

IMPLEMENTATION ANALYSIS GOVERNMENT REGULATION IN LIEU OF LAW NUMBER 2 OF 2020 CONCERNING THE ELECTION OF GOVERNOR, MAYOR AND REGENT IN THE CENTRAL PANDEMI CORONAVIRUS DISEASE 2019

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Abstract

Regional Autonomy contains an element of supervision (toezicht), then autonomy is not merely the administration of government to achieve efficiency and effectiveness of government. Autonomy is determined on a territorial basis or on a function basis. The essence of autonomy is independence and freedom to regulate and manage the community itself, which is the function of the government as a household affair in the bonds of a unitary state, autonomy always requires the independence and freedom of an independent government unit. The election of regional heads is carried out in a package together with the deputy regional heads. The regional head and deputy regional head in question include the governor and deputy governor for the province; Regents and deputy regents for districts, mayors and deputy mayors for cities. The reality of Indonesian democracy has undergone many changes and transitions after the reformation. It is not an easy thing for the Indonesian people to go through the democratic transition and then show progress. Major and fundamental steps have been taken to make democracy the direction of the country's goals, namely by making amendments.

Keywords: *Implementation, Government Regulation in Lieu of Law, Covid-19 pandemic.*

I. INTRODUCTION

The State of Indonesia is a democratic country and the highest sovereignty is in the hands of the people, this has been regulated in the constitution of the Republic of Indonesia. As Article 1 paragraph (2) reads "Sovereignty is in the hands of the people and implemented according to the 1945 Constitution of the Unitary State of the Republic of Indonesia". even the presidential and vice presidential elections, but in the regional head elections scheduled simultaneously in 2020 it cannot be carried out as planned.

The failure of the Regional Head General Election due to the Covid-19 pandemic which continues to increase every day. Of course, the delayed

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simultaneous regional head elections cannot be ignored because it should be in any critical and emergency condition the people choose a leader directly, this is of course stated in the Constitution of the Republic of Indonesia. Even the constitution of the Republic of Indonesia stipulates the formation of a Perppu, As Article 22 paragraph (1) "in this case the matter of compelling urgency, the President has the right to stipulate a Government Regulation in lieu of a Law.

The development of the spread of the 2019 Coronavirus Disease pandemic, hereinafter abbreviated as Covid-19, continues to significantly increase, especially in Indonesia as a country that is also affected by this pandemic outbreak. This pandemic has exposed many cracks in our lives in our nation, starting from the economy, politics, and socio-culture. From the fragility of the country's economy, the pile of foreign debt that is getting worse, to political polarization which also has a significant impact.

This simultaneous regional head election was held on December 9, 2020 and then the voting will be carried out in several regions in Indonesia. This is a challenge for the people of Indonesia where the elections are held in the midst of the COVID-19 pandemic. The holding of regional head elections, hereinafter abbreviated as the 2020 simultaneous regional elections, in the midst of the COVID-19 pandemic, has become a dilemma. On the one hand, health issues and the risk of transmission must still be a priority for the Indonesian government in dealing with COVID-19. Pilkada is a means for the people to fill legislative positions within a certain period of time in a democratic manner. The community is given space to play an active role and be part of the democratic process.³Democratic life, justice and equity, community welfare, maintaining harmonious relations between the government and the regions to maintain the integrity of the Republic of Indonesia. Therefore, a regional head figure is needed who is able to carry out innovation, is forward-looking and ready to make changes for the better.⁴

However, the 2020 regional elections are different from those of previous years. This year's election we are faced with the situation of the Covid-19 pandemic. This is a dilemma for the government to continue with the simultaneous regional elections which will be held in December 2020. Because . On the one hand, health issues and the risk of transmission must still be a priority for the Indonesian government in dealing with COVID-19. On the other hand, the number of transmissions of the COVID-19 pandemic continues to soar. A number of parties are concerned that the implementation of this simultaneous regional election will even increase the number of positive cases of COVID-19 in Indonesia. The community continues to put pressure on the postponement of the simultaneous

³ A.S.S. Tambunan. 2011. *Pemilu Demokratis Kompetitif*. Tiara Kencana, Yogyakarta, p.2.

⁴ Muhammad Zein Abdullah. 2008. *Strategi Komunikasi Politik dan Penerapan Pada Pemilihan Kepala Daerah Menuju Pemilu Yang Berkualitas*. Jurnal Observasi, Vol. 6, No. 1, p. 11.

Pilkada in 2020, because it is considered that the government does not prioritize the reality situation that is happening today.

Finally, the way the government took was to issue Perppu Number 2 of 2020 concerning the Election of Governors, Mayors and Regents on May 4, 2020 as the basis for postponing the Pilkada which should have been held on September 9, 2020. In principle, Perppu Number 2 of 2020 contains the results of a joint agreement between Commission II of the House of Representatives of the Republic of Indonesia and the Minister of Home Affairs (Mendagri), the General Elections Commission of the Republic of Indonesia (KPURI), the General Elections Supervisory Body of the Republic of Indonesia (Bawaslu RI), and the Indonesian Council for General Elections. Honor for the Implementation of the General Election of the Republic of Indonesia (DKPP RI).

II. DISCUSSION

The state is an organization that is the result of products and politics, which in this case can also be interpreted as a policy, strategy, steps, tips or policies, policies, to achieve the desired goals. In politics, various activities can be carried out in a system. Likewise, in the case of government administrators, from the center to the regions, various strategies are taken. Steps are taken by those who have the authority or power to make decisions (decision making) as policies (policy, belied) to be used as distribution. In this case, it is carried out by the central government and passed on to local governments.

The State of Indonesia is the Unitary State of the Republic of Indonesia which until now remains and will not be changed again as stated in the 1945 Constitution of the Republic of Indonesia (UUD 1945 in the preamble to the fourth paragraph, hereinafter regulated in Article 1 paragraph (1 and Article 37). paragraph (5) Indonesia is an archipelagic country and its territory consists mostly of oceans as regulated in Article 25A of the 1945 Constitution which stipulates that the Unitary State of the Republic of Indonesia is an archipelago characterized by an archipelago with an area whose boundaries and rights are determined by law. law.

Government is firstly defined as the overall working environment in an organization. In state organizations, the government as the office environment is the state apparatus such as executive positions, legislative positions, judicial positions, and other super-structure positions. These positions indicate a permanent work environment that contains certain authorities. A collection of powers gives the power to do or not do or not to do something. Therefore, executive positions, legislative positions, judicial positions, and others. The government stated above can be referred to as government in the general sense or in the broad sense (government in the broad sense).⁵

⁵ Lintje Anna Marpaung.2020. *Politik Pemerintahan Daerah*. Pusaka Media, Bandar Lampung, p. 5.

To exercise the authority or power inherent in the office environment, there must be an office holder, there must be an office holder, namely an official (ambtsdrager). Stakeholders run the government, because it is called government. Running the government, because it is called government. Based on the variety of office environments, there is a government in the legislative sector, a government in the judiciary and so on. This is what government means (not government in the broadest sense. Government can also be interpreted in a narrow sense, namely the holder of office as the executor of executive power or more narrowly, the government as the organizer of state administration.

The concept of Regional Autonomy is an essential part of decentralized government, so regional autonomy is the main essence of decentralized government. Decentralized government cannot be imagined without the essence of regional autonomy, decentralized government is a species in a unitary state system that is more genus.⁶Regional autonomy is an arrangement concerned with ways of dividing the authority of tasks and responsibilities between the center and the regions.⁷According to Bagir Manan, Regional Autonomy contains an element of supervision (toezicht), furthermore, autonomy is not the sole purpose of government administrators to achieve government efficiency and effectiveness. Autonomy is determined on a territorial basis or on a function basis. The essence of autonomy is independence and freedom to regulate and manage the community itself, which is the function of the government as a household affair in the bonds of a unitary state, autonomy always requires the independence and freedom of an independent government unit.

The election of regional heads is carried out in a package together with the deputy regional heads. The regional head and deputy regional head in question include the governor and deputy governor for the province; Regents and deputy regents for districts, mayors and deputy mayors for cities.⁸Simultaneous Pilkada is a reform of the regional election system which was previously carried out in accordance with the end of the regional head's term of office. The simultaneous local elections is an attempt to end the political ritual that lasts throughout the year. However, more importantly, the simultaneous pilkada is expected to be a solution to the high costs of democracy from the APBN and APBD.⁹

In the course of the pilkada mechanism, there has been a change from indirect elections to direct elections. This dynamic is motivated by various reasons, such as cooperation between people's representatives (DPRD and candidates for Regent, Governor which has an impact on political corruption and poor accountability because there is no clarity on the political elite group, which negates

⁶ *Ibid.*, p. 72.

⁷ *Ibid.*

⁸ Marulak Pardede. 2018. *Legitimasi Pemilihan Kepala/Wakil Kepala Daerah Dalam Sistem Pemerintahan Otonomi Daerah*. Jurnal Penelitian Hukum De Jure, Vol. 18. No. 2. p. 128.

⁹ *Ibid.* p. 129.

transparency but instead enhances money politics.¹⁰The reality of Indonesian democracy has undergone many changes and transitions after the reformation. It is not an easy thing for the Indonesian people to go through the democratic transition and then show progress. Major and fundamental steps have been taken to make democracy the direction of the country's goals, namely by making amendments.

1945 Constitution of the Republic of Indonesia. Amendments to the 1945 constitution have substantially changed Indonesia's political system, among others, general elections (Pemilu): limiting the term of office of the president (twice in office); changes in the presidential election from a representative system by the People's Consultative Assembly (MPR to direct elections by the people. Elections are held by special institutions nationally and independently although elections are not the same as democracy, but elections are a concept and at the same time a concrete manifestation of procedural democracy. It is also a fully democratic state which is run directly by all the people and entirely for all of the people, so that elections are the most powerful way for the people to participate in modern representative democracy (representative government).

People's participation is the main key in running a democratic system of government. Election Oversight is a part that is systematically developed, for example, by opening up space for broad monitoring groups and institutionalizing election supervisors. Therefore, through Law Number 22 of 2007 concerning Election Organizers, the General Elections Supervisory Body was formed and hereinafter abbreviated as Bawaslu, a permanent institution with the main authority to oversee the implementation of the stages of the election, receive complaints, and handle cases of administrative violations, election criminal violations, and code of ethics. Election supervisory institutions are strengthened by Law Number 15 of 2011 concerning Election Organizers in which there are several changes in the position, duties, and authorities of Bawaslu.¹¹

Elections are a means of public political participation to participate in determining public policies. The people can directly determine public policies through their support for election contestants with programs that facilitate the aspirations of the people's interests. As a consequence, the winner of the election is required to fulfill his promises when he is in office. According to Tocqueville, democracy requires the active participation of the people in egalitarian political and social institutions.

In 2020 Indonesia will conduct elections simultaneously in every province, but the current situation is different, Indonesia is facing a fairly serious problem, namely the COVID-19 pandemic which also has an impact on the economic,

¹⁰ Suyatno. 2016. *Pemilihan Kepala Daerah (PILKADA) dan Tantangan Demokrasi Lokal Di Indonesia Political Sciencal Review*, Vol . No. 2. p. 213.

¹¹ Ilham Yamin. 2020. *Indeks Kerawanan Pemilu*. Bawaslu. Jakarta Pusat. p. 3.

political, social and cultural situation. This election is a 5 year political momentum. once as a democratic process in the midst of the Covid-19 pandemic situation, the government issued Perppu Number 2 of 2020 concerning the election of Governors, Mayors and Regents as legitimacy for the implementation of the pilkada process in the midst of the covid-19 pandemic.

Cases that occur in Indonesia are not as many as other countries, but there is a possibility that there will be a continuous increase in the near future. The number of deaths that are increasing day by day due to covid-19 does not only cause symptoms and physical illness However, it has a major impact on the welfare of the Indonesian people, which includes mental health. Such as having an impact on the socio-economic conditions of the family left behind, this can have a significant effect if someone who is infected with COVID-19 and then dies is the backbone of the family.

Implementation of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents during the Covid-19 pandemic in Bandar Lampung City

Based on the results of research at the General Election Commission (KPU Bandar Lampung City by conducting an interview method with Mr. Dedi Triyadi as Chairman of the General Election Commission of Bandar Lampung City, Government Regulation Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning Stipulation of a Substitute Government Regulation Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors is a legal product that must be obeyed by the community.

Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents amid the 2019 Coronavirus Disease Pandemic is the third amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Mayors and Regents, meaning that every citizen must obey and obey and obey the rules that have been set by the government. According to him, Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents is a solution to answer and deal with problems that exist in Indonesia today.

President Joko Widodo has pressed the Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents, which was pressed on May 4, 2020, explaining the matter of holding the 2020 simultaneous regional elections which was postponed until December 2020 due to the disaster faced by Indonesia related to the Covid-19 outbreak. 19 or the corona virus in PERPPU Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents in the midst of the 2019 Coronavirus Disease Pandemic is a very extraordinary policy and step both at the central and regional levels, because it is

necessary to postpone the stages of implementing the simultaneous regional elections due to the COVID-19 outbreak. This is dangerous so that the 2020 Governor, Mayor and Regent Elections can take place safely, democratically and with quality and to maintain domestic political stability.

According to him, the issuance of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents in the midst of the 2019 Coronavirus Disease Pandemic actually provides reinforcement and has adopted several recommendations from the General Elections Commission (KPU regarding the postponement on December 9, 2020, the second option is carried out). on March 17, 2021 and the third option is carried out on September 29, 2021. In addition, Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents in the midst of the 2019 Coronavirus Disease Pandemic provides certainty regarding the legality of postponing the simultaneous national elections which the KPU has decided on March 21, 2020. So according to him, the presence of a Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, The Mayor and Regent in the midst of the 2019 Coronavirus Disease Pandemic are the right and good steps taken by the Central Government through legal products and also provide certainty regarding the legality of postponing the 2020 Pilkada.

Syaiful Azwar as the General Section of the General Election Commission also added that with the presence of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents, we must give appreciation to the Central Government, because this PERPPU can provide legal certainty regarding the continuation of the pilkada stages. simultaneously after the postponement that has been carried out by the General Elections Commission. PERPPU Number 2 of 2020 is also at the same time a legality for the postponement of the simultaneous national elections which have been decided by the KPU through KPU Decree Number 179/PL.02-Kpt/01/KPU/III/2020.

In addition, PERPPU Number 2 of 2020 also provides certainty for the public to exercise their right to vote as a community as regulated in Law Number 30 of 1999 concerning Human Rights in Article 43 which states that "Everyone has the right to be elected and to vote in general elections. based on equal rights through direct, general, free, secret, honest and fair voting in accordance with the laws and regulations". That way the community will get the best leaders who are superior, innovative, trustworthy, and effective to deal with this Covid-19 Pandemic crisis

However, in PERPPU Number 2 of 2020, there is still confusion and an uncertain situation because in Article 201A paragraph (3) which states that in the event that simultaneous voting in 2020 cannot be carried out in December 2020, the

simultaneous voting is postponed and rescheduled immediately after a non-disaster disaster. nature ends.

On the other hand, the fact that the Covid 19 Pandemic or Corona Virus outbreak in Indonesia is still difficult to predict when it will meet its end point. The curve or graph for the increase in cases of the spread of the Pandemic in the last few days has not shown any sign of decreasing, in fact it continues to increase or increase. In fact, the daily addition of positive Covid-19 cases was once a record for the most additions with an increase of 689 new positive cases. The development of the spread of the Coronavirus Disease 2019 pandemic continues to significantly increase, especially in the country of Indonesia as a country that is also affected by this pandemic outbreak. This pandemic has exposed many cracks in our lives as a nation, starting from the economy, politics, and socio-culture. From the fragility of the country's economy, the pile of foreign debt that is getting worse,

The Covid-19 pandemic that hit the world caused the economies of all countries to slow down, including Indonesia. All countries project a decline in their economic growth due to the COVID-19 pandemic. It even affects the disruption of the state agenda, namely the Pilkada. Based on IDEA data, there are 38 countries that are experiencing delays and Indonesia is one of them that is delaying the implementation of the 2020 Simultaneous Pilkada. The implementation of the Pilkada which is held concurrently with the Covid-19 Pandemic requires public compliance with Covid-19 prevention procedures which are quite strict and require extra work. This then must be considered, both for organizers, election participants and the voting community. Because the risks faced from the Pilkada are very high. On one side,

Then, not to mention from the side of the Pilkada contestants, both prospective candidates and candidates who are advancing in the 2020 Pilkada are also vulnerable to the potential vulnerability to politicizing Social Assistance (Government Social Assistance for the community or victims affected by the Covid-19 pandemic for the benefit of their campaign to introduce themselves. This potential can be emerged to gain support from the community. The Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents in the midst of the 2019 Coronavirus Disease Pandemic has a different point of view. The General Elections Commission represented by Mr. Dedi Triyadi as the Head of the Bandar Lampung City Election Commission believes that the birth of this PERPPU is the presence of the state in providing legal certainty and appropriate and good steps taken by the Central Government also provide legal certainty of the postponement of the Pilkada. On the other hand, the increase in the Covid-19 pandemic continues to experience an increase in new positive cases and it is also difficult for Indonesia to predict when it will meet the end point of this pandemic. So that when forced to postpone it until it is determined by PERPPU Number 2 of 2020 concerning the Election of Governors, Mayors, and the

Regent in the midst of the 2019 Coronavirus Disease Pandemic will even increase the risk of risk in the future. On the one hand, health issues and the risk of transmission must still be a priority for the Indonesian government in dealing with COVID-19.

Based on the description above, it can be analyzed that the Implementation of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents can be implemented but is not yet maximized because it is seen in this PERPPU even though it regulates the matter of voting for the 2020 Simultaneous Regional Head Elections in December. 2020, but also still harboring uncertainty regarding the pandemic situation we are currently facing, which can be seen in Article 201A paragraph (3) which states that in the event that the 2020 simultaneous voting cannot be held in December 2020, the simultaneous voting is postponed and rescheduled immediately after the non-natural disaster ends.

Instead of choosing a more appropriate and adequate time, for example postponing until June 2021 with consideration of more adequate time to make preparations and adjustments to the handling of Covid-19, the government instead handed back this simultaneous Pilkada through an agreement between the General Election Commission, the Government, and the House of Representatives. Even if the Pilkada is forced to take place in December 2020 in accordance with the mandate of PERPPU Number 2 of 2020, it means that the KPU must have prepared the stages of this Pilkada at least in June 2020. Which means that there will be a wedge in the implementation of the phases of handling the peak of the pandemic and the period of Large-Scale Social Restrictions (PSBB, which cannot be ascertained when it will reach the end point) And this will contain a fairly heavy risk, especially if the government cannot ensure the fulfillment of facilities for health protection for the officers. selection and compliance with existing health protocol rules and regulations.

Factors Inhibiting the Implementation of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents in Bandar Lampung City

Based on the results of research at the General Election Commission (KPU Bandar Lampung City) by conducting an interview method with Mr. Dedi Triyadi as Chairman of the General Election Commission of Bandar Lampung City, Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents in the midst of the Covid Pandemic 19 is the right step taken by the Central Government to guarantee legal certainty and legality from the postponement of the simultaneous regional elections. Since the issuance of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents in the midst of the 2019

CoronaVirus Disease, PERPPU has received various responses from economic, political, legal observers, and the wider community. Some gave a positive response because this PERPPU guarantees legal certainty and legality from the postponement of the simultaneous Pilkada. However, not a few are also against PERPPU Number 2 of 2020.

According to him, the Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors, and Regents Amid the 2019 Corona Virus Disease, no further sanctions will be imposed with the addition of more sanctions for violators of the Health protocol, such as sanctions such as written warnings, administrative sanctions. , until the disbandment of the campaign. There are also no more rules, such as, disqualification of participants who violate the Health protocol, this should be done considering the security and safety of the wider community. This will contain a fairly high risk because it is still in the status of Large-Scale Social Restrictions. Moreover, the community as a whole has not fully followed the government's program related to the Covid-19 pandemic, be it health protocols, or vaccinations programmed by the government. This will make the community vulnerable to the spread of the COVID-19 pandemic virus.

On the other hand, various cons have left the Central Government to continue to carry out simultaneous elections in the midst of the Covid-19 Pandemic. Some parties believe that the simultaneous regional elections held in the midst of the Covid-19 pandemic have opened up the potential for more massive transmission of the virus in the community. The safety of the community during the Covid-19 pandemic is the most important thing for Indonesia, which in scheduling the Simultaneous Regional Head Election which was held in December 2020 was considered very unrealistic. This is because in fact, until December 2020 the number exposed to Covid-19 is increasing nationally. Finally, many parties are worried about this condition,

In addition to being considered to open up the potential for more massive virus transmission in the community, the implementation of the 2020 Pilkada is considered inappropriate when the community is struggling to deal with the Covid-19 outbreak and the threat of an economic crisis, while the implementation of the Simultaneous Pilkada costs a lot of money, which should be budgeted more appropriately. for the benefit of the community affected by COVID-19, as mandated by Law Number 6 of 2018 concerning Health Quarantine, that the state is obliged to provide clothing, food, shelter and animal feed. Because Health and the risk of transmission must still be the priority of the Indonesian government in dealing with COVID-19. The very large regional election budget and the extra personnel that the Central Government must spend to hold the 2020 simultaneous regional elections are much better allocated both manpower and budget for the benefit of the community in the midst of the Covid-19 pandemic. Because many people have

been laid off and even fired from work because of the Covid pandemic which then has an impact on the family's economic sector which automatically also affects the education of their children and the basic needs of their families, because after all the government as a representative of the state must be present and obliged to solve the problems of its people.

Based on the description above, it can be analyzed that the inhibiting factors for the implementation of the Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents can open up new potential for the more massive transmission of the Covid-19 Pandemic virus in the community. If the Simultaneous Pilkada is held in December 2020 in accordance with the PERPPU order, this is considered very unrealistic and conducive, because the number of people exposed to the COVID-19 virus is increasing nationally. And this will become a new cluster if the Pilkada is forced.

III. CONCLUSION

The implementation of the Government Regulation in Lieu of Law Number 2 of 2020 concerning the Election of Governors, Mayors and Regents shows that the government harbors uncertainty regarding the pandemic situation at hand. Instead of choosing a more adequate time, for example postponing until June 2021 with consideration of more adequate time to prepare and complete the handling of COVID-19. So it can be concluded that PERPPU Number 2 of 2020 is still half-hearted in providing legal certainty for the continuation of the 2020 Simultaneous Regional Elections. There is certainty but it is not completely certain. In addition, the 2020 voting still carries health risks for the parties involved in the election. The inhibiting factors for Government Regulation in Lieu of Law Number 2 of 2020 are,

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