Home Affairs is not valid for data renewal to be used during the election. The problem of citizens who are not included in the DPT will have the potential to interfere with the electoral process and can become a question of the legitimacy of election winners due to many citizens who cannot vote.

The issue of DPT often occurs in the run up to the general election, including in the 2009 election which finally took the judicial review mechanism in the Constitutional Court against the Election Law, and finally got a legal solution and guarantees to exercise the right to vote with the Constitutional Court Decision Number 102/PUU-VII/2009 (Study & Brawijaya, 2011) and reduce the potential for dispute over election results (Hidayatulloh, 2018) and restore the constitutional rights of citizens (Ulum, 2009) by allowing the use of ID cards or passports for elections. However, the DPT issue has reoccurred even though it has been 10 years since the Constitutional Court's decision that gave the opportunity to use an ID card or passport.

The DPT data collection has not yet been completed ahead of the 2019 General Election. With Bawaslu's findings on DPT Anomaly Data, this issue will have the potential to disrupt the election process. Referring to the Decision of the Constitutional Court Number 011-017/PUU-I/2003, which explains in the considering section, that the constitutional right of citizens to vote and be elected (right to vote and right to be a candidate) is a right guaranteed by the constitution, laws and regulations, as well as international conventions, the limitation of deviation, elimination and abolition of the rights referred to is a violation of the human rights of citizens. Based on Law Number 39 of 1999 concerning Human Rights, it regulates the right to vote as stated in Article 43 which reads, "Every citizen has the right to be elected and to vote in general elections based on equal rights through direct, general, free, secret voting, honest and fair in accordance with the provisions of the legislation. The basic arrangements in the constitution and laws should be basic, that the KPU and the Government must guarantee equal agreement for citizens to exercise political rights, for the realization of elections with integrity and have strong legitimacy from the high participation of the public to vote.

CONCLUSION

This study confirms that Bawaslu's findings regarding anomaly voters are caused by inaccurate population data of potential voters (DP4) from the Ministry of Home Affairs because population data are not single data. The synchronization of population data by the Ministry of Home Affairs with the last DPT for the election in Riau, namely the 2018 regional election, found that tens of thousands of Riau people were threatened not to be able to exercise their voting rights in the 2019 election, which of course had implications for political participation. This proves that the government which has population data authority has not been successful in administering data from upstream to downstream. The Sidalih application has not been optimized or full power as an application that helps the KPU in the process of administering voter data.

The unresolved DPT data collection ahead of the 2019 General Election disrupts the electoral process. An invalid DPT will cause citizens to be unable to exercise their political rights, the constitution and the laws and regulations under it already regulate the protection of citizens' political rights as human rights, therefore the condition of citizens who are hindered or unable to exercise their political rights will potentially lead to human rights violations by the state and election administrators.

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