

THE ROLE OF BAWASLU IN ENSURING FAIR AND HONEST REGIONAL ELECTIONS IN PASAMAN REGENCY UNDER INDONESIA'S ELECTION LAW NO. 7 OF 2017**Aldi Yunis^{1*}, Dian Pertiwi², Hidayati Fitri³, Alfi Husni⁴**¹Universitas Islam Negeri Mahmud Yunus Batusangkar²Universitas Islam Negeri Mahmud Yunus Batusangkar³Universitas Islam Negeri Mahmud Yunus Batusangkar⁴Universitas Islam Negeri Mahmud Yunus Batusangkar

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Abstract: This study examines two main issues: the authority of Bawaslu in supervising the implementation of honest and fair regional head elections in Pasaman Regency and the perspective of siyasah tanfidziyah regarding Bawaslu's role in these elections. The research aims to analyze Bawaslu's supervisory authority over regional head elections in Pasaman Regency and explore the views of siyasah tanfidziyah on its role in ensuring fair and honest elections. The research adopts an empirical juridical approach, focusing on the operations of Bawaslu in Pasaman Regency. Primary data were collected from the Pasaman Regency General Election Supervisory Agency (Bawaslu) and community figures, while secondary data were obtained from legal documents, regulations, books, and journals. Data collection methods included interviews and documentation. The analysis utilized descriptive techniques to evaluate Bawaslu's authority in ensuring fair elections in Pasaman Regency, grounded in the provisions of Law Number 7 of 2017.

The findings indicate that Bawaslu in Pasaman Regency has fulfilled its duties and exercised its authority as mandated by Law Number 7 of 2017. However, limited public awareness of election violation reporting procedures presents a significant challenge for Bawaslu in addressing such cases. This highlights the need for Bawaslu to actively promote public awareness through educational and outreach programs that engage the community directly. Enhanced public participation in reporting violations would improve Bawaslu's effectiveness in fulfilling its supervisory functions. From the perspective of fiqh siyasah, Bawaslu functions as part of al-shulthah tanfidziyah, carrying out its mandate to oversee and enforce election laws. This aligns with its executive role in maintaining order and fairness during elections, ensuring compliance with democratic principles.

Keywords: Bawaslu, Honest and Fair Elections, Supervisory Authority, *Siyasah Tanfidziyah*

Introduction

According to Law Number 7 of 2017, the Election Supervisory Agency (Bawaslu) has broader authority to monitor and address violations during elections. Article 95 of this law outlines Bawaslu's right to conduct investigations, evaluations, and enforce laws concerning administrative violations, vote-buying, and other election-related misconduct (Pujilestari, 2019). Article 1, Paragraph 17 of the law states that Bawaslu is an agency responsible for overseeing the election process across Indonesia. Meanwhile, Article 8 mentions that the General Election Commission (KPU) is an independent national institution tasked with organizing elections. Based on these provisions, Bawaslu is obligated to exercise its authority to ensure fair and honest regional elections, free from vote-buying and other violations. As an

institution, Bawaslu not only oversees the electoral process but is also tasked with educating the public about electoral integrity and empowering citizens to actively report violations. Strengthening public awareness can be key in reducing cases of misconduct. However, the effectiveness of Bawaslu's enforcement efforts is often hindered by limited resources, a lack of public understanding of electoral laws, and political interference. Addressing these challenges requires collaboration between Bawaslu, civil society, and the government.

From an Islamic perspective, Bawaslu's function aligns with the role of the executive institution (*Sultah Tanfidziyah*), which is responsible for implementing laws. *Fiqh Siyasah Tanfidziyah* pertains to the governance and enforcement of legislation. According to al-Maududi, the executive institution in Islam is referred to as *ul al-amr*, led by an *Amir* or *Khalifah*. The term *ul al-amr* does not solely apply to the executive branch but also encompasses legislative, judicial, and other institutions. However, in Islamic governance practices, there are no specific terms for subordinate bodies under the head of state that execute laws. Examples include *Diwan al-Kharuj* (tax bureau), *Diwan al-Ah Das* (police), governors for each region, secretaries, *Diwan al-Jund* (military bureau), and *Sahib al-Bait al-Mal* (treasury official), which existed since the time of Caliph Umar ibn Khattab. The supervisory function of institutions like Bawaslu reflects the principle of justice (*adl*), a fundamental tenet in Islamic teachings. Ensuring fairness in elections aligns with the broader Islamic aim of promoting social welfare and accountability among leaders.

Based on these provisions, Bawaslu is obliged to carry out its duties as the election supervisory body to ensure the success of regional elections and prevent fraud. However, in practice, as explained by Mr. Zahirman, a community leader in Pasaman Regency, there are still allegations of violations that occurred during the 2020 Regional Head Elections in Pasaman Regency, which have not yet been followed up by the local Bawaslu. One of the reported cases involved vote-buying practices. According to local residents, certain parties distributed basic necessities and cash to voters with the intent of influencing them to vote as directed by those providing the goods. These practices highlight the urgent need for Bawaslu to intensify its public outreach and enforcement measures. By strengthening its supervisory role and ensuring active community participation, Bawaslu can better uphold electoral integrity and fairness in the democratic process.

Literature Review

Theory of Authority

In general, "power" is often defined as the ability or capacity to take action or influence something, while "authority" refers to the right and power to act, make decisions, issue orders, and assign responsibilities to others (Lukman Hakim, 2011). Robert Bierstedt elaborates that authority is institutionalized power. Ridwan further emphasizes that authority must be grounded in legal regulations, carry legitimacy, and be recognized and respected by others. Soerjono Soekanto defines "power" as the ability to influence others according to the will of the power holder, which depends on the interaction between the ruler and the ruled. While power reflects the ability to influence, "authority" represents official power that is acknowledged by society (Lukman Hakim, 2011).

Bagir Manan distinguishes between "power" (*macht*) and "authority" (*wewenang*). He explains that power refers to the right to act or refrain from acting, while authority encompasses both rights and obligations. Nicolai contributes to this understanding by noting that rights include the freedom to act, whereas obligations require specific actions to be carried out. From these perspectives, "power" and "authority" differ primarily in terms of legality and societal or legal recognition. Power is often perceived as the legitimate right to act, whereas authority is more closely related to the rights and duties governed by law, particularly within the context of a democratic rule-of-law state (Lukman Hakim, 2011).

In the realm of public law, authority is closely intertwined with power, and the two are often regarded as similar because formal power is vested in executive, legislative, and judicial

institutions. This formal power enables individuals or groups to execute their will, even in the face of opposition (Marzuki, 2024). Authority, or formal power, is derived from a legal mandate granted to government officials, encompassing the right to issue commands and demand compliance. Authority serves as the legal framework that ensures decisions and actions are carried out within the bounds of legality.

Authority can be acquired through attribution, delegation, or mandate, as outlined in Article 1, Paragraphs (22) to (24) of Law No. 30 of 2014 on Government Administration. Attribution authority, which is relevant to this discussion, occurs when government institutions or officials are granted authority directly by the 1945 Constitution of the Republic of Indonesia or by specific laws. For example, the Election Supervisory Agency (Bawaslu) derives its authority to oversee Regional Head Elections from Law No. 7 of 2017 on General Elections. The attribution of authority is vital, as juridical decisions require a clear basis of authority to be deemed valid (Thalib, 2006).

- a. The importance of distinguishing between power and authority lies in ensuring accountability and legal certainty. While power can exist without formal acknowledgment, authority is inherently tied to the legal framework and societal recognition that legitimizes its exercise. Within the context of government administration, authority also serves as a mechanism to safeguard democratic principles and prevent misuse of power. By grounding authority in law, institutions like Bawaslu are empowered to carry out their responsibilities effectively, ensuring transparency and fairness in the electoral process. This legal foundation not only legitimizes their actions but also helps to build public trust in the democratic system.

Supervision Theory

Supervision is a crucial activity aimed at ensuring that tasks assigned to implementers are carried out in accordance with established plans (Nurmayani, 2000). According to Sondang P. Siagian, supervision is the process of observing the execution of all activities within an organization to ensure they align with the predetermined plans (Siagian, 2000). Meanwhile, Sujamto defines supervision as efforts or activities to determine and evaluate whether task implementation aligns with expected standards, emphasizing that supervision is a systematic process that follows predetermined stages (Sujamto, 1990). The word "supervision" originates from "awas," meaning to observe attentively and meticulously, and to produce reports based on factual findings (Sujanto, 1986).

Supervision plays a vital role in building and maintaining public legitimacy regarding government performance by creating effective internal and external oversight systems, as well as encouraging social control through community participation. The primary objective of supervision is to identify and address deviations from established plans or targets.

The functions of supervision align with its objectives. Soerwarno Handayanigrat identifies four key functions of supervision (Nurmayani, Hukum Administrasi Daerah, 2009):

- a. Enhancing the sense of responsibility among officials entrusted with tasks and authority.
- b. Educating officials to execute tasks in accordance with prescribed procedures.
- c. Preventing deviations, negligence, and weaknesses to avoid undesirable losses.
- d. Correcting errors and irregularities to ensure smooth implementation and avoid waste or disruptions.

According to Victor M. Situmorang, supervision can be classified into several types:

a. Direct and Indirect Supervision

- Direct Supervision: Conducted by supervisors or leaders directly at the workplace through observation, inspection, and verification, including receiving reports directly from implementers. This is often done via on-site inspections.
- Indirect Supervision: Performed by reviewing reports from implementers, either verbal or written, as well as gathering opinions from the public without direct on-site observation.

b. Preventive and Repressive Supervision

- Preventive Supervision: Conducted through pre-audit processes before activities begin, such as monitoring the preparation of work plans, budgets, and the use of other resources.
- Repressive Supervision: Conducted through post-audit processes by examining on-site implementation, reviewing performance reports, and more.

c. Internal and External Supervision

- Internal Supervision: Performed by personnel within the organization itself.
- External Supervision: Conducted by external agencies to:
 1. Monitor the progress of activities.
 2. Rectify employee errors and prevent recurrence.
 3. Ensure budget usage aligns with plans.
 4. Verify that execution adheres to predetermined programs.
 5. Compare outcomes with standards established in planning.

According to Sule and Saefullah, the function of supervision is to ensure that planned activities proceed in line with intended goals (Kurniawan, 2005). This involves identifying obstacles and implementing corrective measures to achieve organizational objectives. Supervision thus not only ensures adherence to plans but also rectifies deviations when they occur.

The functions of supervision include:

- a. Strengthening employees' sense of responsibility in carrying out tasks and exercising authority.
- b. Educating employees to work in accordance with established procedures.
- c. Preventing negligence, weaknesses, and deviations to avoid potential losses.
- d. Correcting mistakes and irregularities to eliminate disruptions and inefficiencies during task execution.

Bawaslu (Election Supervisory Agency)

The Election Supervisory Agency of the Republic of Indonesia (Bawaslu RI) is an institution responsible for overseeing the conduct of elections across Indonesia.

Under Law No. 15 of 2011, Bawaslu is mandated to monitor the electoral process and regional head elections as stipulated in Law No. 7 of 2017. Bawaslu consists of five members who serve for a term of five years following their oath of office. Article 22E, paragraph (5) of the 1945 Constitution of the Republic of Indonesia states:

"Elections shall be organized by a General Election Commission that is national, permanent, and independent."

Bawaslu, or Panwaslu, is a unique institution in Indonesia, established prior to the first phase of elections, beginning with voter registration and dissolving after the elected candidates are inaugurated. As an election supervisory body, it is tasked with overseeing all election phases, receiving complaints, and handling cases of administrative and criminal violations in elections.

The main duties of Bawaslu include monitoring election preparations and investigating violations during the electoral process. Bawaslu has the authority to accept public reports regarding violations committed during elections. To perform its duties and exercise its authority, Bawaslu is supported by the Secretariat General of the Election Supervisory Agency.

Bawaslu's oversight functions are critical in ensuring transparent, fair, and credible elections. Through direct and indirect supervision, preventive and repressive actions, and internal and external monitoring, Bawaslu aims to uphold the principles of democracy and justice in Indonesia's electoral process.

Regional Head Elections (Pilkada)

Regional head elections (Pilkada) have become a national political consensus and are one of the important instruments in government administration following the implementation of regional autonomy in Indonesia. Indonesia has been holding direct regional head elections since the enactment of the Republic of Indonesia Law Number 32 of 2004 on Regional Government.

According to Article 1, Paragraph (2) of the General Election Commission Regulation Number 69 of 2009 on Technical Guidelines for the Campaign of Regional Head and Deputy Regional Head Elections, the definition of a regional head election is formulated as follows: (2) Regional Head and Deputy Regional Head Elections, hereinafter referred to as Pilkada, are elections to select the regional head and deputy regional head directly within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Before the implementation of the Republic of Indonesia Law Number 32 of 2004 on Regional Government, regional heads and deputy regional heads were elected by the Regional People's Representative Council (DPRD). However, since June 2005, Indonesia has adopted a system of direct regional head elections.

Fiqh Siyasah Tanfidziyah

Fiqh Siyasah Tanfidziyah is a branch of Islamic political science that deals with the implementation of laws and regulations. According to al-Maududi, the executive institution in Islam is referred to as "ul al-amr," which is led by an Amir or khalifah. The term "ul al-amr" is not limited to the executive branch alone, but also encompasses legislative, judicial, and other elements of governance. However, in the practice of Islamic government, there is no specific term for the institutions under the head of state tasked with implementing laws, such as Diwan al-Kharuj (tax council), Diwan al-Ah Das (police), governors of each region, secretaries, public works, Diwan al-Jund (military), and Sahib al-Bait al-Mal (financial officers), all of which have existed since the caliphate of Umar bin Khattab.

Siyasah Tanfiziyah, or "al-sulthah al-tanfiziyah," is responsible for enforcing laws. The state possesses executive power to apply and realize the laws that have been formulated. In carrying out this duty, the state formulates policies related to both domestic affairs and international relations. The highest executor of these policies is the government (Head of State), assisted by ministers or a cabinet formed based on the needs and situations of each Islamic state. Just like legislative policies, which should not deviate from the spirit of Islamic teachings, executive policies must also align with the principles of the Quran and the welfare of the ummah (community).

The primary issue in fiqh siyasah tanfiziyah is the relationship between the leader and the people, as well as the institutions within society. Therefore, fiqh siyasah tanfiziyah generally focuses on the regulations and laws concerning state affairs, examining how these regulations align with religious principles and promote human welfare while fulfilling their needs. Thus, siyasah tanfiziyah can be understood as the foundational legal framework that governs the state to ensure it remains in line with the values of Sharia (Islamic law).

Method

This study uses an empirical juridical approach, which is a field study that examines the applicable legal provisions as well as those that have occurred in society. The aim of this research is to solve problems by identifying the emerging issues. The author is motivated to study and thoroughly investigate the issue of "The Authority of Bawaslu in Organizing Honest and Fair Regional Head Elections in Pasaman Regency Based on Law No. 07 of 2017 concerning General Elections."

To collect and obtain data, the researcher uses various instruments, including mobile phones, laptops, books, journals, and articles. Additionally, the researcher records data through field notes, which are generated with tools such as a recorder to capture audio during observations and interviews, as well as pens, pencils, and notebooks to take notes on the information or data obtained from sources. The data sources in this study consist of primary data collected directly from informants, including the Chairperson of Bawaslu Pasaman Regency, Bawaslu staff in Pasaman Regency, and the people of Pasaman Regency. Secondary data is obtained from books as a complement to the primary data and is collected through library research, including primary legal materials that are authoritative and binding, such as the 1945 Constitution of the Republic of Indonesia and Law No. 7 of 2017 concerning General Elections, as well as secondary legal materials that provide explanations regarding primary legal materials, such as books, literature, and legal journals. Data collection is also carried out through interviews with the Bawaslu office structure in Pasaman Regency, including the Chairperson of Bawaslu, office staff, and community leaders. Documentation techniques are used to examine related documents, such as archives, regulations, and other relevant documents, to explain the research object and serve as supplementary data from the interview results.

Results and Discussion

Based on the research conducted in the 2020 Regional Head Election, several violations were still found despite the efforts made by Bawaslu Pasaman Regency to ensure a fair and honest election. Among these violations, there were:

- a. Administrative violations: 2 cases.
- b. Election-related criminal offenses: 3 cases.
- c. Ethical violations in the election: 3 cases.
- d. Neutrality violations by civil servants (ASN): 5 cases.

Among these alleged violations, only one case was reported to Bawaslu Pasaman Regency, which concerned the establishment of a "vacant column" / "empty ballot box" post by the community.

However, in its enforcement, Bawaslu Pasaman Regency often reached a dead end at the field investigation stage due to a lack of acknowledgment from the public and the insufficient evidence regarding the alleged violations.

In the theory of authority, authority must be based on legal provisions, such as the constitution, to be considered legitimate. Therefore, public officials or government bodies making decisions must have a clear basis of authority. This authority can be obtained through attribution, delegation, or mandates that grant authority to officials or government institutions. This authority is reinforced by positive law for regulation. Without the correct authority, legal decisions cannot be considered valid. In this context, the author uses an

attribution-based source of authority, where the authority is granted to government agencies or officials by the 1945 Constitution of the Republic of Indonesia or other laws.

Bawaslu has various authorities in organizing Regional Head Elections according to Law No. 7 of 2017 concerning General Elections. In the implementation of Regional Head Elections in Pasaman Regency, Bawaslu plays a critical role in ensuring the election is held honestly and fairly, as regulated in Articles 99, 103, 106, 109, and 112 of the law. Bawaslu's authority includes:

1. Receiving and handling reports about alleged electoral violations.
2. Conducting investigations and evaluations of election violations and making recommendations.
3. Handling, mediating, or resolving disputes related to the election process.
4. Making recommendations regarding neutrality violations by parties not allowed to participate in campaigns.
5. Taking over duties, authority, and responsibilities at lower levels if necessary.
6. Requesting information from related parties to prevent and follow up on election violations in dispute resolution.

In performing its duties, Bawaslu is responsible for overseeing all stages of the election, from preparation to dispute resolution, which includes monitoring voter lists, campaigns, logistics distribution, the voting process, and vote counting. With strict supervision, Bawaslu aims to prevent violations and fraud that could undermine the integrity of the election. Additionally, Bawaslu has the authority to follow up on reports and findings of violations and recommend sanctions for violators.

On July 1, 2024, Mrs. Rini, the Chairperson of Bawaslu Pasaman Regency, stated that Bawaslu has the authority to take action against various electoral violations. This can include warnings, corrective recommendations, or reporting to the authorities if there is an indication of criminal violations. In carrying out enforcement, Bawaslu ensures that all processes are done transparently and accountably, so that the public can understand the steps taken to maintain fairness and honesty in the election. Thus, Bawaslu plays a key role in ensuring clean, transparent, and integrated regional head elections.

However, in performing its duties, Bawaslu Pasaman Regency faces challenges, as mentioned by Mr. Zaini Afandi. He explained that the handling of violations is hindered at the investigation stage due to the lack of public acknowledgment of alleged violations and insufficient evidence.

Bawaslu is also focused on improving the capacity of human resources involved in election supervision. Through training and workshops, Bawaslu equips election monitors with the knowledge and skills necessary to carry out their duties professionally and effectively. This effort includes improving understanding of election regulations, supervision techniques, as well as handling and resolving disputes. With competent and integrated human resources, Bawaslu hopes to minimize violations and improve the overall quality of elections.

The success of Bawaslu's supervision depends on the professionalism and dedication of each member in realizing a fair and honest election in Pasaman Regency. However, Bawaslu also faces significant challenges, such as potential political intervention, lack of legal awareness in the community, and limited resources. To overcome these challenges, Bawaslu continues to strengthen partnerships with stakeholders, including local governments, law enforcement agencies, and international organizations supporting democracy and human rights. Additionally, Bawaslu strives to enhance transparency in its supervisory activities by involving the media as a strategic partner.

The author concludes that Bawaslu Pasaman Regency has carried out its duties and authorities well to ensure fair and honest regional head elections. However, the lack of public understanding about reporting election violations and the lack of acknowledgment from the

public when Bawaslu investigates cases has become an obstacle in addressing violations. Therefore, it is essential for Bawaslu to educate the public on how to report election violations. This will help reduce the potential for fraud or violations and support the creation of fair and transparent regional head elections in Pasaman Regency.

To face these challenges, Bawaslu needs to develop effective and targeted socialization strategies, such as involving community leaders, local organizations, and utilizing social media and mass media to spread information about the importance of reporting election violations. Training for election monitors at the village level can also improve their understanding and readiness in identifying and reporting violations. With the right strategies, it is expected that public participation in maintaining election integrity will increase, making the regional head election process in Pasaman Regency more transparent and accountable.

Law No. 7 of 2017 also emphasizes the importance of public involvement in election supervision. Bawaslu is expected to build close cooperation with the public to detect and report violations. However, the lack of socialization and education for the public about their role in election supervision has led to low participation and awareness. Without active support from the public, Bawaslu's efforts to prevent and address electoral violations will be less effective. Therefore, Bawaslu Pasaman Regency needs to strengthen its communication strategy and build public trust to carry out its duties according to the mandate of the law. Furthermore, Bawaslu also serves as a monitoring team in General Elections. Mrs. Rini explained that Bawaslu collaborates with the General Election Commission (KPU), the police, and the prosecutor's office to ensure that every stage of the election complies with regulations. Bawaslu also provides education to the public and election participants on the importance of clean and transparent elections. Through socialization and political education, they strive to increase public participation in election supervision so that every citizen can contribute to maintaining the quality of democracy in Pasaman Regency.

To support the effectiveness of supervision, Bawaslu utilizes information technology in the monitoring and reporting process. The use of technology allows Bawaslu to respond to reports of violations more quickly and accurately. The public is encouraged to actively report violations through various available platforms. With the support of technology, Bawaslu can strengthen its monitoring network down to the village level, ensuring that every stage of the election is carefully monitored. This innovation aims to increase transparency and accountability and build public trust in the regional head election process in Pasaman Regency.

Collaboration with various agencies and community organizations is also a key strategy for Bawaslu in carrying out its supervisory duties. By working with civil society organizations, educational institutions, and the media, Bawaslu can expand its monitoring reach and ensure information about honest and fair elections is widely disseminated. Active public involvement in election supervision not only strengthens democracy but also encourages more transparent and accountable elections. With support from all elements of society, Bawaslu is committed to continually improving the quality of regional head election implementation in Pasaman Regency.

Bawaslu also invites community organizations and students to be directly involved in election supervision, creating a collective movement to safeguard electoral integrity. Cooperation agreements with NU and MU add a religious dimension to the socialization, reinforcing the moral message of honesty and responsibility in elections. Through these various efforts.

Conclusion

Based on the explanation provided, the research on Bawaslu's authority in organizing honest and fair regional head elections in Pasaman Timur Regency in accordance with Law No. 7 of 2017 has led to several conclusions, namely:

1. **Bawaslu Pasaman Regency** has carried out its duties well in maintaining the integrity of the regional head election, ensuring that the process is conducted fairly and honestly. However, the main challenge faced is the low public understanding of the reporting procedure for violations and the lack of acknowledgment when Bawaslu conducts investigations in the field. To address this issue, Bawaslu needs to improve education for the public regarding how to report election violations. Therefore, Bawaslu should strengthen socialization efforts, including involving community leaders, local organizations, and utilizing social media and mass media to spread information on the importance of reporting violations. Additionally, training for monitoring officers at the village level is also essential to enhance their understanding and readiness in identifying and reporting violations. With the right strategies, Bawaslu is expected to increase public participation in maintaining the integrity of the elections, so that every stage of the regional head election can be conducted more transparently and accountably.
2. The relationship between **siyasah tanfidziyah** and Bawaslu's authority in the implementation of the regional head election in Pasaman Regency reflects the role of **siyasah tanfidziyah** as the executor of the law. Bawaslu, as a crucial component in implementing the principles of **siyasah tanfidziyah**, is tasked with ensuring that the election is held fairly and honestly in accordance with applicable policies and laws. In this context, **siyasah tanfidziyah** provides the legal and administrative framework governing the organization of the election, while Bawaslu is responsible for overseeing and ensuring that its implementation complies with those provisions. In other words, **siyasah tanfidziyah** establishes the principles and basic regulations, while Bawaslu functions as the overseer and law enforcer to maintain the integrity of the election process. The synergy between the two is essential to achieve the goal of transparent and democratic elections in Pasaman Regency.

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