

JURIDICAL ANALYSIS OF POLITICS AND INTERNATIONAL LAW

(CASE STUDY OF DONALD TRUMP'S ATTEMPTED ASSASSINATION IN THE CONTEXT OF THE HISTORY OF UNITED STATES POLITICAL VIOLENCE)

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Abstract

The purpose of this study is to find out how the growth of political violence in the US has significant implications in the context of international law. Other countries are paying attention to this situation because of its potential impact on regional stability and the world's democratic system. The research method used is normative juridical and data collection is carried out by literature study.

The results of this study show: (1) The triggering factors for the increase in political violence in the United States are controversial political rhetoric, social and economic discontent, politicization of violence, and political instability in the United States. (2) the international political and legal perspective of the attempted assassination case of Donald Trump in the context of international law, the country where the incident occurred has the responsibility to investigate and prosecute the perpetrators of the crime. In Trump's case, the reaction from Russia suggests that this situation could affect diplomatic relations between countries. This reflects how acts of violence against political leaders can have a wider impact in the international arena.

Based on the results of the study, the author can conclude that international law plays an important role in responding to the attempted assassination of the former president, and the state's efforts to overcome political violence in the US involve a combination of law enforcement, public education, dialogue, preventive policies, and human rights protection. Furthermore, based on this conclusion, the author can give a suggestion that one of the main steps that must be taken in overcoming political violence is the strict enforcement of the federal and local laws. The federal and local governments, through agencies such as the FBI and local police, are tasked with investigating and cracking down on violations of the law related to political violence.

Keywords; *Politics, International Law, Assassination Attempts*

A. BACKGROUND

The perspective of international politics and law includes an analysis of how international legal norms interact with global political dynamics. It involves an understanding of how countries behave in the international arena, as well as how international law shapes and is influenced by foreign policy. Politics and law have long been seen as separate entities in international relations. This view is so broad that the disciplines of international relations and the disciplines of international law develop as parallel but very carefully separated spaces of inquiry, each with its own description. States have created a legal territory in which the politics of power and interests are subject to the politics of norm-referential argument. Political is an attempt to find a good life, and that quest can be realized in different ways, even though the two contradict each other. In short, state politics is closely linked to power (Hasibuan, 2023 : 607).

Hans Morgenthau said, "without a relevant community or without a balance of power, there will be no international law". Therefore, in realist thought, international law is epiphenomenal, that is, it relies on power, but it is weak and helpless when faced with the actions of determined states. Politics and international law encompass the complex rules of relations between countries, where international law serves as a framework for resolving conflicts and maintaining peace.

In its application, the United States, which is a developed country and adheres to the common law system, which in dealing with a case still uses the death penalty as one of the tools of social control in several states such as Texas, Virginia, Oklahoma, Missouri, and Florida. The state threatens the death penalty for some criminal offenses such as brutality, murder of minors, and on its development such as drug sales and terrorism. While in some U.S. Codes there are 41 federal criminal acts that can be sentenced to death such as murder, treason, reconnaissance, robbery accompanied by murder, etc. From the 1990s to 2018, some countries in the United States declared that the death penalty was legal.

Basically, in various countries, the criminal sanctions used consist of imprisonment, fines, and also the death penalty. The death penalty in legal terms is known as execution. Eddy Hiariej in his book entitled Principles of Criminal Law, stated that the death penalty is the oldest and most controversial punishment of other criminal sanctions, the punishment is carried out by taking the life of a person who violates the provisions of the law. The purpose of the death penalty is to make the public pay attention that the government does not want to disturb the peace that is very feared by the public. Criminalization of suspects is not only aimed at torturing someone, but in essence, it is an effort to protect a person's human rights from lawbreaking individuals in order to maintain public order. This criminalization is rooted in the concept of "Ius Puniendi" through "Ius Poenale," which represents the right of the victim to complete the punishment for the crime committed by the perpetrator. Indonesia, as one of the developing countries in Asia and adheres to the Civil Law System, still applies and enforces the death penalty. The provisions of the death penalty are generally regulated in Article 10 of the Criminal Code that the death penalty is one of the main crimes. The death penalty is contained in several criminal acts such as Article 104, Article 111 paragraph (2) and Article 340 of the Criminal Code. In addition, it is regulated in special laws outside the Criminal Code, for example in Law No. 15 of 2003 concerning Terrorism Crimes, Law Number 35 of 2009 concerning Narcotics Crimes, and several other laws (Yadi, 2023: 145).

International law, which consists of principles, regulations, and customs, regulates

interactions between states and other legal subjects, and provides guidelines for the settlement of disputes arising from various global issues, such as human rights and security. International law also plays a role in protecting state leaders from the threat of violence, creating political stability that is essential for global security (Pratiwi, 2024: 58).

From an international law perspective, the attempted assassination of political figures such as Donald Trump raises questions about the protection of individuals in political contexts. International law requires states to protect individuals from violence, including political violence. The incident also highlighted the state's responsibility to maintain public safety and prevent acts of violence that could undermine the democratic order. Politics in the US today is heavily influenced by sharp polarization, where incidents of political violence can trigger a chain reaction. The reaction to Trump's assassination attempt could exacerbate tensions between supporters and opponents, as well as influence future elections. In this context, it is important to understand how the history of political violence affects public perception and the policies taken by governments. In this analysis, it is important to explore how international law can serve as an instrument to address issues such as these, as well as their impact on global foreign and security policy.

Trump's assassination attempt shows that despite advances in law and democracy, threats to political leaders remain a serious problem that reflects instability in U.S. politics. The perspective of international politics and law provides an in-depth insight into the interaction between law and foreign policy. In an increasingly complex world, understanding these dynamics is essential to formulate effective strategies in dealing with global challenges. Countries need to consider both legal and political aspects in every decision taken to achieve their diplomatic and security objectives.

From the description above, the author can formulate it into two questions, the first (1) What Factors that trigger the increase in political violence in the United States? The second (2) What is the political and international legal perspective on the attempted assassination case of Donald Trump. This type of research in legal writing is legal research Normative legal research or literature research is legal research by examining literature materials or secondary data consisting of primary legal materials.

B. DISCUSSION

1. Factors Triggering the Rise of Political Violence in the United States

Politics has a very important position in democratic countries such as the United States. Politics as a reference material in the sustainability of a country's democracy. Therefore, politics carries a huge burden of interests, because the desire for power, political stability and the continuation of the government system are variables that must be maintained and become the responsibility imposed on political organizations. Politics is basically a phenomenon related to humans who always live in society. By nature, humans are social creatures that always live dynamically and develop. That is why politics is always a symptom that manifests human beings in the context of their development process. Because humans are the main core of politics, no matter what the reason, political observation or analysis does not simply leave the human factor. The personality of a human being is the basic unit of empirical political analysis (Anton H. Djawamaku, 1985: 144).

Therefore the word "politics" which comes from the word "politic" (English) denotes a personal nature or deed. The term politics has developed in such a way that it is absorbed into our language (Indonesian) by having 3 (three) meanings, namely all affairs and actions/policies, tactics, etc., regarding the government of one country against another country, deceit or cunning, and is also used as a name for a discipline of "knowledge, namely political

science" (Hasanah, 2022: 330).

From the various definitions that exist, 2 (two) tendencies are found about "political definitions", including:

- a) Views that connect politics with the existence of the state, namely the affairs of the central and regional governments;
- b) Views that relate to issues of power, authority and/or conflict In relation to the approach to political behavior and behavior, it can provide at least two kinds of patterns of human behavior in political life that are in contrast to each other, namely:
 - a) Integrative behavior
 - b) Disintegrative behaviour

The first behavior emphasizes the importance of consensus or compromise, while the second behavior tends to result in conflict. This can affect political stability. Political stability is one of the main goals of any constitutional system. Huntington (1968) argued that political stability depends on the ability of political systems to respond flexibly to social, economic, and political changes. In the United States, political stability is maintained through a system of federalism and checks and balances that allow executive, legislative, and judicial powers to supervise each other. Levitsky and Ziblatt (2018) examine how democratic institutions in the United States, especially congress and the Supreme Court, play a role in maintaining political stability through power balancing mechanisms.

The role of the military in maintaining or undermining political stability, in the United States, the military is strictly under civilian control, and has no direct role in politics. According to Feaver (2003), this principle is one of the factors that support the political stability of the United States. Presidential Elections and Their Implications for Political Stability Studies of the presidential election system have also shown significant impacts on political stability. In the United States, the Electoral College system is often debated because it can produce a president who does not obtain a majority of the national vote. Despite this, this system is still maintained because it is believed to provide a balance between the larger and smaller parts of the state (Edward Benedictus, 2024:1056).

Checks and Balances Mechanism in Maintaining Political Stability in the United States. The checks and balances mechanism is a principle that aims to ensure the equal distribution of power between state institutions and prevent one political party from dominating power. In the United States, this principle is applied differently depending on the political characteristics of each country, but with the goal of maintaining political stability and protecting democracy. The system of checks and balances in the United States is based on the separation of powers between the three main branches of government: the executive, the legislature, and the judiciary. Each branch has different authorities and functions, but they supervise and control each other (Suparman, 2023:60).

- a. Executive: As the head of the executive branch, the president of the United States has broad powers, including the power to veto laws passed by Congress. However, Congress can override the veto with the approval of two-thirds of both chambers, the Senate and the House. This is a prime example of how the legislature can limit executive power.
- b. Legislature: Congress has the power to legislate, approve budgets, and issue declarations of war. In addition, Congress has the power to appoint the president and initiate impeachment proceedings if necessary. The Senate also plays a role in approving the appointment of executive officers and Supreme Court justices by the president. This function gives

Congress effective control over executive power.

- c. Judiciary: The Supreme Court is empowered to test the constitutionality of laws and executive actions through review. The Supreme Court can overturn laws and executive decisions that are unconstitutional. Through this role, the judiciary functions as a supervisor over the actions of the other two branches.

Political violence in the United States has been on the rise in recent years, with a variety of factors influencing these events. Here are some of the key factors that fuel political violence in the U.S.:

- 1) Controversial Political Rhetoric

The divisive rhetoric from political leaders, especially with regard to elections, has created an atmosphere of tension. The spread of conspiracy theories about electoral fraud, especially by the political elite, has increased distrust of democratic institutions and exacerbated conditions that allow violence to occur.

- 2) Social and Economic Dissatisfaction

The widening social and economic disparities are also a driving factor. Many groups feel marginalized and underrepresented in the political system, which can trigger violent acts as a form of protest or resistance to injustice.

- 3) Politicization of Violence

January 6, 2021, which was driven by the narrative that the election was rigged. This event shows how acts of violence can be a tool to express political discontent.

- 4) Political Instability

Instability in the U.S. political system, including increasingly sharp partisan fights and ideological polarization, creates an environment in which violence becomes more likely. As political conflict increases, so does the risk of violence.

2. Political and International Law Perspectives on Donald Trump's Attempted Assassination Case

The study of international relations looks at the overall interaction of countries in the international world, whether cooperation, negotiations or diplomacy, negotiations, conflicts, wars and so on. The state is a reflection of humans or the government so that in the true sense, the interaction of the state is the interaction of humans or governments with the governments of other countries. So that to analyze these relationships, various aspects make a great contribution to the development of international relations science. Based on the description above, it is clear that international relations is an interdisciplinary study of science, namely the meeting between subjects in the branches of social sciences and political science, administration and other branches of social sciences (Nainggolan, 2023: 65).

In the tradition of International Relations (IR) thought, there are two major paradigms that are very dominant, namely realism and liberalism. Instead of theory, they are both paradigms or conceptual frameworks that define the field being studied, limit our conception of reality, and determine the research agenda and guide policymaking. Realism and liberalism clash views on the nature of global politics; about who are the actors or units that run international relations and about how they assume the basic nature of international relations (Rosyidin, 2022: 137).

- 1) Basic assumptions of realism

Realism can be considered a paradigm/perspective/approach, theory, political philosophy, or even a philosophy of science. Such an assumption is valid depending on the context in which it is used. When we say that the world is conflictual then we are in the position of realism as a paradigm. When we say that only with the balance of power will international

stability be guaranteed, we are in the position of realism as a theory. When we say that if we want to be in power, the only way is to legalize all means, then we are in the

position of realism as a political philosophy. As a paradigm, realism has three basic assumptions (hard core)

a) First, realism views that the essence of actors is unitary and rational in an anarchic world.

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b) Second, realism views that the reality of international relations is conflictual.

c) Third, realism views that the international structure is determined by material capabilities. Realism believes that state behavior is shaped entirely by material structures in the international system

2) Basic assumptions of liberalism

Similar to realism, liberalism can be understood as a paradigm, theory, and political philosophy, but there is no school of liberalism in the philosophy of science. Liberalism is also sometimes understood as the antithesis of realism because liberalism is more optimistic in its view of the world. As a scientific paradigm, liberalism has three basic assumptions:

a) First, the main actors are individuals and community groups. Like realism, liberalism sees actors as pursuing self-interest in an anarchic environment.

b) Second, the state as a representation and the interest of the state comes from the interests of individuals and groups in society. According to liberalism, the government only functions as a channel of aspirations from the interests of domestic actors which are then translated into the form of state policies.

c) Third, interdependence as a character of international relations. Unlike realism, which views pessimism on the nature of the state, liberalism believes that the features of relations between nations are dominated by cooperation.

Politics or ideology is directly related to the behavior of the holder of power, whether a state or an organized non-state group. Political communities and the rule of law are necessary to mediate and regulate the relationship of interaction between individuals participating in needs. The political community, in coordinating the actions of individuals, does so on the basis of what is understood by law. The state is a complete society because it has the ability to protect humans from external attacks. The increase in intellectual and material interconnectedness between individuals in the world forms a complete society consisting of humanity in the world as an international society which then gives birth to international law (Kambo, 2022:31).

In any legal system, it is very likely that a situation arises where the court in resolving a case realizes that there is no law that exactly covers it, either in the form of a parliamentary act or a judicial precedent. In such a case the judge will try to come up with rules that will be relevant, by analogy of existing rules or directly from the general principles that guide the legal system, whether it is said to come from justice, equity or public policy considerations, such situations are likely to be over-the-top in international law because of the relative lag of the system compared to the needs it fulfills there are fewer cases solved in international law than in the domestic system and there is no legislative method that provides the rules for managing new situations (Qc, Malcolm N. Shaw 2019:87).

In the perspective of international law, the basic assumptions of the Theory of International Relations Idealism consist of:

- a. All human beings (nations) want peace. The basic nature of human beings is to want to live in an atmosphere of peace, therefore relations between nations are developed in principle to create peace.
- b. War is a sin and occurs by accident. States have their own sovereignty, and to maintain that sovereignty requires forces, especially military. The emergence of this military has provoked a tense atmosphere and misunderstanding between these countries, so that it is inevitable to be caught in war.
- c. There must be a world government that can control the forces that are spreading in the world system. The world government must be given the authority to control the powers of various countries so as to prevent misconceptions that can trigger an arms race and war. This idea resulted in the formation of the League of Nations (LBB).

However, not all events can go peacefully and safely like the presidential election process in the US which goes hand in hand with political violence. Joseph Robinette Biden Jr. was elected as the 46th President of the United States in 2020 after defeating his political rival, Donald Trump, who was previously the incumbent candidate. The news of the succession of the presidency in the United States has been reported around the world. The United States (US) election has always been in the spotlight of the world because this country is a superpower where the elected President will have a great influence on international politics. The US election held in 2020 between defending Donald Trump and his challenger, Joe Biden, has also attracted the world's attention. The journey of the US Presidential election was widely broadcast from the political campaign period at the Primary, Caucus, National Convention levels, to the presidential candidate debates from each political party.

Election campaigns carried out by the candidates, which at that time were used by the community as a means of seeking much more information about the candidates who would later be elected, one of which was by the public. And at that time, it was also used as a means by the candidates to get sympathy and votes from the public to win the election. Many things were done by the candidates to get votes and win the election, including including Identity Politics in the election campaign. This is what happened in the Presidential election in the US in 2020.

The shooting of Trump is a consequence of significant support for political violence in the U.S. The cause of the increase in violence lies in distrust of political leaders and belief in conspiracy theories, according to a study published as part of the "Security and Threats" project. The survey, published in June 2024, surveyed 2,061 people in the US. The survey found 10% of respondents said violence could be justified to prevent Trump from becoming president, while 6.9% said the use of violence could be justified to return Trump to the presidency. While politicians in the US and around the world condemned the attacks on Trump, the attacks on each other continued on social media (Astrid Prange de Oliveira, "Expert: Political Violence Will Increase in the US", <https://www.dw.com/kekerasan-politik-akan-meningkat-di-AS/a-69690391>, Downloaded on January 13, at 22:17 WIB).

An attempted murder is an act that is carried out with the intention of taking someone's life, but is not successfully carried out. According to Article 53 paragraph (1) of the Criminal Code, an attempted criminal act occurs when an act has been started, but is not achieved due to an obstacle beyond the will of the perpetrator. In this context, an attempted premeditated murder refers to an existing intention and the initial steps taken to carry out that intention, even if its execution is not completed. The attempted assassination case of Donald Trump in the context of the history of political violence in the US shows that issues of race and political power are intertwined. A juridical and political analysis of these incidents is important to identify preventive measures that can be taken to prevent the recurrence of similar violence in the future.

a) Donald Trump's First Assassination Attempt

Donald Trump, the 45th president of the United States and the Republican nominee for the 2024 presidential election, was shot in the right ear on July 13, 2024, at a campaign rally near Butler, Pennsylvania. The shooting is being investigated as an attempted murder. The shooter was identified as 20-year-old Thomas Matthew Crooks of Bethel Park, Pennsylvania. Law enforcement personnel and witnesses said Crooks crawled onto a roof outside the rally venue and fired eight rounds from an AR-15-style semi-automatic rifle before being killed by snipers from the *Secret Service Counter Assault Team*. *A rally attendee was killed, while two other attendees were critically injured.*

(https://id.wikipedia.org/wiki/percobaan_pembunuhan_donald_trump, downloaded on Friday, January 10, 2025, at 19.00 WIB).

b) Donald Trump's second assassination attempt

The incident raises new questions about the nature of U.S. political violence and how an armed suspect could get so close to Trump. The attempted assassination of Donald Trump comes just. *Juridical Analysis of International Politics and Law (Case Study of Attempted Murder two months after another gunman shot him during a July 13 rally in Butler, Pennsylvania, and hit his ear with a bullet. Trump's personal schedule has not been made public, so investigators will try to figure out how the gunman knew his plans to play golf. However, the Republican presidential candidate is an avid golfer and it's no secret that he loves to play golf whenever he visits his home in Florida* (<https://www.bbc.com/indonesia/articles/cx2mmj1g22zo>, downloaded on January 10, 2025, at 7:37 p.m.

The Secret Service, which protects U.S. presidents and presidential candidates, has been under intense scrutiny since its failed handling of Trump's assassination attempt in July. The service strengthened Trump's security after the July 13, 2024, attack, when another gunman was shot dead by Secret Service agents. Trump is also scheduled to meet in person with the new head of the Secret Service on Monday after the former chief resigned after the shooting in July. The suspect identified as Ryan Wesley Routh is currently in the custody of authorities. In this case, Trump blamed President Joe Biden and Vice President Kamala Harris, the Democratic presidential nominee, for the assassination attempt. Trump claimed the suspected shooter was acting on highly inflammatory language from the Democratic Party.

The blood-soaked image of Trump raising his fist in the air, surrounded by the Secret Service, and against the backdrop of an American flag, was taken by Evan Vucci of the Associated Press and circulated on social media shortly after. The photo was also later widely used in posts by his most prominent allies, including the Republican National Senators Committee, members of his family, and congressmen. *Politico* said some people used the photo as an opportunity to tout conspiracy theories and stoke political tensions. Benjamin Wallace-Wells of *The New Yorker* said that "This is already an indelible picture of our era of political crisis and conflict." He notes that some of the elements in Vucci's image are similar to countless other elements of Trump" and concludes that "This is an image that depicts himself as he wants to be seen, so perfectly, even, that it may last longer than all of that" (https://id.wikipedia.org/wiki/percobaan_pembunuhan_donald_trump, downloaded on Friday, January 13, 2025, at 1:15 p.m.).

Based on the presentation of the case, the attempted assassination of the former president, as happened to Donald Trump, raises various questions and challenges in the context of international law. The handling of these cases involves several important aspects that need to be understood.

1. Obligations and Responsibilities of the State

After Trump's assassination attempt on July 14, 2024, US President Joe Biden ordered a thorough investigation by federal law enforcement. Biden stressed that such acts of violence are contrary to American values and the importance of unity in the country. The FBI was also involved in this. Juridical Analysis of International Politics and Law (Case Study of Attempted Murder investigation, identifying the incident as an assassination attempt. In the context of international law, the country where the crime occurred has the responsibility to investigate and prosecute the perpetrators of crimes. If the perpetrator is from another country, jurisdictional and extradition issues may arise. For example, if the perpetrator of the attempted murder has dual citizenship or if they are fleeing to another country, the perpetrator's home country may need to cooperate with other countries to arrest and prosecute them.

2. International Consequences

The assassination attempt on the former president could also trigger an international reaction. In Trump's case, the reaction from Russia suggests that this situation could affect diplomatic relations between countries. This reflects how acts of violence against political leaders can have a wider impact in the international arena.

3. Human Rights Issues

The human rights aspect is also very important in cases of attempted murder. Law enforcement must ensure that all applicable legal processes are respected, including the suspect's right to a lawyer and fair treatment during the investigation. In addition, the handling of these cases should take into account potential human rights violations that may occur during the arrest and investigation process.

Political violence, including assassination attempts, has a significant impact on democratic stability. These incidents often cause fear among leaders and the public, and can affect political participation and public trust in government institutions. The assassination attempt on Donald Trump not only impacted the individual but also created a broad wave of effects in the U.S. political and national security context. By increasing support for Trump while raising concerns about security and stability, this incident shows how vulnerable the political situation in the country is today. The attempted assassination of Donald Trump and other incidents have had a significant impact on political stability and national security in the United States, including:

1. National Security Concerns

Rising political violence, including assassination attempts, raises serious concerns about national security. This incident shows that political tensions can lead to violent acts that undermine social stability. Biden's statement condemning violence emphasized the need for unity and a rejection of violence in politics. This illustrates the challenges for the government in maintaining public safety and preventing further violence.

2. Changes in Political Rhetoric

These assassination attempts can also influence political rhetoric in the US. Politicians may be more careful in expressing their opinions to avoid provocations that could trigger violence. In addition, the incident could reinforce the narrative about threats against political figures, which could trigger more tensions among supporters of various parties.

C. COVER

1. Conclusion

- a) International law played an important role in responding to the former president's assassination attempt. From investigations by national authorities to jurisdictional and human rights considerations, every aspect must be handled carefully to ensure justice and prevent impunity. Cases like the attempted assassination of Donald Trump demonstrate the complexity involved in dealing with serious crimes at the international level.
- b) State efforts to address political violence in the U.S. involve a combination of law enforcement, public education, dialogue, preventive policies, and human rights protections. Although challenges remain, this comprehensive approach aims to create a safer and more stable political environment for all citizens.

2. Suggestion

- a) One of the key steps to take in addressing political violence is the strict enforcement of the federal and local governments, through agencies such as the FBI and local police, tasked with investigating and cracking down on violations of the law related to political violence. For example, after the riot at the Capitol Building in January 2021, many suspects were arrested and put on trial, demonstrating the government's commitment to upholding the law and preventing further violence.
- b) The government also needs to implement preventive policies to reduce the potential for political violence. This includes surveillance of extremist groups that have the potential to commit violent acts as well as the implementation of laws that restrict access to firearms for individuals deemed at risk.

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