

Law Enforcement of Money Politics Crimes in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency

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Article Info

Article history:

Accepted: 3 June 2026

Published: 1 September 2026

Keywords:

Law Enforcement;

Money politics;

Pilkada;

Abstract

This study aims to find out the law enforcement mechanism for money politics in the implementation of the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency as well as the factors that affect the effectiveness of law enforcement against money politics. This research uses an empirical legal research method with an empirical juridical approach. The data sources used consist of primary data obtained through field research and secondary data obtained from laws and regulations, books, journals, and literature related to research. Data collection techniques are carried out through interviews, observations, and documentation, while data analysis is carried out qualitatively and presented descriptively. The results of the study show that the law enforcement mechanism for money politics crimes in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency has been implemented through the stages of prevention, supervision, receipt of reports and findings, discussions with the Integrated Law Enforcement Center (Gakkumdu), investigations, investigations, prosecutions, and examinations in court in accordance with the provisions of applicable laws and regulations. However, its implementation has not been fully effective because there are still obstacles in the proof process, limited evidence, and low public participation in reporting money political violations. Factors that affect the effectiveness of law enforcement include legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and legal culture factors. Of the five factors, the social factor and legal culture are the most dominant factors because of the low legal awareness of the community and the development of a transactional political culture that considers the practice of money politics as a natural thing in the election process.

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1. INTRODUCTION

Indonesia as a democratic country places general elections and regional head elections as a means of implementing people's sovereignty as mandated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The people's sovereignty is realized through a direct, public, free, secret, honest, and fair election mechanism. In the context of local government, the election of Regents and Deputy Regents is an important instrument in determining regional leadership that has democratic legitimacy. Therefore, the implementation of regional head elections must be carried out with integrity, transparency, and free from all forms of violations that can harm democratic principles.

The direct election of Regional Heads (Pilkada) essentially aims to provide opportunities for the community to determine regional leaders in accordance with their political will and aspirations. Through this mechanism, it is hoped that a local government that is accountable, responsive, and able to carry out public service functions optimally will be realized. However, in practice, the implementation of the Regional Elections in Indonesia still faces various challenges that can disrupt the quality of democracy, one of which is the practice of money politics.

Money politics is one of the most frequent forms of election violations in every election and regional head election. This practice is carried out by giving money, goods, or other forms of benefits to voters with the aim of influencing people's political choices. Money politics is not only carried out by candidate pairs directly, but also often through campaign teams, volunteers, and certain parties who have an interest in the victory of certain candidates. This condition causes money politics to become one of the serious threats to the integrity of democracy because it shifts voter orientation from rational considerations of the candidate's vision, mission, and work program to purely material considerations.

Conceptually, money politics is a form of democratic deviation that is contrary to the principle of people's sovereignty. Democracy, which is supposed to give freedom to people in making their political choices, turns into a political transaction that is full of pragmatic interests. In such conditions, the people's voice no longer reflects free political will, but is influenced by material rewards given by certain parties. As a result, the quality of election results becomes low and has the potential to give birth to leaders who do not have strong moral legitimacy.

In the 2024 Regent and Deputy Regent Elections, the practice of money politics is still one of the violations that has received serious attention from the Election Supervisory Agency (Bawaslu), the Police, and the Prosecutor's Office which are members of the Integrated Law Enforcement Center (Gakkumdu). Various reports and findings show that alleged money politics practices are still found in a number of regions during the Pilkada stage. Even during the quiet period of the 2024 Regional Elections, several regions in Indonesia recorded alleged violations of money politics that were being processed by Bawaslu and the Gakkumdu Center.

The implementation of the Regional Elections, including re-voting (PSU), in North Gorontalo was accompanied by a number of alleged violations handled by the North Gorontalo Election Supervisory Agency (Bawaslu). Especially for those held on November 27, 2024, there were no reports and/or findings related to money politics. It is different with the re-voting (PSU) on April 19, 2025. The following data illustrates the process of handling violations of money politics crimes in the 2024 Regent and Deputy Regent Elections recorded at the North Gorontalo Regency Bawaslu.

That the North Gorontalo Regency Bawaslu received a Report of Alleged Violations of Money Politics with a total of 43 (forty-three) Reports out of 50 (fifty) Reports of Alleged Election Violations in the Implementation of Re-Voting. Furthermore, 14 (fourteen) reports that were declared to meet the Formal and Material requirements were then registered. Of the 14 (fourteen) reports registered, there were 6 (six) reports that were declared to be proven to be election violations and forwarded to the North Gorontalo Regency Police. Of the 43 (forty-three) reports on the practice of money politics, they were successfully registered for further processing. However, despite the many reports registered, only a few managed to obtain a decision with permanent legal force, namely only 1 (one) case. This reflects the great challenge of proving and handling money politics

cases, which often involve multiple parties and are difficult to confirm with strong evidence.

The existence of money politics in the Regional Elections not only has an impact on the quality of democracy, but also has the potential to cause corrupt practices in the future. Regional heads who win through the practice of money politics tend to seek to return political costs that have been incurred during the election process. This condition has the potential to encourage abuse of authority, corruption, collusion, and nepotism in the implementation of local government. Thus, money politics is not only an election law issue, but also the root of various problems of local governance.

From a positive legal perspective, the prohibition of money politics in the Regional Elections has been expressly regulated in Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors. Article 187A stipulates that any person who deliberately promises or gives money or other material to influence voters can be subject to criminal sanctions in the form of imprisonment and fines. This arrangement shows the state's commitment to maintaining the integrity of the election of regional heads through criminal law instruments.

In addition, the mechanism for handling election crimes is also strengthened through the establishment of the Integrated Law Enforcement Center (Gakkumdu) consisting of elements of Bawaslu, the Police, and the Prosecutor's Office. The Gakkumdu Center functions as a forum for coordination in handling election crimes so that the law enforcement process can run effectively, quickly, and integrated. The presence of the Gakkumdu Center is expected to be able to increase the effectiveness of handling money political violations which have often faced various obstacles in the process of proving them.

Nevertheless, the effectiveness of law enforcement against money political crimes is still an interesting issue to study. In practice, many cases of money politics are difficult to prove so they cannot proceed to the investigation or prosecution stage. The difficulty of proving is caused by various factors, including limited evidence, low public participation in reporting violations, fear of witnesses to give information, and the existence of social relationships between perpetrators and recipients of money politics. This condition results in many money politics practices that cannot be processed legally even though the indications of violations are quite strong.

Based on this description, law enforcement against money politics crimes in the implementation of the 2024 Regent and Deputy Regent Elections is a very important issue to be researched. This research is needed to find out how the law enforcement mechanism carried out by supervisory agencies and law enforcement officials against money political violations and the factors that affect the effectiveness of law enforcement. In addition, this research is also expected to make an academic contribution to the development of legal science, especially election law and constitutional law, as well as provide recommendations for efforts to improve the law enforcement system for regional head elections in Indonesia, especially in North Gorontalo Regency.

2. RESEARCH METHODS

This type of research is empirical research, which is research with field data as the main source of data, such as interviews and observations. Empirical research is used to analyze the law which is seen as a patterned community behavior in the lives of people who are always interacting and related in social aspects. Empirical legal research is legal research on the enactment or implementation of normative legal provisions in action on every specific legal event that occurs in society.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Law Enforcement Mechanism Carried out by Supervisory Institutions and Law Enforcement Officers against Money Politics Violations in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency

Law enforcement against money politics is one of the important instruments in maintaining integrity, honesty, and justice in the implementation of regional head elections. Money politics is an act that is contrary to democratic principles because it can affect the freedom of voters in making their political choices. Therefore, the state through various legal instruments has regulated prohibitions and sanctions against the practice of money politics, both carried out by candidate pairs, campaign teams, volunteers, and other parties acting on behalf of election participants. In the context of the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency, the law enforcement mechanism against money politics violations is carried out through coordination between the General Election Supervisory Agency (Bawaslu), the National Police of the Republic of Indonesia, and the Prosecutor's Office of the Republic of Indonesia which are members of the Integrated Law Enforcement Center (Gakkumdu Center).

The law enforcement mechanism against money politics is not only carried out through repressive actions in the form of action against violators, but also through preventive measures aimed at preventing the practice of money politics from the beginning of the election stage. Effective law enforcement must be able to integrate efforts to prevent, supervise, handle violations, investigations, investigations, prosecutions, and the implementation of court decisions. All of these stages are an inseparable unit in order to realize democratic elections with integrity.

A. Stages of Prevention of Money Politics

The first stage in the law enforcement mechanism against money politics is the prevention stage. Based on the provisions of laws and regulations, Bawaslu has the authority to prevent all forms of election violations, including money politics. Prevention is carried out because in essence the main purpose of law enforcement is not solely to sanction the perpetrators of violations, but to prevent these violations from occurring.

In the implementation of the 2024 Regent and Deputy Regent Elections, the North Gorontalo Regency Bawaslu carried out various prevention activities aimed at the community, election participants, political parties, campaign teams, and all stakeholders involved in the election process. These activities are carried out through socialization, political education, participatory supervision, and dissemination of information about the dangers of money politics and legal sanctions that can be imposed on the perpetrators.

Prevention is carried out by providing an understanding to the public that money politics is an action that can damage the quality of democracy because it encourages voters to make choices not based on the candidate's vision, mission, and program, but based on the material rewards received. If this condition continues to be left unchecked, it will give birth to leaders who do not have a commitment to the interests of the community, but are more oriented towards returning the political costs that have been incurred during the election process.

In addition to conducting direct socialization to the public, Bawaslu also utilizes various information media to increase public awareness about the dangers of money politics. The use of social media, the installation of billboards, banners, banners, and the dissemination of educational materials are part of the prevention strategy carried out. These efforts show that the prevention of money politics requires the involvement

of all elements of society because election supervisors cannot work alone without the support of the community.

Prevention is also carried out through the establishment of participatory surveillance networks involving religious leaders, community leaders, youth leaders, community organizations, and other community groups. Public involvement in supervision is very important because the practice of money politics is generally carried out behind closed doors and is difficult to detect by supervisory officials if there is no information from the public.

B. Stage of Supervision of Allegations of Money Politics

After carrying out prevention, the next mechanism is the implementation of supervision of all stages of the election. Supervision is carried out by Bawaslu together with the ranks of election supervisors at the sub-district, village, and polling station levels. Supervision aims to ensure that all stages of the election take place in accordance with the provisions of laws and regulations.

In the context of money politics, supervision is focused on the stages that are considered to have a high level of vulnerability, namely the campaign period, the quiet period, and the voting day. These three stages are often a momentum for election participants or certain parties to approach voters through the provision of money, goods, or other forms of profit.

During the campaign period, supervision was carried out on all campaign activities organized by candidate pairs and campaign teams. Election supervisors monitor limited meeting activities, public meetings, face-to-face campaigns, and other forms of campaigns that have the potential to be used as a means to practice money politics.

Meanwhile, during quiet periods supervision is carried out more intensively because based on the experience of various previous elections, the practice of money politics often occurs before polling day. During this period, election supervisors conduct surveillance patrols to identify indications of the distribution of money, basic necessities, or other forms of giving to the community.

Supervision is not only carried out directly in the field, but also through monitoring social media and information that develops in the community. The development of information technology has caused the practice of money politics to no longer be carried out conventionally, but can be carried out through electronic money transfers and other forms of digital transactions. Therefore, supervision must be carried out comprehensively by paying attention to various *modus operandi* that is developing.

C. Stage of Receipt of Reports and Discovery of Alleged Violations

The law enforcement mechanism against money politics is then carried out through the receipt of reports and the discovery of alleged violations. Reports can come from the public, election participants, election monitors, or other parties who know of alleged violations of money politics. In addition to reports, violations can also be found directly by election supervisors in carrying out their supervisory duties.

Every report received by Bawaslu must meet the formal and material requirements as stipulated in laws and regulations. Formal requirements relate to the identity of the reporter, reporting deadline, and other administrative completeness. Meanwhile, the material requirements are related to the description of the incident, preliminary evidence, the location of the incident, and the party suspected of committing the violation.

After the report is received, Bawaslu conducts a preliminary study to determine the type of violation that occurred. This study is very important because not all election violations are criminal offenses. There are violations that are categorized as administrative violations, violations of the code of ethics, and disputes over the election process.

If the results of the study show that there is an alleged crime of money politics, the report will be forwarded to be discussed with the Gakkumdu Center to determine the next legal steps.

D. Discussion Stage with the Gakkumdu Center

The Gakkumdu Center is an integrated forum consisting of elements of Bawaslu, the Police, and the Prosecutor's Office. The establishment of the Gakkumdu Center aims to equalize perceptions in handling election crimes so that the law enforcement process can run effectively and efficiently.

In handling allegations of money politics, the Gakkumdu Center discussed all facts, evidence, and information obtained from the results of supervision and community reports. The discussion is carried out to determine whether an event meets the elements of a criminal act as stipulated in the provisions of laws and regulations.

This stage has a very important role because it is the entrance to the investigation and investigation process. If the elements of the criminal act are not met, then the case cannot proceed to the next stage. On the other hand, if the elements of the criminal act are met, the legal process will be continued in accordance with the applicable mechanism.

Through the Gakkumdu Center, coordination between Bawaslu, the Police, and the Prosecutor's Office can be carried out more effectively so as to reduce the potential for differences in legal interpretation in handling a case.

E. Stages of Research and Investigation

After the case was declared to meet the elements of a criminal act, police officers who are members of the Gakkumdu Center conducted an investigation and investigation. The investigation was carried out to search and find an event that was suspected of election crimes. Meanwhile, the investigation was carried out to collect evidence to shed light on the crime that occurred and find the suspect.

In money politics cases, the investigation process often faces various obstacles because the practice is generally carried out behind closed doors. In addition, people who know about the incident are often reluctant to provide information for fear of facing social pressure or pressure from certain parties.

Investigators must collect various evidence such as witness statements, documents, video recordings, photos, money, other evidence, and clues that can support proof of the existence of money politics. If the evidence obtained has complied with the provisions of the criminal procedure law, the investigator can determine the suspect and delegate the case to the public prosecutor.

F. Stages of Prosecution

After the case file was declared complete, the public prosecutor prosecuted the suspect in court. At this stage, the prosecutor is tasked with proving that the defendant has committed a money politics crime as charged.

The prosecution is a very decisive stage because the success of the evidence in the trial will affect the verdict handed down by the judge. The prosecutor must be able to present strong evidence so that the judge can be convinced that the defendant has really committed a money political crime.

In practice, the success of prosecution is highly dependent on the quality of the investigation conducted beforehand. Therefore, coordination between investigators and prosecutors is an important factor in the success of law enforcement against money politics.

G. Examination Stage and Court Decision

The last stage in the law enforcement mechanism against money politics is the examination of cases in court. The judge will examine all evidence submitted by the public prosecutor and the defendant before issuing a verdict.

If the judge believes that the defendant is proven to have committed a money political crime, then the judge can impose a criminal sentence in accordance with the provisions of laws and regulations. On the other hand, if the evidence is insufficient or the elements of the criminal act are not proven, then the defendant can be released from all lawsuits.

The existence of the court as an institution that gives the final verdict shows that law enforcement against money politics must be carried out based on the principle of due process of law so that everyone gets legal protection and fair treatment before the law.

Based on the description above, it can be seen that the law enforcement mechanism for money politics in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency has been implemented through several stages which include prevention, supervision, receipt of reports and findings, discussion of the Gakkumdu Center, investigation, investigation, prosecution, and examination in court. All of these stages show that law enforcement against money politics is not only oriented towards providing sanctions to perpetrators, but also prioritizing prevention and supervision efforts to minimize the occurrence of violations.

However, the effectiveness of the mechanism still faces various obstacles, especially in the aspect of proof, limited evidence, low public participation in reporting violations, and a strong transactional political culture in society. Therefore, it is necessary to increase public legal awareness, strengthen the capacity of supervisory institutions, and have more optimal synergy between Bawaslu, the Police, and the Prosecutor's Office so that law enforcement against money politics can run more effectively and be able to realize honest, fair, and democratic elections.

b. Factors Affecting the Effectiveness of Law Enforcement Against Money Political Crimes in the Implementation of the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency

The effectiveness of law enforcement is a measure of the success of a legal system in achieving the goals that have been set. In the context of law enforcement against money politics, effectiveness is not only measured by the number of perpetrators who are legally processed, but also by the ability of supervisory institutions and law enforcement officials to prevent violations, increase public legal awareness, and create an honest and fair election process. Effective law enforcement must be able to provide legal certainty, justice, and benefits for the community so that the goals of democracy can be realized optimally.

Based on the results of the study, the effectiveness of law enforcement against money politics crimes in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency is influenced by several factors that are interrelated with each other. These factors include legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and legal culture factors.

a) Legal Factors

Legal factors are the first factor that affects the effectiveness of law enforcement against money politics. The law serves as a guideline for law enforcement officials in carrying out their duties and authorities. Clarity of legal norms is an important requirement for law enforcement to run effectively.

In the implementation of the 2024 Regent and Deputy Regent Elections, the provisions regarding the prohibition of money politics have been regulated in Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law. The regulation provides a clear legal basis for Bawaslu and the Gakkumdu Center in handling every alleged crime of money politics.

However, in practice there are still several obstacles related to legal aspects. One of the main obstacles is the difficulty of proving money politics. Money politics is generally carried out behind closed doors, involving certain parties, and rarely done openly, making it difficult for the authorities to obtain sufficient evidence. In addition, the relatively short time limit for handling election criminal cases is often an obstacle in the process of collecting evidence and examining witnesses.

This condition causes not all reports or findings of alleged money politics to be continued until the trial stage. Thus, even though regulations are available, the effectiveness of law enforcement is still influenced by the ability of the rule of law to respond to various challenges that arise in practice.

b) Law Enforcement Factors

Law enforcement factors are a factor that greatly determines the success of law enforcement against money political crimes. The law enforcers in question include Bawaslu, the Police, and the Prosecutor's Office who are members of the Gakkumdu Center.

Bawaslu has a role as an institution that prevents, supervises, and handles election violations. Meanwhile, the Police are authorized to conduct investigations and investigations into election crimes, while the Prosecutor's Office is in charge of prosecuting in court.

Based on the results of the research, coordination between the three institutions has been carried out in accordance with the applicable mechanism. However, the effectiveness of law enforcement still faces several obstacles stemming from law enforcement factors. One of them is the limited number of supervisory personnel compared to the area of supervision that must be reached.

In addition, there are challenges in equalizing legal perceptions between officials involved in the Gakkumdu Center. In some cases, differences of opinion on whether or not the elements of a criminal act are fulfilled can affect the process of handling cases. Therefore, increasing the capacity of human resources and strengthening coordination between institutions is an important need to increase the effectiveness of law enforcement.

c) Facilities and Infrastructure Factors

Facilities and infrastructure are factors that support the smooth implementation of supervision and law enforcement tasks. The availability of adequate facilities will make it easier for the authorities to supervise, receive reports, collect evidence, and handle cases of election violations.

In the implementation of the 2024 Regent and Deputy Regent Elections, the facilities and infrastructure used include operational vehicles, information technology devices, communication tools, and other administrative facilities. The existence of these facilities is very helpful in the implementation of supervision tasks, especially in areas that have quite difficult geographical access.

However, the results of the study show that the limitation of facilities and infrastructure is still one of the obstacles in the implementation of supervision. The area of North Gorontalo Regency requires supervisors to reach various areas that are located far away. Under certain conditions, limited transportation facilities can affect the speed of response to reports or information regarding alleged money politics.

In addition, the development of information technology also requires the availability of more modern supporting facilities so that supervision of the practice of money politics can be carried out more effectively, including supervision of electronic transactions that have the potential to be used as a means of money politics.

d) Community Factors

The community is a very important element in determining the effectiveness of law enforcement. The level of public legal awareness will affect the success of efforts to prevent and prosecute money political crimes.

Based on the results of the research, there are still some people who are reluctant to report the practice of money politics even though they know of violations. This condition is caused by various factors such as fear of social pressure, family relations with the perpetrator, lack of understanding of the reporting mechanism, and concern about the consequences that may arise after giving a report.

In addition, there are still people who view giving money or goods ahead of elections as something that usually happens in every political contest. This view causes money politics to not always be considered a serious violation of the law. As a result, public participation in supporting law enforcement against money politics has become less than optimal.

In fact, the success of disclosing money politics cases is highly dependent on information and reports provided by the public. Therefore, increasing public legal awareness through political education and socialization is an important step to support the effectiveness of law enforcement.

e) Legal Culture Factors

Legal culture factors are factors related to people's values, attitudes, and behavior patterns towards the law. A good legal culture will encourage people to obey the rule of law and support law enforcement efforts. On the contrary, a low legal culture can be an obstacle in realizing the effectiveness of the law.

In the context of money politics, the legal culture of the community is still a considerable challenge. Based on the results of the research, there is still a tendency for some people to accept money or goods from certain candidates on the grounds that they are sustenance or a form of assistance to the community. This mindset shows that

money politics has not been fully understood as an act that can undermine the quality of democracy.

In addition, the culture of patronage that is still developing in local political life also influences people's behavior in elections. The relationship between candidates and the community is often built through the provision of assistance or material support so as to create dependency that ultimately triggers the practice of money politics.

This culture of transactional politics is one of the main factors that cause money politics to continue to occur even though various prevention and enforcement efforts have been made. Therefore, efforts to improve the effectiveness of law enforcement are not enough to be carried out only through a legal approach, but must also be accompanied by changes in the political culture of the community through continuous political education.

Based on the theory of legal effectiveness put forward by Soerjono Soekanto, the effectiveness of law enforcement against money political crimes in the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency is influenced by five main factors, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and legal culture factors. Of the five factors, the community factor and the legal culture factor are the most dominant factors affecting the effectiveness of law enforcement.

Although regulations are available and law enforcement agencies have carried out their duties in accordance with the authority given by law, the practice of money politics is still difficult to eradicate due to low public participation in reporting violations and a strong transactional political culture. Thus, the effectiveness of law enforcement against money political crimes not only depends on the quality of the rule of law and the performance of law enforcement officials, but also is greatly influenced by the level of legal awareness and political culture of the community itself.

4. CONCLUSION

Law Enforcement of Money Politics Crimes (Money Politics) in the Implementation of the 2024 Regent and Deputy Regent Elections in North Gorontalo Regency, it can be concluded that the law enforcement mechanism against money politics violations has been implemented through the stages of prevention, supervision, receipt of reports and findings, discussions with the Gakkumdu Center, investigations, investigations, prosecutions, and examinations in court in accordance with the provisions of laws and regulations that applicable. However, its implementation has not been fully effective because it still faces various obstacles, especially in the process of proving money political crimes which are generally carried out behind closed doors, limited evidence, and low public participation in reporting violations. The effectiveness of law enforcement is influenced by legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and legal culture factors. Among these factors, the social factor and legal culture are the most dominant factors because of the low legal awareness of the community and the development of a transactional political culture that considers the giving of money or goods as a natural thing in the election process. Therefore, it is necessary to strengthen coordination between law enforcement officials, improve the quality of supervision, optimize supporting facilities, and continue political and legal education to the public in order to realize honest, fair, democratic, and free elections from the practice of money politics.

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