

01-07-2026

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To cite this article: Anzilahata, A., Mustaqim, R. A. ., Fitria, N. ., Abdullah, A., & Jamhir, I. K. M. (2026). Legal certainty in sentencing of local legislative candidates involving village heads in election campaigns (Case study of Bireuen District Court decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir). *Priviet Social Sciences Journal*, 6(7), 155–169. <https://doi.org/10.55942/pssj.v6i7.1996>

To link to this article: <https://doi.org/10.55942/pssj.v6i7.1996>



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Legal certainty in sentencing of local legislative candidates involving village heads in election campaigns (Case study of Bireuen District Court decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir)

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Received 11 May 2026

Revised 15 June 2026

Accepted 01 July 2026

ABSTRACT

This study examines an election violation case in Bireuen District, where a DPRK candidate involved a village head (keuchik) in campaign activities, raising legal issues regarding the application of Articles 490 and 493 of the Election Law. The research focuses on analyzing judicial considerations and reviewing legal certainty in the decisions of No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir. Using a qualitative normative juridical method with case, statute, and conceptual approaches, the primary data consist of court rulings and the Election Law, supported by legal literature. Findings reveal that the judges established both formal and material elements of the offense but imposed relatively light sentences, which undermined consistency and predictability of rulings. Although the legal norms were upheld, the decisions did not fully realize the principle of legal certainty, highlighting the need for harmonization in sentencing patterns to strengthen certainty in electoral law enforcement.

Keywords: legal certainty; sentencing; local legislative candidates; village heads; election campaigns; case study

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1. INTRODUCTION

Elections are the primary instrument in the democratic process, ensuring public participation in determining the direction of state policy (Tomutu et al., 2025; Yunita & Maulia, 2024). Within the context of democracy, general elections serve as a crucial mechanism that guarantees citizens' involvement in shaping public policy and national as well as local leadership (Napitupulu, 2024). Elections also embody the principle of popular sovereignty (Arifin et al., 2025), which constitutes the fundamental foundation of Indonesia's democratic system, as stipulated in Article 1 paragraph (2) of the 1945 Constitution (Mustajib, 2025). Elections conducted in a direct, general, free, confidential, honest, and fair manner are not only a constitutional mechanism but also a benchmark for the success of democracy itself (Pranyoto, 2025). Consequently, the level of public participation in elections is often regarded as a key indicator in assessing the quality of a nation's democracy, with the aim of influencing political decision-making (Ahaya et al., 2025; Asrizal, 2020).

In the context of Indonesia, which implements a democratic system of government, one of the essential requirements is the periodic conduct of general elections (Oktaviane et al., 2024). According to Asshiddiqie, the reasons for holding elections are highly significant (Asshiddiqie, 2008). First, the opinions or aspirations of the people regarding various aspects of communal life are dynamic. Second, in addition to the fact that public opinion may change over time, the conditions of communal life itself may also shift, whether due to international dynamics or domestic factors. Third, changes in aspirations may occur as a result of population growth and the increasing number of citizens reaching adulthood. Fourth, elections must be held regularly and periodically to ensure the cycle of leadership succession, both within the executive and legislative branches of power. To guarantee such a regular cycle of governance, a mechanism of periodic elections is required, thereby safeguarding democracy. With the assurance of a well-ordered democratic system, welfare and justice can be realized optimally (Asshiddiqie, 2008).

Elections serve not only as a means of transferring power but also as a medium of political education for society (Triono, 2017). Therefore, the integrity of elections must be preserved through strict regulation and effective oversight by supervisory bodies as well as the broader public, so that elections are not tainted by practices such as vote buying or the distribution of material inducements that may influence voter preferences. Such practices can also harm other candidates participating in the electoral contest, whether in the election of members of the national legislature (House of Representatives of the Republic of Indonesia) or the regional legislature (Regional People's Representative Council or Regency/Municipal People's Representative Council), as well as in the election of the head of state and regional heads.

The provisions of Law Number 7 of 2017 concerning General Elections (hereinafter referred to as the Election Law) regulate various prohibitions for participants as well as parties involved in the administration of elections. One of the key prohibitions is the involvement of village officials, such as village heads, in campaign activities. Article 490 of the Election Law stipulates that a village head who deliberately undertakes actions that benefit or disadvantage one of the election participants shall be subject to imprisonment for a maximum of one year and a fine of up to twelve million rupiah. *Every village head or equivalent designation who intentionally makes decisions and/or undertakes actions that benefit or disadvantage one of the election participants during the campaign period shall be subject to imprisonment for a maximum of one year and a fine of up to twelve million rupiah.*

In addition, the Election Law also prohibits election participants from involving non-neutral parties, such as village heads, in campaign activities. Article 493 of the Election Law states: *Every organizer and/or campaign team of the general election who violates the prohibitions as referred to in Article 280 paragraph (2) shall be subject to imprisonment for a maximum of one year and a fine of up to twelve million rupiah.*

Article 280 paragraph (2), as referred to in Article 493 of the Election Law, regulates the prohibition against involving village heads in election campaigns. Accordingly, the Election Law of 2017 emphasizes the prohibition of the involvement of village officials, specifically village heads, in campaign activities because such involvement undermines the principle of neutrality. Article 490 stipulates sanctions for village heads who deliberately benefit or disadvantage election participants, with a criminal penalty of up to one year of imprisonment and a fine of twelve million rupiah. Meanwhile, Article 493 imposes similar

sanctions on election participants or campaign teams who violate the provisions of Article 280 paragraph (2), namely by involving village heads in campaign activities. Thus, both village officials and election participants are equally prohibited from engaging in actions that compromise the fairness and integrity of elections.



Figure 1. Violation of Village Head Participation in Election Campaigns

Source: Processed Data.

The adjacent Figure 1 shows that Article 490 and Article 493 of the Election Law regulate the prohibition against the involvement of village officials, specifically village heads, in election campaigns. The sanctions imposed and threatened against violators may take the form of imprisonment or fines, subject to the discretion of the judge when rendering a decision.

In practice, violations of the substantive provisions of the Election Law are still found. One prominent case was the violation of Article 490 in conjunction with Article 493 of the Election Law committed by a village head in Bireuen Regency during the 2024 General Election. The village head collaborated with a candidate for the Regency People's Representative Council (DPRK). In this case, the DPRK candidate involved the village head in campaign activities. This act was subsequently processed through legal proceedings and resulted in two decisions, namely Bireuen District Court Decision No. 29/Pid.Sus/2024/PN.Bir and Decision No. 30/Pid.Sus/2024/PN.

Bireuen District Court Decision No. 30/Pid.Sus/2024/PN.Bir imposed a criminal sentence on a village head pursuant to Article 490 of the Election Law, on the grounds that his involvement in the campaign process was deemed to have undermined the principle of neutrality of village officials. Meanwhile, Bireuen District Court Decision No. 29/Pid.Sus/2024/PN.Bir imposed a criminal sentence on a candidate for the Regency People's Representative Council under the provisions of Article 493 of the Election Law, for involving a prohibited party in campaign activities. The chronology of the case can be briefly outlined as follows: 1) The convicted Regency People's Representative Council candidate in Bireuen, Choirul Amri, involved the village head (Fajri) in campaign activities. 2) Both convicts utilized grant assistance in the form of rice cookers from the Ministry of Energy and Mineral Resources. 3) The rice cooker grant was then exploited by the convicts in the campaign for electoral purposes. 4) The village head stated that the rice cookers originated from the Regency People's Representative Council candidate (Choirul Amri). In reality, however, the rice cookers were grants from the Ministry of Energy and Mineral Resources. In this case, the Regency People's Representative Council candidate involved the village head in the election campaign. 5) Community members who received the assistance were persuaded to vote for the DPRK candidate.

In Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir, which have obtained permanent legal force, the Regency People's Representative Council candidate and the village head were found guilty of violating Articles 493 and 490 of the Election Law. Each was sentenced to six months' imprisonment, with the court declaring that the sentence need not be served. On the one hand, these decisions demonstrate that the court upheld the legal provisions concerning violations of the Election Law and consistently imposed sanctions on both parties—namely, the village official and the legislative candidate—in relation to the same legal issue. On

the other hand, the punishment imposed was relatively lenient compared to the maximum penalty stipulated in the law. This raises questions regarding the legal certainty of criminal sentencing in providing a deterrent effect and safeguarding the integrity of elections.

This study originates from the inconsistency between Bireuen District Court Decision No. 29/Pid.Sus/2024/PN.Bir and Decision No. 30/Pid.Sus/2024/PN.Bir and the normative provisions of the Election Law. Normatively, the involvement of village heads and candidates for the Regency People's Representative Council in campaign activities is clearly prohibited and subject to criminal sanctions. However, in practice, the court imposed lighter sentences, thereby creating legal uncertainty. Moreover, when viewed in comparison with other similar cases, such as the case of the Village Head of Tegal Rejo Jaya, Pelangiran District, Indragiri Hilir Regency, Riau Province, the court sentenced the defendant to eight months' imprisonment and a fine of five million rupiah, with the prison sentence to be served (Novitra, 2019). This case was decided by the Tembilahan District Court against Syahrial Bin Rusli under Decision No. 18/Pid.Sus/2019/PN.Tbh. The decision has obtained permanent legal force. In the dictum of the decision, the panel of judges declared that the defendant, Syahrial Bin Rusli, was proven legally and convincingly guilty of committing a criminal act as regulated in Article 490 of Law Number 7 of 2017 concerning General Elections, and sentenced him to eight months' imprisonment and a fine of five million rupiah, with the stipulation that if the fine was not paid, it would be replaced with two months' imprisonment. The judges also explicitly ordered the defendant to be detained. This case occurred because Syahrial openly urged voters to support his preferred legislative candidate. In this instance, there was no use of vote buying or inducements with goods in the campaign. Nevertheless, the judges still imposed an eight-month prison sentence and ordered detention.

Similarly, in Solok District Court Decision No. 23/Pid.Sus/2024/PN.Slk, the defendant Marlius, also known as Tiyyuk, serving as the village head of Sungai Jambur, was found legally and convincingly guilty of violating Article 490 of the Election Law and was sentenced to ten months' imprisonment. Meanwhile, in Mamuju District Court Decision No. 98/Pid.Sus/2019/PN.Mam, the panel of judges declared that the defendant Jamaluddin, serving as a village head, was proven legally and convincingly guilty of committing a criminal act by deliberately undertaking actions that benefited or disadvantaged one of the election participants during the campaign period. He was sentenced to one year of imprisonment, with a probationary period of two years.

Based on an inventory of several previous decisions, it can be observed that there are differences in the imposition of legal sanctions between one decision and another in cases of the same nature. This situation indicates that the principles of legal certainty tend to be disregarded. Specifically, in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir, the panel of judges imposed lighter sentences in terms of the duration of imprisonment compared to the sanctions stipulated in Articles 490 and 493 of the Election Law, which provide for a maximum of one year's imprisonment. The defendants were sentenced to six months' imprisonment without an order of detention, and the judges even declared that the sentence need not be served. From the perspective of proportionality, the acts committed by the defendants were more severe than merely urging voters to support a legislative candidate, as they involved the use of rice cookers granted by the Ministry of Energy and Mineral Resources as tools to influence voters. These disparities in judicial decisions can be further clarified in the Table 1 below.

Table 1. Comparison of Similar Election Crime Decisions

No	Court & Decision Number	Defendant & Position	Article Violated	Act Committed	Judges' Verdict	Key Notes
1	Bireuen District Court No. 29/Pid.Sus/2024/PN.Bir & No. 30/Pid.Sus/2024/PN.Bir	Candidate for the Regency People's Representative Council & Village Head	Articles 490 & 493 of Law No. 7/2017	Involving a village head in campaign activities, distributing rice cookers as grants to influence voters	Six months' imprisonment, not to be served	Sentence lighter than the maximum penalty, no detention order

2	Tembilahan District Court No. 18/Pid.Sus/2019/PN.Tbh	Village Head of Tegal Rejo Jaya	Article 490 of Law No. 7/2017	Openly urging voters to support his preferred legislative candidate	Eight months' imprisonment + fine of five million rupiah, with detention order	Decision has permanent legal force, sentence served
3	Solok District Court No. 23/Pid.Sus/2024/PN.Slk	Village Head of Sungai Jambur	Article 490 of Law No. 7/2017	Promoting himself in the general election	Ten months' imprisonment	Heavier sentence, consistent with prohibition norms
4	Mamuju District Court No. 98/Pid.Sus/2019/PN.Mam	Village Head	Article 490 of Law No. 7/2017	Benefiting/disadvantaging an election participant during the campaign period	One year's imprisonment, with two years' probation	Judges considered probation, but still imposed criminal sanction

Source: Author's Processed Data.

Accordingly, Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir do not yet reflect the application of legal certainty, due to the absence of consistency in judicial rulings on similar cases. As stated by [Marzuki \(2021\)](#), legal certainty in judicial decisions is characterized by the consistency of the content of the rulings.

Legal certainty in this context refers to judicial consistency, namely the alignment among judicial decisions in similar cases, whereby the sanctions imposed are not significantly different and do not contradict one another ([Marzuki, 2021](#)). Furthermore, legal certainty in a single decision, when connected to other decisions in related legal cases, will be achieved if all aspects—philosophical, sociological, and juridical—have been duly considered. If the existing legal provisions are not implemented by the courts, such rulings are deemed to deviate from the agreed legal framework. Likewise, deviations from the rules established by lawmakers result in legal uncertainty. Therefore, judicial decisions must be based on the applicable legal provisions, referring to the relevant statutes in accordance with the cases adjudicated ([Imanuddin, 2024](#); [Marzuki, 2021](#)).

The emergence of dualism between judicial decisions and the provisions of the Election Law creates legal uncertainty, and this contradiction also reveals problematic aspects between formal legal norms and social realities. On the one hand, positive law demands the neutrality of village officials and the compliance of election participants with campaign regulations. On the other hand, within the local context, the involvement of village heads is often perceived as a form of social support. This ambiguity generates differing perceptions among the community and law enforcers regarding the boundaries of village head involvement in elections. The case is significant to examine because it highlights the gap between legal rules and legal practice. Such a gap results in the neglect of the enforcement of the principle of legal certainty within society.

2. DATA AND METHOD

This study employs a qualitative approach with a normative juridical type, or *normative legal research* ([Diantha, 2017](#); [Efendi & Ibrahim, 2018](#); [Marzuki, 2024](#)). Normative juridical research differs from empirical juridical research. In empirical research, the object of study is the implementation and discovery of law, with data obtained from primary sources ([Soekanto, 2021](#)). In contrast, normative juridical research examines judicial decisions, legal norms, or statutory regulations ([Armia et al., 2019](#)), with data sources derived from secondary materials or written legal documents ([Aksin & Masidin, 2023](#); [Efendi & Rijadi, 2022](#)). Accordingly, the focus of this article is on legal norms and judicial rulings as the primary objects of analysis.

This study employs three approaches: the case approach, the statute approach, and the conceptual approach. In the category of the case approach within legal research, the focus is on the examination of judicial decisions. The case approach is conducted by analyzing cases related to the issue under study that have been adjudicated and have obtained permanent legal force (Marzuki, 2024). In this research, the cases examined are Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir. For the statute approach, the analysis involves reviewing all laws and regulations relevant to the legal issue being addressed (Aksin & Masidin, 2023; Marzuki, 2024). This means that, in addition to examining judicial decisions, the researcher also studies statutory provisions related to those decisions. Specifically, the legislation referred to is Law Number 7 of 2017 concerning General Elections, which is cited in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir. The conceptual approach is employed to explore legal theories, principles, and doctrines in depth (Widiatedja et al., 2026). Moreover, the conceptual approach is intended to examine the conceptual framework underlying judicial reasoning in adjudicating legal cases (Widiatedja et al., 2026). In this context, the conceptual approach aims to explain the concepts of judicial reasoning, legal certainty, and election campaign regulation.

Given that this study falls within the framework of normative juridical research, the data sources are derived from three categories of legal materials: primary, secondary, and tertiary (Soekanto, 2021). 1) Primary Legal Materials constitute binding and essential sources, serving as the main foundation of the research. In this study, the primary legal materials include Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir, as well as the Election Law. 2) Secondary Legal Materials provide explanations and commentary on primary legal materials. Examples include literature or textbooks on election law and other relevant scholarly works. 3) Tertiary Legal Materials offer guidance or clarification regarding both primary and secondary legal materials. These include language dictionaries, legal dictionaries, journal articles, encyclopedias, and other reference sources.

The data analysis in this study consists of two stages: the descriptive stage and the prescriptive stage. The descriptive stage involves presenting the research problem objectively and factually (Arikunto, 2016). The prescriptive stage, on the other hand, seeks to identify the ideal legal framework (Marzuki, 2024). In this research, the first step is to explain and describe the core issues in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir, including the *posita* (statement of claim), the *ratio decidendi* (judicial reasoning), and the operative clauses of the rulings. Following the descriptive stage, the researcher conducts prescriptive analysis by assessing the extent to which the ideal legal framework is achieved, particularly regarding the presence or absence of sentencing disparities. Prescriptive analysis requires consistency in judicial decisions and evaluates whether the principle of legal certainty has been fulfilled. Thus, prescriptive analysis is intended to carefully examine the coherence between legal concepts, statutory norms, and judicial decisions.

3. RESULTS AND DISCUSSION

3.1. Legal Certainty

The concept of legal certainty in judicial application is related to decisions that provide clarity for the parties, thereby enabling the law to be enforced and accepted by society. Ultimately, this demonstrates that law and judicial decisions can be effectively implemented within the community. Legal effectiveness is a concept that concerns how law operates in society, and more specifically, how law is obeyed and adjudicated within the social sphere (Fuady, 2014; Santiago & Asnawi, 2024). Its indicators include the existence of clear legal rules (Ali, 2017), the presence of law enforcement officials (such as judges and prosecutors), adequate facilities or infrastructure, and the legal culture of society (Abbas & Djalil, 2018; Soekanto, 2019).

In the theory of legal certainty, it is required that general rules exist which allow individuals to know which actions are permitted or prohibited, as well as ensuring legal security for individuals. Through such general rules, individuals understand what is permissible and what obligations or restrictions the state may impose upon them (Marzuki, 2021). Legal certainty can be achieved when legal rules meet certain

conditions, including being positive in nature and codified in legislation (*gesetzliches Recht*), based on factual circumstances (*tatsachen*), and formulated in legal materials that are explicit, clear, and detailed (Imanuddin, 2024). Legal certainty is essential to ensure justice; conversely, if legal certainty (*rechtszekerheid*) is not realized, it will generate a sense of injustice within society and undermine fairness in the entire administration of the state (Asshiddiqie, 2005, 2017).

The meaning of legal certainty also applies in the context of judicial deviations from statutory provisions. When a court deviates from the law, it signifies a departure from what has been collectively agreed upon, thereby threatening legal certainty. Similarly, deviations from rules established by authorized lawmakers result in legal uncertainty.

In the context of judicial decisions, the principles of legal certainty apply when there is consistency among rulings—namely, when one judicial decision aligns with another in similar cases that have already been adjudicated (Marzuki, 2021). Thus, the theory of legal certainty encompasses two interrelated dimensions: 1) The existence of general rules that enable individuals to know which actions are permitted and which are prohibited. Such general rules must be enacted into law, drafted with clear and precise wording, and free from ambiguity in the interpretation of provisions. These legal rules must also be binding and easily enforceable by law enforcement officials. 2) Legal security for individuals against governmental arbitrariness. Through general rules, individuals can understand what obligations or restrictions the state may impose upon them. Legal certainty is not limited to statutory provisions but also requires consistency among judicial decisions, ensuring that rulings in similar cases do not diverge significantly.

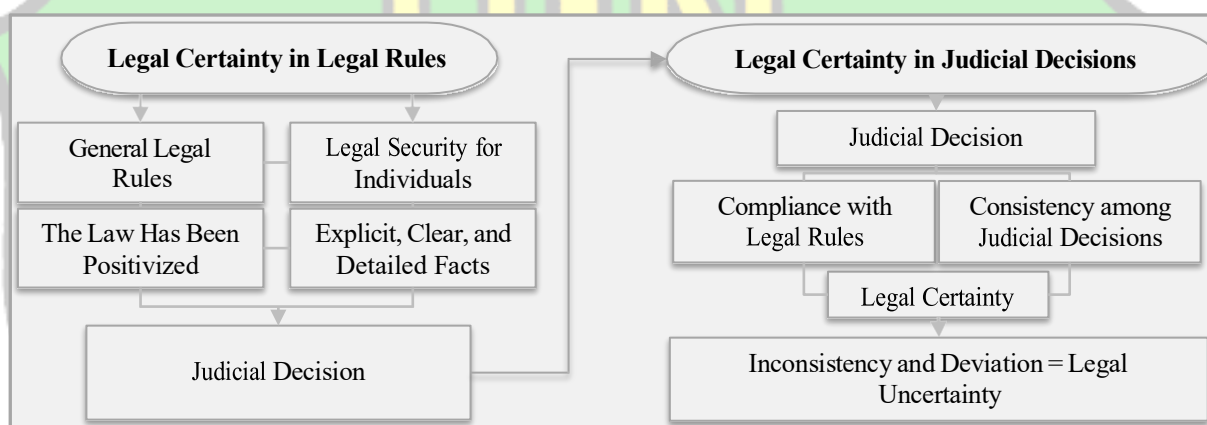


Figure 2. Concept of Legal Certainty

Source: Data Processed and Reduced from Literature Study.

Based on Figure 2 above, it can be understood that legal certainty originates from the existence of positive legal rules (already enacted and binding), which therefore function as general rules and provide legal security for individuals. Through such rules, judges are able to adjudicate legal cases. In order for judicial decisions to embody legal certainty, the substance of the ruling must conform to and take into account the applicable statutory provisions, while at the same time maintaining consistency among decisions in similar cases. This ensures that judicial decisions possess and deliver legal certainty. Conversely, if judicial rulings deviate from existing legal rules, or if decisions in similar cases differ or display inconsistency, such circumstances give rise to legal uncertainty.

3.2. Analysis of the Panel of Judges' Considerations in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir on the Imposition of Criminal Sanctions against the Regency People's Representative Council Candidate and the Village Head

The legal considerations of the panel of judges constitute one of the most crucial components of a judicial decision; indeed, such considerations (*ratio decidendi*) represent the very essence of a ruling (Efendi, 2018). Judicial considerations, also referred to as *legal considerations*, are grounded in how the panel of judges

constructs its reasoning in adjudicating a case. These considerations generally follow a similar pattern, namely by referring to the legal arguments advanced by the parties, which in criminal cases are typically presented by the public prosecutor. Consequently, judicial considerations form the core and indispensable part of any decision (Efendi, 2018). Ideally, judicial considerations must satisfy the following requirements:

- 1) The legal construction should contain the principal issues that give rise to arguments which cannot be refuted.
- 2) Judicial considerations must include a juridical analysis of every aspect submitted to the court.
- 3) A judicial decision must incorporate juridical reasoning, or *ratio decidendi*, which is grounded in scholarly opinions or doctrinal sources.
- 4) All claims must be examined and adjudicated within the decision, and must be addressed both juridically and logically.

The foregoing explanation sets out the requirements and conditions that must be present in the reasoning section of a judicial decision, particularly in the construction of legal arguments within the judges' considerations. Additional requirements that must be fulfilled include (Efendi, 2018): First, that the panel of judges' considerations must be based on the law and applicable statutory provisions; Second, that judicial reasoning must be grounded in the manifestation of justice; and Third, that judicial considerations should aim to realize the welfare of all parties (A. Manan, 2017).

These requirements constitute essential elements that must be satisfied in any decision, including in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir concerning the imposition of criminal sanctions against the Regency People's Representative Council candidate and the village head.

In both decisions *a quo*, the panel of judges first assessed the formal elements of the alleged criminal offense. In the case of the legislative candidate, the court emphasized that involving a village head in campaign activities clearly met the prohibited elements stipulated in Article 280(2) of the Election Law, which is subject to criminal sanction under Article 493. Accordingly, the judges affirmed that the defendant's conduct was not merely an administrative violation but constituted a criminal act warranting sanction.

Subsequently, the panel considered the material aspects of the defendant's actions. In the case of the legislative candidate, the court found that the use of government-provided rice cookers as campaign tools amounted to manipulation capable of misleading the public. The judges observed an attempt to exploit government assistance for personal political gain, thereby fulfilling the criminal elements that undermine the integrity of elections. This reasoning formed the basis for the imposition of criminal sanctions, albeit with penalties that were not at the maximum level prescribed by law.

In the case involving the village head, the court emphasized that the participation of village officials in campaign activities constitutes a serious violation of the principle of neutrality. Village officials hold a strategic position within the community, and their involvement has the potential to influence citizens' political choices. The panel of judges assessed that the village head's conduct not only contravened legal norms but also undermined public trust in the fair administration of elections. Consequently, the criminal elements stipulated in Article 490 of the Election Law were deemed proven to fulfill the elements of the provisions charged by the public prosecutor in both decisions.

3.2.1. Fulfillment of Criminal Elements under Article 493 of the Election Law in Bireuen District Court Decision No. 29/Pid.Sus/2024/PN.Bir.

Article 493 of the Election Law stipulates criminal sanctions for any campaign organizer or team that violates the prohibitions set forth in Article 280(2). The principal element of this provision is the act of involving prohibited parties, in this case the village head, in campaign activities. In the case of the legislative candidate Choirul Amri, the panel of judges found that this element was satisfied, as the defendant explicitly involved the village head in campaign activities, both through direct presence and through statements linking the distribution of rice cooker grants to himself as a legislative candidate. Thus, the prohibited act was proven in a legally valid manner.

Beyond the act itself, Article 493 of the Election Law requires intentionality on the part of the perpetrator. The panel of judges determined that the candidate's conduct was not a matter of negligence but rather a deliberate and conscious effort to exploit the position of the village head for political gain.

This was evident in the defendant's actions directing grant recipients to vote for him and allowing the village head to disseminate misleading information regarding the origin of the assistance. The judges concluded that the element of intent was fulfilled, as the defendant was aware of the legal prohibition yet still involved the village head in campaign activities. Therefore, all criminal elements under Article 493 were deemed proven.

3.2.2. Fulfillment of Criminal Elements under Article 490 of the Election Law in Bireuen District Court Decision No. 30/Pid.Sus/2024/PN.Bir.

Article 490 of the Election Law provides that a village head who intentionally engages in acts that benefit or disadvantage an election participant may be subject to criminal sanctions. The first element of this provision is the act of conferring an advantage upon an election participant. In the case of village head Fajri, the court found that his statements linking the rice cooker grants to the legislative candidate clearly provided political advantage to that candidate. Accordingly, the element of conferring benefit upon an election participant was satisfied.

The next element is intentionality on the part of the village official in participating in campaign activities. The court determined that the village head in this case consciously conveyed misleading information to the public, despite knowing that the rice cooker assistance originated from the ministry rather than the candidate. This conduct demonstrated intent to support a particular election participant, thereby fulfilling the element of intentionality. With both elements proven, the court declared the village head guilty of violating Article 490 of the Election Law and imposed criminal sanctions in accordance with the applicable provisions.

In both of the aforementioned decisions, the panel of judges also considered mitigating circumstances. The judges assessed that the defendants demonstrated cooperative behavior throughout the trial process and had no prior criminal record. Moreover, the impact of their actions did not result in significant material losses to the state, but was limited to the locality where the election was conducted. These factors served as the basis for the judges to impose lighter sentences, namely confinement for both parties, or six months' imprisonment with the stipulation that the sentence need not be served.

Table 2. Aspects of Judicial Considerations in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir

No.	Judicial Consideration	Explanation	Example in the Decision
1	Legal Basis	The judges referred to the 2017 Election Law, Articles 490 and 493, as prohibitive norms.	Article 493 applied to the legislative candidate; Article 490 applied to the village head.
2	Formal Elements	Assessment of whether the act fulfilled the elements of a criminal offense as charged by the public prosecutor.	The legislative candidate was proven to have involved the village head in campaign activities.
3	Material Elements	Evaluation of the impact of the act on electoral integrity and society.	The rice cooker grants were used for campaigning, misleading the public.
4	Intentionality	Determination of whether the act was committed consciously rather than negligently.	The legislative candidate knowingly involved the village head; the village head knowingly provided political advantage.
5	Mitigating Circumstances	Factors that justified a lighter sentence.	The defendants were cooperative, caused no significant material loss, and had no prior criminal record.
6	Final Verdict	The form of punishment imposed by the judges.	Six months' confinement/imprisonment with the stipulation that the sentence need not be served.

Source: Data processed and reduced from Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir.

Based on the [Table 2](#), it can be understood that in their considerations, the panel of judges sought to examine all charges brought by the public prosecutor and subsequently assessed the relevant statutory provisions constituting the criminal elements committed by both defendants. This demonstrates that the

principle of judicial consideration was fulfilled. Nevertheless, from the perspective of legal certainty, both decisions remain problematic. The criminal sanctions prescribed in the Election Law clearly stipulate a maximum of one year's imprisonment and a fine of IDR 12 million, yet the judges imposed significantly lighter sentences. Moreover, when compared with similar cases, such as that of a village head in Riau who participated in election campaigns, the punishment was in fact more severe. Therefore, these decisions warrant further study and deeper analysis in the following subsection.

3.3. Review of Legal Certainty in the Imposition of Criminal Sanctions on the Legislative Candidate Who Involved the Village Head in Election Campaigns in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir

Legal certainty in the context of judicial decisions requires consistency between the applicable norms and their application by the judges. In Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir, the provisions applied were clear, namely Articles 490 and 493 of the Election Law. Both articles explicitly prohibit the involvement of village officials in campaign activities and prohibit election participants, in this case the legislative candidate for the Regency People's Representative Council, from involving prohibited parties. With such general rules already enacted, society should be able to discern the boundaries between permissible and prohibited conduct. The judicial decisions imposing criminal sanctions on both the legislative candidate and the village head demonstrate that these legal norms were acknowledged and enforced.

However, legal certainty does not end with the mere application of statutory provisions; it also requires clarity and firmness in the sanctions imposed. In the two Bireuen District Court decisions, the sentences handed down were relatively light—six months' confinement or imprisonment with the stipulation that the sentence need not be served. These rulings raise questions as to whether they truly provide legal certainty for society. The principle of legal certainty demands that judicial decisions be bound by and limited to the norms, while also providing clear consequences for the offenders. If the sanctions imposed are excessively lenient, the public may perceive that the law is not being enforced with sufficient rigor, thereby diminishing the effectiveness of the legal system.

In the theory of legal certainty, one of its indicators is the existence of clear rules that can be implemented by law enforcement officials (Ali, 2017; Imanuddin, 2024). This relates to the certainty of the legal norms applied (B. Manan, 2007; Ricar, 2023). Within the framework of legal certainty theory, several components are emphasized: the certainty of the legal rules applied (for instance, the existence of clear provisions enforceable by law enforcement authorities); the certainty of authority regarding the jurisdiction or officials empowered to issue or render legal decisions; the certainty of legal processes, both in law enforcement and legal services; the certainty of time in every legal process; and finally, the certainty of implementation, such as the certainty of executing judicial decisions (Hatta, 2008; Ricar, 2023).

In this context, Articles 490 and 493 of the Election Law essentially meet these requirements, as their wording is explicit and does not create ambiguity. However, when judges impose sentences lighter than the maximum prescribed sanctions, the impression arises that the clear rules are not fully enforced. This condition may generate the perception that there is excessive room for interpretation in the application of sanctions, thereby indicating that legal certainty in the substance of these decisions has not been fully achieved.

Furthermore, legal certainty requires consistency among judicial decisions in similar cases (Marzuki, 2021). In other words, legal certainty also applies in the context of certainty of implementation within judicial rulings, such as the certainty of executing judicial decisions (B. Manan, 2007; Hatta, 2008). For instance, in another case in Riau, the court imposed eight months' imprisonment and a fine of IDR 5 million, while in other rulings village heads were sentenced to more than six years' imprisonment. In contrast, in Bireuen, the sanctions imposed on the legislative candidate and the village head amounted only to six months' confinement without the requirement to serve the sentence. This reflects a significant disparity among decisions addressing similar legal issues. Such inconsistency generates legal uncertainty, as society cannot clearly predict the legal consequences of identical violations. One of the fundamental

purposes of legal certainty is to provide predictability (Fuady, 2014), enabling individuals to understand the consequences of their actions.

In the Bireuen District Court decisions, the panel of judges appeared to place greater emphasis on the utility of law, namely maintaining local social and political stability by refraining from imposing maximum penalties on the two offenders. While this consideration is legally valid, from the perspective of legal certainty it remains insufficient. On the one hand, the judicial decisions upheld legal norms; on the other hand, the lenient sanctions risk weakening the clarity and firmness of the rules.

Legal certainty requires that judicial decisions do not deviate from the provisions established in statutory law. In the Bireuen District Court cases, although the articles applied were appropriate, the sanctions imposed did not reflect the maximum criminal penalties, or at the very least were far below the maximum prescribed. This creates the impression that the court departed from the spirit of the law, even if it did not formally violate the provisions of Articles 490 and 493 of the Election Law. Such deviations threaten legal certainty because of the inconsistency between the prevailing norms and the actual practice of law enforcement (See Table 3).

Table 3. Aspects of Legal Certainty in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bi

Source: Data processed and reduced from Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir.

Legal uncertainty in the *a quo* decisions can be analyzed from two aspects. First, in terms of

No.	Aspect of Legal Certainty	Explanation	Findings in Bireuen District Court Decisions
1	Positive Law	The existence of legal norms that have been enacted and are generally binding.	Articles 490 and 493 of the Election Law were applied as the legal basis.
2	Clarity of Legal Provisions	Legal provisions must be explicit, unambiguous, and easily understood.	The articles applied contained clear wording and explicit prohibitions.
3	Legal Predictability	Society should be able to anticipate the legal consequences of violations.	The lenient sanctions created uncertainty regarding the predictability of penalties for similar violations.
4	Consistency of Decisions	Law must be enforced in a manner that impacts social behavior.	Sanctions were imposed, but their leniency reduced deterrent effect.
5	Legal Security for Individuals	Individuals must be protected from arbitrariness through accessible and understandable rules.	Legal norms were upheld, but the form of sanctions generated uncertainty in protection.
6	Conformity between Norms and Practice	Judicial decisions must reflect the spirit and substance of legal norms.	A gap existed between the maximum criminal sanctions prescribed and the penalties actually imposed.

consistency in the application of norms, the Bireuen District Court rulings clearly raise issues of legal certainty. Articles 490 and 493 of the Election Law explicitly stipulate a maximum criminal sanction of one year's imprisonment for village officials and legislative candidates involved in campaign activities. However, the panel of judges imposed only six months' imprisonment with the stipulation that the sentence need not be served, without any detention order. This sentence was not only lighter than the maximum sanction but also more lenient compared to other courts in similar cases, such as the Tembilahan and Solok District Courts, which imposed actual imprisonment with detention orders. Such inconsistency indicates that the judges in Bireuen did not proportionally enforce the norms against the defendants' conduct, which was in fact more severe due to the use of government-provided rice cookers to influence voters. Consequently, the rulings failed to reflect the legal certainty that should be manifested through consistency among judicial decisions in comparable cases.

Second, from the perspective of deterrence and electoral integrity, the Bireuen District Court decisions further demonstrate weak legal certainty. The sanctions imposed were disproportionate to the impact of the defendants' actions on the democratic process, as they involved both village officials and

legislative candidates in prohibited campaign practices. While other courts imposed sentences of 8–10 months or even up to one year with probation, the Bireuen court imposed only six months' imprisonment with no requirement to serve the sentence. This disparity created uncertainty for society regarding the standards of law enforcement in electoral crime cases. The lack of clarity in sanctioning standards diminished the preventive and repressive functions of the rulings, thereby failing to safeguard electoral integrity or provide certainty for participants and voters. This aligns with Marzuki (2021) view that legal certainty in judicial decisions must be demonstrated through consistency in their content, both across rulings and within philosophical, sociological, and juridical considerations. The Bireuen decisions, which deviated from such consistency, reinforce the conclusion that legal certainty was not achieved.

Thus, the review of legal certainty in the Bireuen District Court decisions indicates that both rulings did not fully meet the requirements of legal certainty in its original concept. There exists a dualism between the clear application of legal norms and the imposition of lenient sanctions on the offenders, as well as disparities among judicial decisions. While the rulings did uphold the prohibition against involving village heads and legislative candidates in campaign activities, the form of sanctions imposed raised doubts about the consistency of judicial decisions. From the perspective of legal certainty, these rulings did not fully provide clarity and conveyed the impression that the law was not rigorously enforced.

4. CONCLUSION

Based on the research and analysis conducted, two main conclusions can be drawn. *First*, the judicial considerations in Bireuen District Court Decisions No. 29/Pid.Sus/2024/PN.Bir and No. 30/Pid.Sus/2024/PN.Bir demonstrate a legal construction grounded in the assessment of both the formal and material elements of the criminal acts charged by the public prosecutor against the legislative candidate in Bireuen and the village head. The judges determined that the elements of Articles 490 and 493 of the Election Law were legally proven. Judicial considerations also encompassed aspects of intentionality and mitigating circumstances.

Second, from the perspective of legal certainty, the Bireuen District Court rulings remain problematic. Although the legal norms applied were clear and duly enacted, the sanctions imposed did not reflect the firmness and consistency expected under the theory of legal certainty. The significant disparities between these rulings and other decisions in similar cases indicate the absence of a stable and predictable sentencing pattern. This situation risks creating legal uncertainty within society, as the consequences of identical violations are not uniform. Accordingly, legal certainty in the *a quo* decisions has not been fully realized in the practice of law enforcement.

To strengthen legal certainty in electoral cases, it is recommended that judicial institutions and the Supreme Court harmonize sentencing patterns in similar cases to ensure consistency across decisions. In addition, technical guidelines should be established for judges in assessing the severity of criminal sanctions for electoral violations, so as to prevent striking disparities in sentencing.

Ethical Approval

Not applicable

Informed Consent Statement

Not applicable

Authors' Contributions

A- Conceptualization, research framework development, research questions, literature review, theoretical analysis, and original draft preparation. RAM- Secondary data collection, data organization, policy document review, official report review, and synthesis of comparative findings. NF- Theoretical

refinement, analytical feedback, critical academic input, manuscript review, revision, and improvement of conceptual coherence, analytical depth, and academic rigor.

Disclosure Statement

The author asserts that there are no conflicts of interest pertaining to this research or the publishing of this manuscript.

Data Availability Statement

Research data can be obtained from the author upon request, with the confidentiality of respondents' names guaranteed.

Funding

This research was conducted without external funding.

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