

Analysis of Adjudicative Authority in Regional Election Disputes: A Case Study of the Cianjur Regency Regional Election Dispute Based on Law Number 10 of 2016 and Its Amendments on the Election of Governors, Regents, and Mayors

Dahman Sinaga¹, Yeni Nuraeni² & Alfies Sihombing³

¹⁾ Universitas Pakuan Bogor, Indonesia, Email: dahmansinaga91@gmail.com

²⁾ Universitas Pakuan Bogor, Indonesia, Email: yeni.nuraeni@unpak.ac.id

³⁾ Universitas Pakuan Bogor, Indonesia, Email: alfies.sihombing@unpak.ac.id

Abstract. *The administration of regional head elections (Pilkada), as a manifestation of popular sovereignty, requires a dispute resolution mechanism that ensures justice and legal certainty. However, Law No. 10 of 2016 distributes dispute resolution authority among several institutions, which in practice creates the potential for jurisdictional conflicts. This study examines the problem of overlapping authority between the General Courts in handling electoral criminal offenses and the Constitutional Court in resolving disputes over Pilkada results. The objective of this research is to analyze juridically the source of the conflict of authority and its impact on legal certainty, with a case study of the Cianjur Regency Pilkada. The findings indicate that the fragmented attribution of authority under Law No. 10 of 2016 does not provide a synchronization mechanism between criminal judgments that have obtained permanent legal force (inkracht) and decisions on election result disputes (PHPU) that are final and binding. This condition produces a dualism of contradictory legal truths between the District Court and the Constitutional Court. Consequently, it leads to legal uncertainty and the potential delegitimization of Pilkada results. This study recommends the establishment of a specialized Pilkada court to comprehensively integrate all dispute resolution regimes.*

Keywords: *Authority; Pilkada Disputes; Legal Certainty.*

1. INTRODUCTION

Indonesia is a country fundamentally built upon two interrelated and mutually reinforcing pillars: the sovereignty of law (Rechtsstaat) and the sovereignty of the people (Demokratische Rechtsstaat). The Indonesian conception of a rule-of-law state is not merely a formalistic, legalistic state (wettenstaat), but rather a dynamic and democratic substantive rule of law state (Asshiddiqie, 2021). The constitutional foundation for this principle is firmly embedded in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Article 1 paragraph (2) explicitly states that "sovereignty resides in the hands

of the people and is exercised in accordance with the Constitution,” placing democracy as the primary source of authority. This principle is simultaneously balanced and framed by Article 1 paragraph (3), which affirms that “the State of Indonesia is a state based on law.” The placement of these two provisions side by side is not without significance; it reflects the founding fathers’ aspiration to synthesize two grand ideas democracy and nomocracy into an integrated whole. Within Indonesia’s constitutional system, these two pillars cannot be separated or set in opposition. Democracy without a legal framework risks descending into anarchy or majority tyranny, while rigid law devoid of democratic spirit becomes an instrument of repressive power (*Machtstaat*) (Butt, 2020). Therefore, democracy must operate within the framework of the rule of law, and the law must be enacted, interpreted, and enforced through democratic, just, and people centered processes.

One of the most central manifestations of popular sovereignty at the local level is the Regional Head Election (*Pilkada*). *Pilkada* is not merely a five year procedural event, but rather a crucial instrument for producing legitimate and accountable regional leadership, which constitutes the essence of regional autonomy (Mietzner, 2022). regional leadership, which constitutes the essence of regional autonomy (Mietzner, 2022). To ensure that this leadership recruitment process truly reflects the will of the people, its implementation must adhere to the principles of being direct, general, free, secret, as well as honest and fair (*Luber Jurdil*). Safeguarding the integrity of the *Pilkada* process is an absolute prerequisite for establishing a lawful and recognized local government. However, the reality of political contestation is often marked by various disputes and allegations of violations (Pratama, 2023). Therefore, in order to guarantee the integrity of *Pilkada* and to preserve the dignity of popular sovereignty itself, an effective, transparent, and legally certain dispute resolution mechanism is indispensable.

Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors (*Pilkada Law*) has formulated a fragmented dispute resolution architecture. The authority to adjudicate *Pilkada* disputes is distributed among several institutions. The Constitutional Court (*Mahkamah Konstitusi*) has jurisdiction over disputes concerning election results (*PHPU*). The Election Supervisory Body (*Bawaslu*) handles process-related disputes and administrative violations. The State Administrative High Court (*PTTUN*) adjudicates structured, systematic, and massive (*TSM*) administrative violations. Meanwhile, the general courts (through the District Courts), operating within the Integrated Law Enforcement Center (*Sentra Gakkumdu*), handle criminal offenses related to the election process.

Theoretically, this division was designed to ensure that each institution focuses on its respective domain. However, in practice, this fragmentation of authority has not only created a vulnerability gap (legal gap), but has also proven to be a serious source of legal chaos (Huda, 2022). A single legal event in a regional election (*Pilkada*) often contains intersecting dimensions it may simultaneously constitute a process dispute, a results dispute, and a criminal offense. This is where the true urgency of the problem lies: the intersection between election criminal law under the General Courts and disputes over election results under the Constitutional Court creates a significant risk of overlapping jurisdiction. Even more concerning, this situation opens the door to conflicting decisions between two judicial institutions whose rulings are both legally final and binding (Prabowo, 2024).

This juridical problem is clearly manifested in the case study of the Cianjur regional election. The case resulted not in one, but in two decisions issued by different judicial bodies, namely Decision of the Cianjur District Court No. 370/Pid.Sus/2024/Pn.Cianjur and Decision of the Constitutional Court No. 200/Phpu.Bupxxiii/2025. The emergence of two decisions concerning the same regional election contest sets a crucial precedent that calls into question the effectiveness, coherence, and clarity of the division of authority under Law No. 10 of 2016. This situation directly creates acute legal uncertainty and threatens the legitimacy of the regional government produced by the election. It is not merely a technical legal issue, but a fundamental democratic problem. The legal vacuum governing the interaction between these decisions has become an urgent concern. When the judiciary, as the last bastion of justice, presents two contradictory “legal truths,” what is at stake is public trust in the entire democratic process and the rule of law itself (Syahrir dkk., 2025). This condition may ultimately lead to the delegitimization of the elected regional head and trigger potential social conflict at the grassroots level.

Therefore, this research is both essential and urgent. If left unaddressed, this electoral judicial “dualism” will continue to set a negative precedent that undermines the democratic climate and legal certainty in Indonesia. This study aims to conduct an in-depth analysis of how Law No. 10 of 2016 regulates (or fails to regulate) adjudicative authority at the intersection between election result disputes and electoral criminal offenses, using the Cianjur regional election as a case study to dissect the complexity of the issue and to offer concrete recommendations for creating harmony and legal certainty within the architecture of regional election adjudication in the future. To analyze and examine the juridical problems described above, this research employs a specific and tiered theoretical framework. This framework functions both as an analytical tool and as a means of limiting the scope of discussion to remain focused on the root of the problem.

As a Grand Theory, this research applies Competence Theory. This theory is relevant for identifying the root causes of overlapping jurisdiction between the District Court and the Constitutional Court in regional election disputes (Rikardo dkk., 2024). It is used to analyze how Law No. 10 of 2016 distributes or fails to clearly, firmly, and exclusively distribute judicial competence, thereby creating normative gaps and conflicts. At the level of Middle Theory, this study employs Decision Annotation Theory. This theory is used to examine and annotate the two conflicting decisions (the Cianjur District Court decision and the Constitutional Court decision). The analysis seeks to understand their legal implications, binding force, and potential hierarchical relationship, particularly when both decisions address the same disputed object from different legal perspectives.

Finally, at the level of Applied Theory, this research is grounded in Legal Protection Theory. This theory serves as a benchmark for evaluating the impact of the legal chaos and uncertainty arising from the conflict between these decisions. The focus is to assess the extent to which the current regional election dispute resolution framework provides or fails to provide fair and certain legal protection for the disputing parties and, more broadly, for voters whose constitutional rights to obtain a legitimate government are also affected (Firmanto & Sutrisno, 2026).

2. RESEARCH METHODS

This study employs a normative legal approach (Zainuddin Ali, 2024), focusing on the analysis of statutory texts (particularly Law No. 10 of 2016) and judicial decisions, namely the Cianjur District Court Decision No. 370/Pid.Sus/2024/PN Cjr and the Constitutional Court Decision No. 200/PHPU.BUP-XXIII/2025. The analytical framework applied is a tiered theoretical approach, encompassing Competence Theory as the foundation for examining the fragmentation of authority, Decision Annotation Theory to identify the *ratio decidendi* and the points of negation within the dual rulings, and Legal Protection Theory to evaluate the impact of conflicting decisions on the principles of legal certainty and the legitimacy of regional elections (Pilkada).

3. RESULTS AND DISCUSSION

3.1. Analysis of Overlapping Jurisdiction in the Architecture of Regional Election Dispute Resolution

The architecture of dispute resolution for Regional Head Elections (Pilkada) in Indonesia faces fundamental challenges rooted in the legislative attribution of authority, particularly as stipulated in Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. The primary issue lies in the overlapping jurisdiction between the Pilkada criminal law regime handled by the General Courts (through the Integrated Law Enforcement Center/Gakkumdu) and the election result dispute regime adjudicated by the Constitutional Court (MK). To examine the root of this problem, an in-depth analysis using the Theory of Authority (Competence Theory) in public law is required (Mochtar, 2025).

In the tradition of Indonesian public law, the authority of governmental or state institutions is derived from three principal sources: attribution, delegation, and mandate. Attribution refers to the conferral of new authority directly by the 1945 Constitution (UUD) or by statute (Undang-Undang/UU) upon a state organ. Both the authority of the Constitutional Court to adjudicate disputes concerning General Election Results (PHPU) and the authority of the General Courts (District Courts) to adjudicate electoral criminal offenses stem from legislative attribution grounded in the Constitution. Such attribution of authority to judicial institutions is generally intended to create legal certainty and a clear division of functions (Aulia, 2023). However, in the context of regional head elections (Pilkada), Law No. 10 of 2016 fails to achieve that functional certainty. The authority to resolve Pilkada disputes is distributed among various judicial and quasi-judicial bodies the Constitutional Court, the General Courts, and Bawaslu/Administrative Courts each operating within separate spheres of competence.

The analysis indicates that the division of authority under Law No. 10 of 2016 does not merely allocate powers (which is common in a rule-of-law state), but instead creates what may be described as a "Silo Attribution" practice. Silo Attribution refers to the granting of absolute authority to two or more distinct judicial bodies (the criminal regime versus the results regime) to adjudicate the same legal facts (for example, vote buying or data falsification), without establishing a normative coordination mechanism or a clear hierarchy of decisions between those regimes. This failure constitutes an inherent flaw in the legislative design of Pilkada. If authority is attributed to Institution A (District Court for criminal offenses) and Institution B (Constitutional Court for election results) based

on overlapping legal facts, yet the statute does not explicitly regulate how the decision of A may affect the decision of B or vice versa, then such attribution becomes functionally defective from the standpoint of legal certainty. It is this statutory-level fragmentation of attribution that constitutes the primary source of jurisdictional overlap (Kartabrata & Tedjabuwana, 2024).

The resolution of regional election (Pilkada) disputes involves fundamental differences in philosophy and standards of proof. First, the Criminal Procedure Law regime (under the jurisdiction of the District Court/Pengadilan Negeri and the Integrated Law Enforcement Center/Gakkumdu) focuses on proving the elements of a criminal offense (*strafbaarfeit*), where the evidentiary standard must reach the level of proof beyond a reasonable doubt regarding the perpetrator's intent (*mens rea*). Second, the Election Results Dispute (PHPU) procedural regime (under the jurisdiction of the Constitutional Court/Mahkamah Konstitusi) focuses on result-based errors (quantitative in nature), where proof is directed at demonstrating that violations were Structured, Systematic, and Massive (TSM) and had an impact on altering vote totals beyond the established threshold. This difference in character underscores why conflicts of jurisdiction are difficult to avoid: both institutions operate using distinct legal analytical frameworks on the same factual object.

In enforcing criminal law against election-related offenses, Law No. 10 of 2016 mandates the establishment of the Integrated Law Enforcement Center (Sentra Gakkumdu). Sentra Gakkumdu functions as a coordination forum involving three key institutions: the Election Supervisory Agency (Bawaslu) as coordinator and supervisor, the Indonesian National Police as investigators, and the Indonesian Attorney General's Office as prosecutors. This body was created to ensure that election crimes are handled in an integrated, professional, and expeditious manner, consistent with the time-sensitive nature of elections. Although the detection and investigation of election crimes are centralized within Gakkumdu, the absolute authority to examine, hear, and adjudicate such criminal cases rests with the general courts, namely the District Courts. Under the Pilkada Law and its implementing regulations, career judges at the District Courts and High Courts are appointed as "special judges" to adjudicate these cases. Prosecution is carried out by public prosecutors following a brief investigation conducted by police investigators assigned to Sentra Gakkumdu. Decisions of the High Court in these matters are final and binding, with no further legal remedies available, reflecting the absolute character of this jurisdiction within the criminal framework of regional elections.

One distinctive feature of handling regional election (Pilkada) crimes is the extremely strict time limitation (Iskadrenda & Hiariej, 2022). For example, investigations conducted by Sentra Gakkumdu must be completed within a very short period fourteen (14) days. This time constraint is designed to ensure that law enforcement takes place before the official determination of the Pilkada results, thereby preserving electoral certainty. However, although expedited handling is essential to maintain the electoral timeline, in practice such limitations create vulnerabilities in the form of legal gaps and long-term legal uncertainty. Not all complex criminal offenses, particularly those involving extensive bureaucratic structures, can be resolved within fourteen days. If a District Court is only able to issue a final and binding criminal judgment (*inkracht*) after all stages of the Pilkada have concluded and after the Constitutional Court has validated the election results (whose decisions in election result disputes are final and binding), such a District Court judgment cannot automatically invalidate the results confirmed by the

Constitutional Court. Law No. 10 of 2016 does not provide a mechanism for post-inkracht judicial review of a criminal District Court decision against the legitimacy of Pilkada results already adjudicated by the Constitutional Court. Consequently, regardless of the severity of the offense, a District Court's criminal ruling risks becoming ineffective in restoring electoral integrity, as it operates within a different temporal dimension from the ruling that legitimizes the election results.

The second absolute competence within the architecture of regional election (Pilkada) dispute resolution is the authority of the Constitutional Court (Mahkamah Konstitusi/MK) to adjudicate disputes over election results (Maslul, 2024). The attribution of the MK's authority is regulated under Article 157 of Law No. 10 of 2016. Historically, this authority was originally intended to be temporary. Article 157 paragraph (3) of the Law stipulates that disputes concerning the determination of final vote counts in the Election shall be examined and adjudicated by the MK "until a special judicial body is established." At that time, the legislature mandated the establishment of a special judicial body as an ideal and integrated system to resolve all Pilkada disputes.

This situation changed fundamentally through Constitutional Court Decision Number 85/PUU-XX/2022. In that ruling, the phrase "until a special judicial body is established" in Article 157 paragraph (3) of Law No. 10 of 2016 was declared contrary to the 1945 Constitution and removed from the provision. The elimination of this phrase means that the Constitutional Court's authority to adjudicate disputes over regional election results (PHPU Pilkada) is now permanent. Although this decision provides short-term legal certainty regarding the forum for resolving election result disputes, structurally it entrenches the existing fragmentation of authority. De jure, the decision abolishes the legislative mandate to establish a special judicial body that was intended to function as a comprehensive solution to integrate various types of Pilkada disputes (criminal, administrative, and results-related) under a single exclusive jurisdiction. Consequently, the legislative design of Law No. 10 of 2016 now permanently leaves authority divided between the Constitutional Court (Results Regime) and the District Courts (Criminal Regime), thereby ensuring the continuation of overlapping jurisdiction.

The Constitutional Court's jurisdiction in Regional Head Election Result Disputes (PHPU Pilkada) is limited by two principal criteria: formal requirements (vote margin threshold) and substantive requirements (the TSM criteria) (Sinaga & Wisnaeni, 2023). The attribution of the Court's authority is regulated under Article 157 of Law No. 10 of 2016. Historically, this authority was intended to be temporary. Article 157 paragraph (3) of the Law stipulates that disputes over the determination of final vote tabulation results in regional elections are examined and adjudicated by the Constitutional Court "until a special judicial body is established." At that time, the legislature mandated the creation of a special judicial body as the ideal and integrated system for resolving all regional election disputes.

This situation changed fundamentally through Constitutional Court Decision Number 85/PUU-XX/2022. In that ruling, the phrase "until a special judicial body is established" in Article 157 paragraph (3) of Law No. 10 of 2016 was declared unconstitutional under the 1945 Constitution and removed from the provision. The removal of this phrase renders the Constitutional Court's authority to adjudicate PHPU Pilkada cases permanent. Although this decision provides short-term legal certainty regarding the forum for resolving election result disputes, structurally it entrenches the existing fragmentation of

authority. De jure, the ruling eliminates the legislative mandate to establish a special judicial body that was intended to integrate various types of regional election disputes (criminal, administrative, and result disputes) under a single exclusive jurisdiction. Consequently, the legislative design of Law No. 10 of 2016 now permanently leaves authority divided between the Constitutional Court (results regime) and the District Courts (criminal regime), ensuring the continuation of overlapping jurisdictions.

The Constitutional Court's competence in PHPU Pilkada is restricted by two main criteria: formal requirements (vote margin threshold) and substantive requirements (TSM criteria). Election participants seeking to file a PHPU petition before the Court must satisfy the maximum vote margin threshold between the candidate pair and the winning pair. This limitation is quantitative in nature and determined based on the population size of the relevant electoral region. Functionally, this restriction limits the Court's ability to adjudicate substantive violations beyond vote tabulation issues, unless such violations meet the established vote threshold (Bisariyadi & Palguna, 2023).

The most crucial criterion in the context of overlapping authority is the Structured, Systematic, and Massive (TSM) standard. The Constitutional Court holds that a violation (including vote-buying or abuse of authority) may invalidate election results only if it satisfies these three elements and is proven to have affected the vote count beyond the threshold. A structured violation involves the participation of bureaucratic apparatus, election officials, or certain organizations in its execution. A systematic violation indicates that the act was carefully planned and organized from the outset (Junaidi, 2014). Meanwhile, massive refers to misconduct occurring widely across numerous locations and affecting a significant portion of voters.

The TSM criterion functions as a highly rigid jurisdictional gateway. This elevated evidentiary standard partly grounded in pragmatic considerations (such as budgetary constraints for re-running elections) ensures that most electoral crimes that do not significantly impact the results will not alter the legitimacy of the election outcome. Jurisdictional overlap (fragmentation) reaches a critical point when the same legal facts, such as vote-buying practices, may be brought before two different judicial forums with distinct evidentiary standards and potentially contradictory final dispositions. Vote-buying represents a classic example of normative intersection (Pratama & Wahyudi, 2020). Under the Gakkumdu/District Court regime, vote-buying is treated as a pure criminal offense, focusing on proving the elements of the crime and imposing sanctions. In contrast, under the Constitutional Court regime (PHPU), vote-buying is relevant only if it is committed in a TSM manner and proven to have affected the election results. This difference reflects a philosophical contradiction in the enforcement of regional election law.

Comparison of the Attribution of Authority and the Focus of Proof in the Resolution of Regional Election Disputes (Law No. 10 of 2016)

Aspect of Authority	Criminal Offense Regime (District Court / Gakkumdu)	Election Results Dispute Regime (Constitutional Court)
Authorized Institution	General Courts (District Court)	Constitutional Court
Basis of Attribution of Authority	Law No. 10 of 2016 (Criminal Provisions)	Article 157 paragraph (3) of Law No. 10 of 2016 (Post Decision No. 85/PUU-XX/2022)
Object of Adjudication	Election crimes (criminal offenses / <i>strafbaarfeit</i>)	Disputes over vote tally results (PHPU) and Structured, Systematic, and Massive (TSM) violations
Focus of Proof	Criminal elements, fault (<i>mens rea</i>), and material/immaterial criminal harm	Structured, systematic, and massive nature of violations and their impact on the vote margin threshold
Nature of Decision	Conviction / Acquittal / Dismissal (Final and binding)	Final and binding with respect to the determination of election results

The TSM criteria function not as a coordination mechanism, but rather as a mechanism for eliminating jurisdiction. Consequently, even if Gakkumdu and the District Court (PN) successfully prove the existence of a criminal offense (for example, bribery involving certain individuals) and impose sanctions, the Constitutional Court (MK) has no normative obligation to annul the election results if, in the MK's assessment, the offense does not meet the TSM threshold or does not significantly affect the vote margin required under the applicable threshold (Sigar, 2025). This creates a fundamental contradiction: the law expressly punishes criminal conduct (through the PN), yet at the same time legitimizes the election results produced by that unlawful conduct (through an MK decision). The MK's emphasis on quantitative impact and vote thresholds overlooks the damage to electoral integrity, undermining the fundamental principle of a rule-of-law state (*rechtsstaat*), which requires legal certainty and substantive justice.

The most evident proof of the weakness in the construction of Law No. 10 of 2016 lies in the structural fragmentation and normative gaps governing the interaction among judicial institutions. Structural fragmentation in resolving regional election disputes (*Pilkada*) arises from the separate attribution of authority to various forums. The General Courts/Gakkumdu handle election-related criminal offenses, the Constitutional Court adjudicates disputes over election results, while Bawaslu/Administrative Courts (PTUN) resolve administrative disputes during the electoral process. This configuration, exacerbated by decisions eliminating the mandate for a special electoral court, consistently produces inconsistent rulings and legal uncertainty for the parties. Judicial institutions operate along their respective tracks, and no institution possesses comprehensive authority to review other judicial decisions that may overlap or conflict (Prabowo, 2023).

The primary legal gap in Law No. 10 of 2016 is the absence of norms regulating mechanisms for interaction, synchronization, or hierarchy between PN and MK decisions in overlapping cases. This absolute conflict of authority expands into a problem of dual final dispositions. MK decisions are final and binding with respect to election results and the legitimacy of vote tallies (Huda, 2023). Meanwhile, PN decisions are final and binding regarding the legal status of individuals convicted of criminal offenses, including regional head candidates. If a final and binding PN criminal judgment establishes the existence

of a serious offense (such as large-scale bribery or document forgery) committed by the winning candidate proven only after the MK's election dispute ruling has been issued (given that criminal proceedings in regional elections often exceed the MK's procedural time limits) Law No. 10 of 2016 provides no hierarchical guidance on whether or how the election results should be annulled or revised. This absence of coordinating norms at the statutory level forces other institutions, such as the Supreme Court (MA) or Bawaslu, to fill the gap through Supreme Court Regulations (Perma) or Bawaslu Regulations. However, regulations below the level of statute are hierarchically weaker in ensuring uniform legal certainty across jurisdictions, thereby increasing complexity and inconsistency (Fachruddin, 2022). This legal vacuum, rooted in fragmented legislative attribution, directly obstructs the realization of legal certainty as one of the pillars of a rule-of-law state.

An analysis of Law No. 10 of 2016 through the lens of the Theory of Authority demonstrates that the jurisdictional fragmentation between the General Courts (Sentra Gakkumdu) and the Constitutional Court (PHPU) is not merely an operational issue, but a structural failure legitimized by the statute itself. Law No. 10 of 2016 has created structural fragmentation by granting separate attributions of authority to handle the criminal regime and the election results regime. The intersection between these two regimes most clearly visible in cases of vote-buying and TSM violations reveals that criminal law enforcement and validation of election results operate without an explicitly regulated hierarchy or interaction mechanism. The result is the potential for contradictory final and binding judicial decisions, significantly threatening legal certainty, the legitimacy of the democratic process, and electoral integrity.

3.2. The Juridical Implications of Conflicting Decisions on Legal Certainty

The case study of the Cianjur Regency Regional Election highlights the most acute manifestation of this overlapping authority. This case involved a clash between criminal jurisdiction resolved by the Cianjur District Court and results jurisdiction resolved by the Constitutional Court. In this case, the same party Candidate Pair (Paslon) Number 1 (Herman Suherman and Muhammad Solih Ibang) held contradictory legal statuses in the two forums. Candidate Pair Number 1 was the Petitioner in the election results dispute (PHPU) before the Constitutional Court (Case Number 200/PHPU.BUP-XXIII/2025). However, at nearly the same time, the Related Party (Candidate Pair Number 2) submitted evidence in the Constitutional Court proceedings that Candidate Pair Number 1 had been sentenced to one month of imprisonment in Decision of the Cianjur District Court Number 370/Pid.Sus/2024/PN Cjr for an election-related criminal offense. This situation created a condition in which the judicial system declared that an electoral crime had occurred and had been punished (final and binding), while at the same time the Constitutional Court, through its final and binding decision, rejected the PHPU petition concerning the election results (inadmissible). The existence of these two final decisions the District Court's criminal judgment, which had obtained permanent legal force, versus the Constitutional Court's final and binding PHPU decision resulted in a normative antinomy. Structurally, this conflict undermines the principle of legal certainty because no single authority can provide definitive justification regarding the integrity of the Cianjur election. Through analysis using the Decision Annotation Theory and the Legal Protection Theory, this report examines how this conflict delegitimizes the election results and leads to the failure of legal protection for both the candidates and the voting public.

Decision Annotation Theory is employed as an academic method to analyze and critically examine the structure of judicial decisions in depth. Its purpose is to “dissect” and identify the ratio decidendi the essential legal reasoning underlying a decision and to distinguish it from obiter dicta (incidental statements). Through annotation, researchers can compare the legal reasoning in two different decisions and identify any disconnection between proven facts and the application of legal norms (Hakiki & Taufiqurrahman, 2023). In the context of the Cianjur election, this annotation method is crucial not only to reveal what the District Court and the Constitutional Court decided, but also to explain why both decisions, despite being equally final, failed to produce a coherent legal consensus regarding the integrity of the election.

The Theory of Legal Protection (Rechtsbescherming) requires guarantees that citizens (in this case, election participants and voters) are protected from arbitrary actions and that their constitutional rights are safeguarded through effective legal procedures and fair outcomes. Legal protection encompasses not only the procedural dimension (whether legal processes are properly followed) but also the substantive dimension (whether the final outcome reflects justice and integrity). The fundamental principles of democracy free and fair elections (the principles of freedom of choice and honesty and fairness) constitute the core of legal protection in elections. The failure of the electoral justice system to integrate factual findings (such as criminal convictions) into its final rulings demonstrates a failure of substantive legal protection (Arifin, 2022). When conflicting judgments occur, three pillars of legal protection are potentially undermined: (1) Effective Access to Justice: An aggrieved party may obtain “justice” in one forum (for example, a criminal factual finding in the District Court) but be unable to translate it into a legal remedy affecting the electoral outcome (in the Constitutional Court), thereby fragmenting access to justice. (2) Legal Certainty: The existence of two contradictory final judgments erodes legal certainty. (3) Substantive Justice: Substantive justice fails to be achieved if the regional election results are upheld (by the Constitutional Court), despite the electoral process having been proven to be tainted by a criminal offense that has obtained permanent legal force (by the District Court).

The election-related criminal case at the Cianjur District Court was registered under Number 370/Pid.Sus/2024/PN Cjr. The judgment was issued on November 12, 2024. The defendant in this case, Dudy Rachmansyah, S.IP., was prosecuted through the Integrated Law Enforcement Center (Gakkumdu) mechanism, which handles election-related criminal offenses. Although the complete ratio decidendi of the judgment is not publicly available in this study, the case classification falls under Special Election Crimes. The crucial fact linking the District Court’s criminal judgment to the electoral results dispute before the Constitutional Court is the acknowledgment made by the Related Party (Candidate Pair No. 2) during the Constitutional Court hearing. Counsel for the Related Party explicitly stated that District Court Decision No. 370/Pid.Sus/2024/PN Cjr positioned the Petitioner (Candidate Pair No. 1) as a defendant in a 2024 election crime case and imposed a one-month sentence. Although the defendant recorded in the Supreme Court Directory is Dudy Rachmansyah, the statement made by the Related Party during the Constitutional Court hearing implies that Candidate Pair No. 1 (the Petitioner in the election results dispute) or its core team had been proven to have committed a criminal violation relevant to the Cianjur regional election contest. The ratio decidendi of the Cianjur District Court in this criminal case centers on the establishment of legal facts that Candidate Pair No. 1 (or an individual acting on its behalf) committed a violation of criminal provisions under the Election Law. The purpose of the judgment

was to impose a personal sanction (one month of imprisonment) and to affirm the integrity of electoral norms. After no further legal remedies were pursued, the criminal judgment obtained permanent legal force (*inkracht van gewijsde*).

Candidate Pair Number 1, who notably has an electoral criminal record at the District Court (PN), filed a Petition for Election Results Dispute (PHPU) with the Constitutional Court (Case Number 200/PHPU.BUP-XXIII/2025). Their principal argument was the alleged existence of structured, systematic, and massive (TSM) fraud committed by the opposing party or the election administrators. The petition specifically alleged manipulation of attendance lists in seven subdistricts, including the absence of voters' signatures, signatures consisting only of written names, and signatures bearing identical forms (alleged forgery). The Petitioner also argued that there had been administrative disorder, such as regrouping or a significant reduction in the number of polling stations (from 7,278 in the legislative and presidential elections to 4,054 in the regional election) and delays in distributing the C-Notification forms to voters, resulting in a high number of voters not exercising their voting rights. The Constitutional Court, in its decision which is final and binding, declared the Petition Not Admissible (Inadmissible). Although the inadmissibility ruling did not address the substance of the vote count, it effectively affirmed the regional election results as determined by the Cianjur Regency General Elections Commission (KPU) (Respondent).

The *ratio decidendi* of Cianjur District Court Decision No. 370/Pid.Sus/2024/PN Cjr is based on the proof of the elements of an election crime. Its focus lies on the unlawful acts committed by Candidate Pair No. 1 or related parties, aimed at imposing personal sanctions and safeguarding the integrity of election law norms. This ruling constitutes a definitive factual determination that an electoral crime occurred in the Cianjur regional election. In contrast, the *ratio decidendi* of Constitutional Court Decision No. 200/PHPU.BUP-XXIII/2025 centers on the election results and procedural compliance. By declaring Candidate Pair No. 1's petition inadmissible, the Constitutional Court legally declined to examine the substantive evidence regarding the alleged fraud, including potential TSM (structured, systematic, and massive) violations such as manipulation of attendance lists. Essentially, the Constitutional Court's decision validates the election results as determined by the General Elections Commission (KPU).

The primary contradiction in the Cianjur regional election case study is the factual-normative antinomy created by the dual status of Candidate Pair No. 1. On the one hand, Candidate Pair No. 1 was convicted of tarnishing the election through criminal conduct; on the other hand, they appeared before the constitutional forum as a party seeking justice for fraud allegedly committed by others. The District Court's decision, which established Candidate Pair No. 1 as a perpetrator of an election crime, juridically functions as a form of judicial impeachment of their credibility before the Constitutional Court. When the Constitutional Court rejected the election dispute petition (PHPU) filed by a candidate pair proven to have tainted the electoral process, it reflected a systemic failure to present a unified narrative regarding the integrity of the Cianjur regional election. Is Candidate Pair No. 1 a victim or a perpetrator? The law provides two different answers.

The most significant point of negation lies in the clash between factual findings (criminal judgment) and the conclusion on election results (PHPU ruling). The District Court affirmed the existence of serious violations resulting in individual sanctions (against

Candidate Pair No. 1). Although directed at the losing candidate pair, this criminal finding implies that the Cianjur election was tainted. Meanwhile, through its inadmissibility ruling, the Constitutional Court implicitly confirmed the validity of the election results declared by the Respondent (KPU). This normative disorder may be formulated as follows: A Criminal Act Is Proven and Punished (District Court Fact), yet the Election Results Are Declared Valid (Constitutional Court Conclusion). A legal vacuum arises because no mechanism connects the District Court's finding of criminal conduct with the overall validity of the regional election results.

Comparison of Ratio Decidendi and Jurisdictional Impact

Comparison Criteria	Cianjur District Court No. 370/Pid.Sus/2024	Constitutional Court No. 200/PHPU.BUP-XXIII/2025
Jurisdictional Scope	Special Criminal Law Enforcement Center/Gakkumdu	Dispute over Regional Election Results (PHPU)
Binding Force	<i>Inkracht van Gewijsde</i> (Final and Binding)	Final and Binding
Object of the Case	Individual criminal acts violating election law (1-month sentence imposed on Candidate Pair No. 1 / Related Party to the Petitioner).	Vote tally results (Petition filed by Candidate Pair No. 1 rejected / declared inadmissible).
Core Ratio Decidendi	Proof of the elements of election-related criminal offenses committed by parties affiliated with / Candidate Pair No. 1.	Focus on the Petitioner's legal standing and/or vote margin, therefore not examining the substance of structured, systematic, and massive (TSM) violations.
Immediate Legal Impact	Criminal sanctions against individuals/groups.	Confirmation of the regional election results as determined by the Respondent.

A District Court (Pengadilan Negeri/PN) decision convicting an electoral crime, after completing the judicial process up to cassation or upon the expiration of the prescribed time limit, obtains permanent legal force (*inkracht*). The status of *inkracht* means that the decision establishes an absolute legal truth regarding the fact that an electoral crime was committed by the convicted party (Candidate Pair No. 1 or their team). This ruling is personally binding upon the convicted individual. However, juridically, the PN does not have attributed authority to annul or alter the collective results of the election recapitulation. The PN's authority is limited to the enforcement of criminal law. Although the establishment of this criminal fact carries significant moral and factual relevance to the integrity of the regional election (Pilkada), its impact on the final election results can only be further processed through the Election Results Dispute (PHPU) mechanism before the Constitutional Court (Mahkamah Konstitusi/MK). A Constitutional Court decision in a PHPU case holds a superior constitutional status. Pursuant to the 1945 Constitution (UUD 1945), Constitutional Court rulings are final and binding, meaning they constitute decisions of first and last instance that must be implemented without any further legal remedies. The Constitutional Court serves as the ultimate authority in determining the legitimacy of regional election results. In exercising its jurisdiction, the Court tends to prioritize the resolution of election result disputes based on quantitative parameters (vote margin) and qualitative parameters (structured, systematic, and massive violations/TSM). In the Cianjur case, by declaring the petition inadmissible, the Court prioritized formal procedural requirements, resulting in the disregard of individual criminal findings established by the District Court, even when those findings involved the candidate pair that filed the PHPU petition.

The dilemma of overlap arises when two equally final decisions (a District Court ruling that has obtained permanent legal force and a Constitutional Court decision that is final and binding) reach contradictory conclusions regarding the integrity of the electoral process. The District Court found electoral fraud and determined that it tainted the election process, while the Constitutional Court, by rejecting the petition, validated the election results. Although, in formal constitutional terms, the Constitutional Court holds higher jurisdiction in determining election results, disregarding criminal factual findings that have already become final undermines the harmony of the electoral justice system. This conflict demonstrates that a Constitutional Court decision, which focuses on the outcome, does not automatically erase the factual stain established by the District Court. The situation creates a definitive normative vacuum. If an electoral crime has been proven with final and binding force (as established by the District Court), yet the results are still upheld (by the Constitutional Court), the public will question the value of substantive justice within the system. This failure of synchronization indicates that the electoral justice system can produce two conflicting "truths": a criminal truth regarding the act, and a constitutional truth regarding the result.

This conflict of rulings has a direct impact on the principle of legal certainty (Rechtssicherheit). The existence of a criminal conviction against one of the candidate pairs, followed by a Constitutional Court (MK) decision rejecting their election dispute (PHPU), creates a permanent ambiguity regarding the legitimacy of the leader produced by the Cianjur regency election. It raises the question: is the result valid because it was confirmed by the final and binding ruling of the MK, or is it tainted because an election crime was proven and punished in the District Court (PN)? This ambiguity creates acute legal uncertainty. In the context of an election that stirs public sentiment, such uncertainty has a high potential to trigger social conflict and local political instability. The public sees that a violation has been legally proven, yet the legal consequences regarding the election results seem to be nullified by the MK's formal decision. This conflict of rulings directly delegitimizes the election results and erodes public trust in democratic institutions. When a formal judicial body (PN) confirms an election crime, but the highest judicial institution (MK) refuses to consider the impact of those facts or rejects them on formal grounds (inadmissible), it reinforces the narrative that election law prioritizes procedural efficiency over substantive justice. The deeper impact is the emergence of a philosophical question: is the goal of election jurisdiction merely to produce a valid winner (the MK's focus), or is it also to punish and eliminate those who undermine democracy (the PN's focus)? The failure to synchronize these two objectives demonstrates that the system is incapable of providing a coherent solution. If election results are upheld despite being proven tainted by criminal acts, the legitimacy of the elected leader will be questioned by a public that has witnessed the factual truth in the District Court proceedings.

Based on the Legal Protection Theory (Rechtsbescherming), this situation reflects a dual failure of legal protection. Election participants who campaigned honestly, along with those reporting allegations of TSM (Structured, Systematic, and Massive) fraud, are disadvantaged because a process tainted by criminal acts as evidenced by the District Court (PN) findings cannot be remedied through the PHPU (Election Results Dispute) channel (Gea, 2024). They have effectively been denied access to adequate substantive justice. While the Cianjur case is unique because Candidate Pair No. 1 was the party convicted, if those criminal findings are relevant to other fraud claims involving the Related Party (Candidate Pair No. 2), the Constitutional Court's (MK) inadmissible ruling

serves to protect a potentially tainted result. Consequently, this undermines the overall effectiveness of election litigation.

Legal protection has also failed the electorate. Candidate Pair No. 1 alleged the manipulation of attendance lists (forged signatures), illegal TPS regrouping, and administrative chaos, such as the late distribution of C-Notification forms. These systemic violations indicate that the voters' constitutional right to a free and fair election was disregarded. When the MK dismisses a petition on formal, inadmissible grounds, the opportunity to rectify these substantial democratic flaws is lost. The essence of legal protection is to guarantee constitutional rights; however, in the Cianjur case, the MK's decision allowed the election results to stand despite the integrity of the process being compromised by criminal facts established in the District Court.

Systemic Damage Based on Legal Protection Theory

Indicator of Failure in Legal Protection	Impact of Conflicting Dual Decisions (Cianjur Case Study)	Juridical and Social Consequences
Access to Justice	Contradictory rulings prevent the aggrieved party from obtaining a definitive remedy from the Constitutional Court (MK), despite possessing evidence of criminal facts established by the District Court (PN).	Decline in the effectiveness of election litigation; judicial shopping (seeking justice in different forums that are not institutionally synchronized).
Legal Certainty	Violations proven in criminal proceedings (with final and binding force/inkracht) do not invalidate or revise the election results (which are final), creating permanent ambiguity regarding the legitimacy of the elected leader.	Erosion of trust in the election legal framework; potential for local political unrest.
Substantive Justice	Regional election (Pilkada) results that are procedurally valid (as affirmed by the Constitutional Court) remain in effect despite being tainted by fraud proven in criminal court (District Court).	Delegitimization of election results; disconnected justice.

The case study of the Cianjur Regional Election (Pilkada), marked by the conflict between District Court Decision No. 370/Pid.Sus/2024/PN Cjr (Criminal, final and binding) and Constitutional Court Decision No. 200/PHPU.BUP-XXIII/2025 (Election Results Dispute, final and binding), represents a classic example of serious jurisdictional antinomy. This conflict centers on the dual status of Candidate Pair No. 1 as both a perpetrator of an election crime and a petitioner in an election results dispute. The District Court established the factual truth of the criminal offense, while the Constitutional Court, through an inadmissibility ruling, established the procedural validity of the election results. This failure is not merely the result of individual misinterpretation of the law, but rather a structural failure within the architecture of Indonesia's electoral judiciary in providing a coherent system of legal protection. Its primary impact is the erosion of legal certainty and the delegitimization of the election results, thereby undermining the constitutional rights of candidates and voters.

4. CONCLUSION

The overlapping authority between the General Courts (criminal regime) and the Constitutional Court (results regime) within the architecture of regional election dispute

resolution in Indonesia constitutes a structural failure legitimized by Law No. 10 of 2016. Conflicting decisions that effectively negate one another, as clearly demonstrated in the Cianjur Pilkada case study, have created a normative antinomy that undermines the principle of legal certainty, delegitimizes election results, and fundamentally fails to provide substantive legal protection for candidates and the voting public. To address this normative disorder, urgent reform must be directed toward establishing a specialized Regional Election Court with unified and integrated jurisdiction, or through explicit legislative synchronization to harmonize the legal consequences of final and binding criminal judgments with the validity of election results that have been declared final and binding by the Constitutional Court.

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