



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## Phenomenology of General Election Dispute Resolution in Indonesia

Erwin Aditya Pratama <sup>1)</sup>

<sup>1)</sup> Faculty of Law, Universitas Pancasakti Tegal, Indonesia, E-mail: [erwin\\_aditya@upstegal.ac.id](mailto:erwin_aditya@upstegal.ac.id)

**Abstract.** Elections are a means for the people to participate in determining the direction of government administration. The basic principle of democratic state life is that every citizen has the right to actively participate in the political process. The purpose of the research is to examine the phenomenology of resolving general election disputes resolved through the judicial process both in the Supreme Court and the Constitutional Court, to assess the effectiveness of the two judicial institutions in resolving legal issues related to General Elections in Indonesia. The type of research used is literature research, the research approach uses normative juridical, the data source is secondary data that is analyzed qualitatively. The results of the research show that as well as the system of organizing general elections is designed in it, there is always a possibility of violations, for that there is always a reliable institutional mechanism to resolve various types of objections and disputes. The settlement of general election disputes in Indonesia can be resolved by the Election Supervisory Agency, the Judiciary under the auspices of the Supreme Court and the Constitutional Court. General election disputes that are resolved through judicial institutions under the Supreme Court resolve disputes related to administration and criminal in the implementation of General Elections. Meanwhile, disputes over the results of the general election are within the scope of the Constitutional Court's authority. The appeal decision issued by the Constitutional Court against the dispute over the election results is the final and binding decision and there is no other legal remedy, if it is considered that the two judicial institutions are effective institutions in resolving legal issues related to the General Election in Indonesia.

**Keywords:** Elections; Election Administration Disputes; Election Results Disputes.



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## 1. Introduction

Elections are a means for the people to participate in determining the direction of government administration. General elections are a logical consequence of the adherence to the principles of democracy in the life of the nation and state. The basic principle of democratic state life is that every citizen has the right to actively participate in the political process. Reforms in the late 90s which were then followed by amendments to the 1945 Constitution had an impact on changing the general election system. After the amendment of the 1945 Constitution, both the election of legislative members and the election of the executors of executive power were carried out directly by the people. Based on these changes, every citizen has the right to elect his or her representatives in representative institutions such as the DPR, DPD and DPRD and choose the pair of presidential and vice presidential candidates.<sup>1</sup> The election process will not only be assessed based on the existing legal framework but also laws, election rules and their implementation need to be tested and adjusted whether they are in accordance with their main objectives or not, without ignoring the rights owned by individuals and groups.<sup>2</sup>

The General Election is a political contest that often presents disputes.<sup>3</sup> As well as the election administration system is designed in it, there is always the possibility of violations that can reduce the quality of elections, for this reason there is always a reliable institutional mechanism to resolve various types of objections and disputes in elections<sup>4</sup>. The complicated mechanism of the election administration system accompanied by information and a weak level of knowledge about the resolution of election disputes is often a source of problems in handling election dispute cases that can lead to socio-political instability. Violations can be in

<sup>1</sup> Jalili, Nururrianti, Idris, Ika. Fake news and elections in Two Southeast Asian Nations: A comparative study of Malaysia general election 2018 and Indonesia presidential election 2019. In: *International Conference on Democratisation in Southeast Asia (ICDeSA 2019)*. Atlantis Press, 2019. p. 138-148. <https://www.atlantispress.com/proceedings/icdesa-19/125923267>

<sup>2</sup> Fuadi, Abdul Basid. "Politik Hukum Pengaturan Keserentakan Pemilu." *Jurnal Konstitusi* 18.3 (2021): 702-723. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1840>

<sup>3</sup> Bello Umar, Mohammed, and Kamal Olaniyi Lamidi. "A Review Of The 2015 and 1999-2011 General Elections in Nigeria Using Pippa Norris' electoral Integrity Framework (Eif)." *Annals of the „Ovidius” University of Constanța–Political Science Series* 7 (2018): 75-104. <https://www.cceol.com/search/article-detail?id=738397>

<sup>4</sup> Bisariyadi, Bisariyadi, Anna Triningsih, and Meyrinda Rahmawaty. "Komparasi mekanisme penyelesaian sengketa pemilu di beberapa negara penganut paham demokrasi konstitusional." *Jurnal Konstitusi* 9.3 (2012): 531-562. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/936>



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the form of administrative violations and criminal offenses.<sup>5</sup> Administrative violations take place around the fulfillment of the right of every citizen to participate in elections both as voters and to be elected, both individual candidates and political parties. It is not uncommon for citizens who have met the requirements not to be registered as voters and or vice versa, not a few citizens who have not met the requirements or have passed away are registered as voters or double voters.<sup>6</sup>

These problems have implications for voter lists, voting rights, and vote counting. Not being registered in the voter list can have implications for the loss of a person's voting rights. Furthermore, the voter list that is not cast can be used to cheat in the form of inflating votes to win certain parties.<sup>7</sup> Not a few legislative candidates trade votes by conspiring with election organizers and other candidates to come out as the winner in determining the acquisition of seats. A series of violations, both administrative violations and criminal violations, have different degrees of error and implications from case to case on the quality of election administration.<sup>8</sup>

Generally, countries in the world, including Indonesia, divide the resolution of election disputes into two, namely: first, the resolution of disputes that occur during the election process; and second, the settlement of disputes over election results.<sup>9</sup> Dispute resolution during the election process is resolved both through the KPU, Bawaslu, and PTTUN for aspects with administrative dimensions, while criminal violations with certain categories

<sup>5</sup> Wardhana, Dharendra. "Decentralization, Democratization, And Social Protection In Indonesia: A Systematic Review of the Literature." *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning* 3.2 (2019): 164-184. <http://journal.bappenas.go.id/index.php/jpp/article/view/73>

<sup>6</sup> Agustino, Leo, M. Dian Hikmawan, and Jonah Silas. "Regional head elections, high-cost politics, and corruption in Indonesia." *Otoritas: Jurnal Ilmu Pemerintahan* 13.1 (2023): 44-59. <https://journal.unismuh.ac.id/index.php/Otoritas/article/view/8438>

<sup>7</sup> Aspinall, Edward, and Marcus Mietzner, eds. *Problems of democratisation in Indonesia: elections, institutions and society*. Institute of Southeast Asian Studies, 2010. [https://www.google.com/books?hl=id&lr=&id=KYXE-KJYqzQC&oi=fnd&pg=PR5&dq=indonesia+problem+election+law&ots=P6Xr8R27GJ&sig=GP7CQbCpKya0K\\_S82G0Z3bc2Fjg](https://www.google.com/books?hl=id&lr=&id=KYXE-KJYqzQC&oi=fnd&pg=PR5&dq=indonesia+problem+election+law&ots=P6Xr8R27GJ&sig=GP7CQbCpKya0K_S82G0Z3bc2Fjg)

<sup>8</sup> Syamsu, Suhardiman, Andi Muhammad Rusli, and Miranda Malinda Hamka. "Social capital as a political strategy: evidence from Nasdem Party in Makassar City, Indonesia." *Otoritas: Jurnal Ilmu Pemerintahan* 13.1 (2023): 141-155. <https://journal.unismuh.ac.id/index.php/Otoritas/article/view/9665>

<sup>9</sup> Pierskalla, Jan H., and Audrey Sacks. "Personnel politics: Elections, clientelistic competition and teacher hiring in indonesia." *British Journal of Political Science* 50.4 (2020): 1283-1305. <https://www.cambridge.org/core/journals/british-journal-of-political-science/article/personnel-politics-elections-clientelistic-competition-and-teacher-hiring-in-indonesia/0E22D74A8A945DC2AB502DF643327558>

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can be committed at the district court level. Furthermore, the settlement of disputes over election results and the determination of elected candidates is the competence of the Constitutional Court.<sup>10</sup>

As contained in the Constitution of the Republic of Indonesia in 1945 Article 24C paragraph (1) which determines that; The Constitutional Court has the authority to adjudicate at the first and last level whose decision is final in order to test the Law against the Constitution, decide disputes over the authority of state institutions whose authority is granted by the Constitution, decide the dissolution of political parties and decide disputes about the results of general elections. The Constitutional Court is a judicial function to uphold law and justice, in order to uphold the supremacy of the constitution.<sup>11</sup> From the description of the article above, the author formulates a problem that is limited to "How to Resolve Administrative Disputes and Disputes over General Election Results in Indonesia?". The purpose of this study is to find out and analyze the settlement of administrative disputes and dispute resolution of election results in Indonesia

Regarding the authority of the Constitutional Court in deciding disputes over the results of the General Election since 2003, there have been approximately 672 decisions related to disputes over the results of the general elections, 6 decisions of the Constitutional Court related to disputes over the results of the Presidential and Vice Presidential General Elections, 1136 decisions on the settlement of disputes over the Regional Head Elections, this means that cases resolved through the Constitutional Court occupy the largest percentage of cases resolved by the Court as much as 50% The Constitution is related to the authority to decide disputes over the results of general elections<sup>12</sup>. Meanwhile, other legal issues related to General Elections in the Supreme Court data found 4,421,934 decisions related to General Election cases<sup>13</sup>. Looking at the data that is interesting to examine the legal phenomenology of legal dispute resolution in Indonesia, both resolved at the Supreme Court and the

<sup>10</sup> Fuad, AB Barrul. "Political identity and election in Indonesian democracy: A case study in Karang Pandan Village–Malang, Indonesia." *Procedia Environmental Sciences* 20 (2014): 477-485. <https://www.sciencedirect.com/science/article/pii/S1878029614000619>

<sup>11</sup> Luttrell, Cecilia, et al. "The political context of REDD+ in Indonesia: Constituencies for change." *Environmental science & policy* 35 (2014): 67-75. <https://www.sciencedirect.com/science/article/pii/S1462901112001724>

<sup>12</sup> Direktori Putusan Mahkamah Konstitusi. Putusan sengketa Hasil Pemilu dan Pilkada diakses dari Putusan | Mahkamah Konstitusi Republik Indonesia (mkri.id) pada Senin 29 Mei 2024 Pukul 14.51 WIB

<sup>13</sup> Direktori Putusan Mahkamah Agung. Putusan Pemilu diakses dari Direktori Putusan (mahkamahagung.go.id) pada Senin 29 Mei 2024 Pukul 14.51 WIB





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Constitutional Court, the research can be used as an overview to find out the extent of the effectiveness of law enforcement agencies in Indonesia in resolving General Election disputes.

## 2. Research Methods

This type of research is literature research, literature research is used with secondary data, the data referred to in this study is related to data from books, journals, laws and regulations that discuss the issue of general elections. The research approach used is the legislative approach, and the historical approach, laws and regulations used as data study material include Law Number 7 of 2017 concerning General Elections, Law Number 10 of 2016 concerning General Elections of Regional Heads, Law Number 42 of 2008 concerning Presidential and Vice Presidential General Elections, Meanwhile, the historical approach is obtained from literature, books, and information from historical actors who participated in the periodization of the General Election in Indonesia. The data sources used are secondary data, namely research data sources obtained through intermediary media or indirectly in the form of books, notes, existing evidence, or archives, both published and unpublished in general.<sup>14</sup> The data analysis method is carried out by qualitative analysis, by studying in depth from the existing legal materials, then combined with theories that support and draw conclusions so that they can answer problems, in this study will be revealed related to the phenomenology of solving legal problems through judicial institutions in Indonesia both through the Constitutional Court and judicial institutions under the Supreme Court to then assess the performance of both institutions The judiciary in providing justice services in faithfully resolving the legal problems of the General Election held in Indonesia within 79 years after Indonesia declared its independence.<sup>15</sup>

## 3. Results and Discussion

### 3.1. Phenomenology of Election Dispute Resolution in Indonesia

The standard for conducting elections is based on the Declaration on Criteria For Free and Fair Election raised by the Inter-Parliamentary Council at the 154th session in Paris on March

<sup>14</sup> Agniya, Ursa, and Nina Mayesti. "Penilaian Makro Arsip: Dasar Hukum, Metode dan Implementasinya." *Diplomatika: Jurnal Kearsipan Terapan* 4.1 (2020): 49-56. <https://journal.ugm.ac.id/diplomatika/article/view/61840>

<sup>15</sup> Hidayat, Agung. "Critical Review Buku "Penelitian Hukum" Peter Mahmud Marzuki Penelitian Hukum Ad Quemtentang Norma." *Yustisia Merdeka: Jurnal Ilmiah Hukum* 7.2 (2021): 117-125. <http://yustisia.unmermadiun.ac.id/index.php/yustisia/article/download/109/85>



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26, 1994.<sup>16</sup> The three main concerns of the declaration are: first, voting and elections rights; second, candidature, party, campaign rights and responsibilities; and third, the rights and responsibility of states.<sup>17</sup> The rights and responsibilities of candidacy, party, and campaign are aimed at protecting the rights to be elected, party, and campaign in order to obtain support and benefits to participate and take part in the administration of government.<sup>18</sup>

In general, the material regulated in the declaration is intended to guarantee the right of every citizen freely and equally to vote and be elected regardless of ethnicity, religion, race, color, and any group. If various violations and objections occur that end in disputes that are difficult to avoid, there is always an institutional mechanism that is capable, transparent, accountable, efficient, effective, simple, and certain in resolving various objections and disputes.<sup>19</sup>

Disputes or disputes in elections can be divided into two, namely disputes in the election administration process (especially those that occur between election participants or between candidates) and disputes over election results.<sup>20</sup> Good resolution of objections and disputes is to prevent violations as early as possible through the work mechanism of election organizers that is independent, professional, transparent, accountable, efficient, and

<sup>16</sup> Goodwin-Gill, Guy S. *Free and fair elections*. Inter-Parliamentary Union, 2006. [https://www.google.com/books?hl=id&lr=&id=i9J4GCqYYJoC&oi=fnd&pg=PR5&dq=Union,+Inter-Parliamentary,+Declaration+on+criteria+for+free+and+fair+elections.+Int&ots=0-QzyQUrgU&sig=\\_wAJTyUjp8ioSiZ8ystL2qy77Ok](https://www.google.com/books?hl=id&lr=&id=i9J4GCqYYJoC&oi=fnd&pg=PR5&dq=Union,+Inter-Parliamentary,+Declaration+on+criteria+for+free+and+fair+elections.+Int&ots=0-QzyQUrgU&sig=_wAJTyUjp8ioSiZ8ystL2qy77Ok)

<sup>17</sup> Trebilcock, Michael, and Poorvi Chitalkar. "From nominal to substantive democracy: The role and design of election management bodies." *The Law and Development Review* 2.1 (2009): 192-224. <https://www.degruyter.com/document/doi/10.2202/1943-3867.1037/html>

<sup>18</sup> Bjornlund, Eric. *Beyond free and fair: Monitoring elections and building democracy*. Woodrow Wilson Center Press, 2004. [https://www.google.com/books?hl=id&lr=&id=0fu4RQ\\_3i8oC&oi=fnd&pg=PR13&dq=+eclaration+on+criteria+for+free+and+fair+elections.+1994&ots=JGEvSlas1o&sig=wrCiqIPgH1PoOgsHal84OGCcgl0](https://www.google.com/books?hl=id&lr=&id=0fu4RQ_3i8oC&oi=fnd&pg=PR13&dq=+eclaration+on+criteria+for+free+and+fair+elections.+1994&ots=JGEvSlas1o&sig=wrCiqIPgH1PoOgsHal84OGCcgl0)

<sup>19</sup> Sives, Amanda. "A review of commonwealth election observation." *Commonwealth and Comparative Politics* 39.3 (2001): 132-149. <https://www.tandfonline.com/doi/abs/10.1080/713999559>

<sup>20</sup> Hobolt, Sara Binzer, and Jill Wittrock. "The second-order election model revisited: An experimental test of vote choices in European Parliament elections." *Electoral Studies* 30.1 (2011): 29-40. <https://www.sciencedirect.com/science/article/pii/S0261379410001095>



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effective. Nevertheless, the apparatus of the authorized institution to resolve objections and disputes is still prepared.<sup>21</sup>

For administrative violations and minor criminal offenses that are personal in nature, it is enough for an institution to object to the election. For violations of the electoral process that are broadly categorized as organized, systematic, and massive and have a wide impact on human rights violations and the broader political order, the solution requires an institution that has great authority by an independent, fair, honest, and impartial judicial institution.<sup>22</sup>

There are quite a number of models of institutional structuring for the resolution of objections and election disputes that have developed in the practice of countries in the world. All of them grow according to the historical, social, political, legal, and cultural background of each country. Robert Dahl and Michael Clegg identified the main issues and aspects that must be considered in establishing a system of examination of objections and disputes among them<sup>23</sup>:

- 1) Clarity of the competence of institutions that must receive, examine, and resolve election objections and disputes from the first level to the appeal level;
- 2) Mechanisms and procedures (procedural law) regarding when, where, how, and in what form an objection or application must be filed, including evidentiary requirements, rational time limits, and strict both the complainant and the body handling the case;
- 3) Requirements, application format, and easy-to-obtain forms;
- 4) Determine the parties who can file objections and disputes;
- 5) The principle of transparency, including legal considerations and clear supporting evidence as well as well-publicized decisions;

<sup>21</sup> Murray, Brian, and Nicholas Rivers. "British Columbia's revenue-neutral carbon tax: A review of the latest "grand experiment" in environmental policy." *Energy Policy* 86 (2015): 674-683. <https://www.sciencedirect.com/science/article/pii/S0301421515300550>

<sup>22</sup> Fauzani, Muhammad Addi, and Yuniar Riza Hakiki. "Reconstruction of Election Observer to Build Institutional Partnerships with Election Organizers in Indonesia." *Law Research Review Quarterly* 4.3 (2018): 777-802. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/27012>

<sup>23</sup> Whalen, Susan, and George Cheney. "Contemporary social theory and its implications for rhetorical and communication theory." *Quarterly Journal of Speech* 77.4 (1991): 467-479. <https://www.tandfonline.com/doi/pdf/10.1080/00335639109383974>



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6) Dissemination through education and training to increase public understanding and knowledge in submitting objections and lawsuits in order to recover errors that can reduce the authority of the election;

7) Clarity of the category of violation (criminal or administrative) along with clarity of the type and form of sanction based on the level of error, negligence, intentionality and repetitive behavior.

Topo Santoso argued that the so-called dispute in the implementation of the election is actually a case of violation of election administration or a case of dissatisfaction with the decision of the election organizer. Violations of election administration include violations of procedures, procedures, and mechanisms related to the administration of election implementation in each stage of election administration. These violations can cause losses to election participants in the form of cancellation of rights as election participants. Election disputes according to Article 257 of Law Number 8 of 2012 concerning the Election of Members of the DPR, DPD, and DPRD are disputes that occur between election participants and disputes between election participants and election organizers as a result of the issuance of KPU decisions.<sup>24</sup>

Administrative disputes are the competence of Bawaslu and the State Administrative High Court. This authority can be delegated to the Provincial Bawaslu, Regency/City Panwaslu, Sub-district Panwaslu, Field Election Supervisors, and Foreign Election Supervisors. The dispute resolution stage is carried out by Bawaslu through the study of reports or findings and bringing together the parties to the dispute to reach an agreement. Bawaslu's decision on dispute resolution to the disputing parties is final and binding.<sup>25</sup>

If there is an election dispute that is not satisfied with the decision of Bawaslu in verifying the Political Parties participating in the Election and the list of permanent candidates for members of the DPR, DPD, DPRD provinces, and district/city DPRD, then the party concerned can file a written lawsuit with the State Administrative High Court. The mechanism for handling election disputes by Bawaslu is regulated by Bawaslu RI Regulation Number 15 of 2012 concerning

<sup>24</sup> Hanum, Cholida. "Efforts to Unravel the Complexity of Election and Election Crimes in Indonesia." *Law Research Review Quarterly* 4.2 (2018): 170-183. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/25597>

<sup>25</sup> Navisa, Fitria Dewi. "Reconstruction of Money Politics Handling Mechanisms for the Realization of Fair and Dignified Elections." *Law Research Review Quarterly* 4.4 (2018): 1277-1296. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/27000>





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procedures for resolving disputes over general election of Members of the House of Representatives, DPD, and DPRD.<sup>26</sup>

Submission of a lawsuit to PTTUN no later than three days after the Bawaslu Decision is determined. The grace period for repairing the lawsuit is three days at most and if more than three days have passed, the lawsuit application will expire and the panel of judges will decide that the lawsuit will not be accepted. No legal remedy against the decision of the lawsuit is unacceptable. PTTUN examines and decides a maximum of 21 days after the lawsuit application is declared complete. Against the decision of PTTUN, an application for cassation can be submitted to the Supreme Court no later than 7 days from the date of the decision. Cassation is a last resort and binding and there is no other legal remedy. For cases where violations of election crimes were found by Bawaslu from the results of the reporter's report that met the elements of an election crime accompanied by sufficient evidence, it was forwarded by Bawaslu to the National Police Investigator for immediate follow-up. The Police investigator forwarded it to the Public Prosecutor and ended up in Court in a general judicial environment. A court decision that is perceived by the convict or by the Prosecutor as an unsatisfactory decision can be appealed to the competent high court.<sup>27</sup>

The resolution of legal issues of General Elections through the Judiciary under the Supreme Court has currently produced 4,421,934 decisions from the first level, appeals, cassations, and reviews, this shows that the Supreme Court has become a reference judicial institution that has provided a sense of justice in the implementation of general elections in Indonesia, legal issues related to administrative disputes, general election crimes can be resolved properly through the Judiciary within the Supreme Court.

### 3.2. Phenomenology of Election Result Disputes in Indonesia

Election Result Disputes or commonly referred to as election result disputes are specifically the competence of the Constitutional Court as stipulated in Article 24C paragraph (1) of the 1945 Constitution. The issue of disputes over the results of votes in elections is a very crucial problem because it determines the political choices of the people represented through the

<sup>26</sup> Rajib, Rayi Kharisma, and Yogi Karismawan. "The Dynamics of Election Disputes in Indonesia Case Study of Decision Number 36/PHP. GUB-XVI/2018." *Law Research Review Quarterly* 4.4 (2018): 1087-1100. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/27110>

<sup>27</sup> Suntana, Ija, and Tedi Priatna. "Four obstacles to the quality of constitutional law learning in Indonesia." *Heliyon* (2023): e12824. <https://www.sciencedirect.com/science/article/pii/S2405844023000312>



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structure of parliament and government.<sup>28</sup> Therefore, the settlement of disputes over election results is classified as a constitutional matter. Disputes over the results of the vote count can give birth to disputes between the KPU and political parties. This can happen if a dispute over vote counting is based on data owned by political parties or witnesses of DPD candidates with the KPU as the organizer of the election.<sup>29</sup>

In the old understanding, the basis of a lawsuit in a dispute over the election results is quite limited, namely there is an error in the decision regarding the election results issued by the KPU. The basis of this lawsuit ultimately determines the extent to which the court will decide the case whether it is only the annulment of the count and the order to recount, or the annulment of an election result and the order for a re-election. In its development, the Constitutional Court gave a broader decision, including giving a re-vote or recount decision. The problem that is the subject of the lawsuit is also broader, not only the problem of miscalculation of the KPU, but also includes various violations in the process, even the requirements of the candidates.<sup>30</sup>

The grace period for requesting the cancellation of the determination of the results of the vote count is 3x24 hours at the latest from the announcement of the determination of the national vote acquisition by the KPU. The applicant has the opportunity for 3x24 hours to correct and complete the application if it is incomplete since the application was received by the Constitutional Court. The KPU, Provincial KPU, and Regency/City KPU are obliged to follow up on the decision of the Constitutional Court. Parties that have a direct interest in PHPU as applicants are individual Indonesian citizens, candidates for DPD members participating in the elections, political parties participating in the elections, political parties, and local political parties participating in the elections for members of the House of Representatives.

The object of the dispute is the KPU Decision on the determination of the results of the calculation of votes obtained for the general election of members of the DPR, DPD, and DPRD. The type of decision of the Constitutional Court can be in the form of an application that is not

<sup>28</sup> Hobolt, Sara Binzer, and Jill Wittrock. "The second-order election model revisited: An experimental test of vote choices in European Parliament elections." *Electoral Studies* 30.1 (2011): 29-40. <https://www.sciencedirect.com/science/article/pii/S0261379410001095>

<sup>29</sup> Taufani, Galang. "Considering the Legal Efforts of Dispute Decisions on Election Results of the Constitutional Court." *Law Research Review Quarterly* 4.3 (2018): 861-878. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/27101>

<sup>30</sup> Pratitaswari, Anindita. "Democratic Election of Noken in Papua." *Law Research Review Quarterly* 4.3 (2018): 507-522. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/26986>



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acceptable if the application does not meet the requirements either subjective or objective; the application is rejected if the application is unreasonable according to law and the application is granted if it is reasonable according to law and the Court determines the correct calculation result.<sup>31</sup> It should be noted that the appeal decision against election crimes is the final and binding decision and there are no other legal remedies. There are three fundamental issues in the resolution of election disputes, namely the validity of the results, administrative actions from election organizers to correct or resolve a problem, and criminal charges for those who commit criminal acts in the election process.<sup>32</sup>

The Constitutional Court in deciding disputes over the results of the General Election since 2003 there have been approximately 672 decisions related to disputes over the results of the general elections, 6 decisions of the Constitutional Court related to disputes over the results of the Presidential and Vice Presidential General Elections, 1136 decisions on the settlement of disputes over the Regional Head Elections, this means that cases resolved through the Constitutional Court occupy the largest percentage of cases resolved by the Constitutional Court as much as 50% of cases resolved by the Constitutional Court related to its authority to decide disputes over the results of the general election. The outcome dispute decision that has received the most public attention is the dispute over the results of the presidential and vice presidential elections, at least the Constitutional Court has issued related decisions from 2014 to 2024. Looking at the data above, the Constitutional Court in its development rejected all applications related to disputes over the results of the general election from 2004 to 2024, and in its decision was final and binding. This means that the applicant cannot apply for further legal remedies if he is not satisfied with the results of the presidential and vice presidential elections. The performance of the Constitutional Court can illustrate that in every contingency of the Presidential General Election is always a reference for resolving disputes over the results of the Presidential and Vice Presidential General Elections as well as disputes over the results of other general elections.

<sup>31</sup> Navisa, Fitria Dewi. "Reconstruction of Money Politics Handling Mechanisms for the Realization of Fair and Dignified Elections." *Law Research Review Quarterly* 4.4 (2018): 1277-1296. <https://journal.unnes.ac.id/sju/index.php/snh/article/view/27000>

<sup>32</sup> Burke, Paul J., et al. "Overcoming barriers to solar and wind energy adoption in two Asian giants: India and Indonesia." *Energy Policy* 132 (2019): 1216-1228. <https://www.sciencedirect.com/science/article/pii/S0301421519303593>



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#### 4. Conclusion

Based on the above description, it can be concluded that the best election administration system is a system that provides an institutional mechanism for resolving election disputes as a place to restore the rights of violated citizens and restore the trust of electoral institutions as democratic institutions for the formation of a legitimate and trusted government. Broadly speaking, election disputes in Indonesia consist of two types, namely administrative disputes and disputes over the results of general elections. Procedurally, Bawaslu is the institution authorized to decide election administration disputes that are final and binding outside of disputes regarding the verification of Political Parties Participating in the Election and the list of permanent candidates for members of the DPR, DPD, DPRD provinces, and district/city DPRD. Furthermore, PTTUN up to the Supreme Court level is the institution authorized to decide election administration disputes, especially the KPU decision regarding the determination of the verification of Political Parties Participating in the Election and the list of permanent candidates for members of the DPR, DPD, DPRD, and district/city DPRD. Disputes over the results of the general election of members of the House of Representatives, DPD, provincial DPRD, and district/city DPRD are within the scope of the Constitutional Court's authority. The appeal decision issued by the Constitutional Court against the dispute over the election results is the final and binding decision and there is no other legal remedy.

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