

The process and role of the judiciary in election administration dispute resolution in Indonesia

Eny Kusdarini¹, Anang Priyanto¹, Sri Hartini¹, Suripno¹

¹ Pancasila and Civic Education Study Program, Universitas Negeri Yogyakarta, Indonesia

ABSTRACT

Election administrative violations occur at the time of the implementation of the general election by election organizers and election contestants and sometimes they do not realize that they have committed a violation. Since the general election during the reformation period after the fall of the New Order in Indonesia, there have been frequent violations of election administration which have been resolved through administrative courts through the State Administrative Court. The dispute resolution was carried out after complaints were made through BAWASLU and DKPP as Administrative Dispute Resolution (ADR) institutions and did not bring results. This is taken, considering that this administrative violation is detrimental to the candidate contesting the election, causing a dispute between the candidate contesting the election and the organizers of the general election. This article examines the process of resolving electoral administrative disputes in Indonesia and the role of the judiciary in resolving electoral administrative disputes. Several examples of cases of election administration violations that occurred, and their causes obtained through empirical studies using the technique of documenting judges' decisions that have permanent legal force at the Supreme Court of the Republic of Indonesia were analyzed using inductive logic.

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Introduction

Elections held to elect legislative members both at the center and at the regional level President and Vice President, Governor and Deputy Governor, Regent and Deputy Regent and election of Mayor and Deputy Mayor are a means of realizing people's sovereignty. The implementation of this election is expected to produce people's representatives and central and regional leaders who are following the people's expectations. Elections are also expected to result in a democratic government based on Pancasila and the 1945 Constitution of the Republic of Indonesia. However, in practice, holding elections both in the early stages in the form of making laws and regulations by election administrators, in the process stage, and in the final stages, raises issues related to election law, which must be resolved through the courts. The implementation of elections in Indonesia, including the election of the President and Vice President in 2014, there were problems related to the disputed election results which were sued and requested for settlement through the Constitutional Court of the Republic of Indonesia.

In the 2014 election, there was an interesting case that became a polemic related to the "noken" system, a traditional election in the Papua region which is one of the regions in Indonesia and was brought to the Constitutional Court of the Republic of Indonesia. Elections using the noken system are an opportunity for a tribal chief or prominent tribal figure in Papua to be given the authority to represent the entire community. In this system voting is decided through a convention that determines a particular political party or candidate. The noken system has created a prolonged debate since political reform in 1999 for legal reasons that contradict the Indonesian Election Law which only recognizes one person one vote (one man one vote). However, for certain people in

Papua, elections are not only an individual political process, but also a phenomenon of a social cultural process so that the voice of the people is entrusted to the tribal chief as an "elder" person.

The adoption of modern laws in various countries is often inconsistent with the cultural conditions of local indigenous peoples. For example, the application of American law to the Micronesian Island community in the Pacific has caused a lot of suffering for local people because there is an unbridgeable gap between customary law and modern law (Pamungkas, 2017). The *noken* system, as part of the culture of the local community, has been accepted by judges of the Indonesian Constitutional Court to resolve disputes over election results that occurred in 2014 even though it is different from the Election Law in Indonesia.

The role of the Constitutional Court in resolving election results disputes is based on laws and regulations that authorize the Constitutional Court in resolving election results disputes before the establishment of a special judicial institution authorized to resolve election disputes. The Constitutional Court was established in 2003 with nine (9) judges, each elected for a five-year term with the possibility of reappointment for a second term. The power to appoint Constitutional judges is divided between the President, the House of Representatives (DPR) and the Supreme Court (Butt et al., 2016). The Constitutional Court has the authority to resolve and adjudicate disputes over election results and examine Indonesia's electoral laws that govern how elections should be conducted (Butt et al., 2016). In 2019 the Constitutional Court resolved and adjudicated on the dispute over the election results proposed by the Prabowo Subianto-Sandiaga Uno Election Winning Body in 2019 as one of the presidential and vice-presidential candidates of the Republic of Indonesia who lost the vote count to the presidential candidate Jokowi-Ma'ruf Amin.

Like other countries in the world, in Indonesia, related to general election issues, election disputes occur after counting the votes from the election results, and disputes related to general election administration occur during the election process. This dispute in Indonesia is resolved by a different court. Disputes in other countries, such as in Pakistan, administrative violations related to the integrity of election administrators, including violations of electoral integrity that occur throughout the election cycle that affect election administration and management, often also bring problems (Mirbahar, 2019). In Indonesia, if at the initial stage of the election there are problems related to the administration (process) of the election, it can be brought to the legal realm through the administrative court which is handled by the state administrative court. However, before being resolved through the judiciary, the issue must be resolved first through administrative efforts to the election supervisory agency (BAWASLU) and the Election Organizing Honorary Council (DKPP) if it is related to the ethics of election organizers. After that, the issue of election administration can only be brought to the state administrative court. However, if election problems are related to criminal acts, the authority to settle them lies in the realm of the general court, namely criminal justice. If the dispute is related to the election results, including the regional head election, the dispute resolution is carried out through the Constitutional Court since 2008 based on Law no. 12 of 2008 (Kelliher et al., 2019).

This paper examines and evaluates the process of resolving electoral administrative disputes through administrative courts conducted by state administrative courts in Indonesia, culminating in the Supreme Court (MA). In line with that, two questions will be the subject of this paper: (a) how the process of resolving electoral administrative disputes; and (b) what the role of the administrative court in handling electoral administrative dispute cases in Indonesia is.? The study was conducted with literature studies tracked through Google Scholar and empirical studies tracked through the Legal Documentation and Information Network (JDIH) to track various regulations related to election administration disputes and the Directory of Decisions of the Supreme Court of the Republic of Indonesia to track decisions on administrative disputes for legislative elections,

general elections. President and Vice President as well as the election of members of the Regional Representative Council of the Republic of Indonesia held in 2019.

Method

This research is legal research with a statute approach and a case approach. A legislative approach is taken to track the laws and regulations related to the general election administrative dispute resolution process through the statutory directory of the Supreme Court and JDIH of the Supreme Court of the Republic of Indonesia. The case approach is carried out to track legal cases related to legal issues regarding the implementation of the 2019 elections through the Directory of Decisions of the Supreme Court of the Republic of Indonesia and other courts within the state administrative court. The collection technique is carried out with documentation techniques to track cases of disputed election administration violations that already have permanent legal force. In addition, documentation is also carried out to obtain data or writings in scientific journals regarding the research results and the views of experts on the implementation of general elections in Indonesia. The data analysis technique in this study was the inductive technique.

Result and Discussion

In the reform era Indonesia has held several elections that are considered democratic, namely in 1999, 2004, 2009, and 2014 with various problems that occurred. The 2014 election was the fourth parliamentary election in the reform era, and the 11th general election in the entire series of Indonesian political history. Overall, Indonesia experiences elections in three of the four democratic periods. The 2014 general election was contested by 12 national political parties competing for the vote.

Unlike the 2014 election, the 2019 legislative election was participated by fourteen (14) political parties. In addition to electing members of the legislature, namely members of the People's Representative Council (DPR), members of the Regional Representatives Council (DPD), members of the Regional People's Representative Council (Provincial DPRD and Regency/City DPRD), this election is also to elect the President and Vice President. The election for DPR members in 2019 was attended by 14 political parties

The implementation of the 2019 election was also not free from various problems including general election administration disputes, such as previous elections. Liddle & Mujani (2007) in their study stated that a lot of historical evidence shows that leaders and other powerful parties have played an important role in shaping the people's voice in elections in Indonesia. This fact is reinforced by the results of research by Ufen (2010) which found that after the fall of the authoritarian New Order (1965/66-98), Indonesia witnessed a rapid transition to a form of electoral democracy. Indonesia's current political system is characterized by free and fair elections and a series of well-functioning central political institutions, but also with poor governance. Ufen (2008) research also finds that there are signs of decline in Indonesia, so that the future of the open party system is in question.

Lupu & Riedl (2013) state that in times of transition, uncertainty becomes a defining feature of new and developing democracies shaping their dynamics in a strong way. Indonesia exhibits all three types of political uncertainty during the turbulent democratic transition: (a) regime uncertainty, (b) economic uncertainty, and (c) institutional uncertainty. Elite politicians are forced to build new democratic coalitions to face the unpredictable process of economic recovery, frequent changes in political rules and even the fate of democracy itself is questioned. In some cases, post-election power sharing has proven to be very comprehensive for power sharing (Slater & Simmons, 2013). The central issue that often occurs during the general election is party upheaval which tends to lead to

mainstream politics. Today, however, ideology is believed to have lost much of its relevance in structuring electoral competition in Indonesia. Contemporary research says that it is a "dealignment" process of stream affiliation that is developing in Indonesian democracy (Ufen, 2008a) and the contributing factors are support for political leaders, evaluation of government performance and stronger protection, voter behavior from identity streams or ideology of society in Indonesia. These things also contribute to the implementation of elections in Indonesia today which also causes various problems in elections in Indonesia.

Election Administration Dispute Resolution

General election administration disputes are part of electoral fraud which is part of the problems in elections in Indonesia. Cheating in elections often occurs in the implementation of democracy (Eilo Wing-Yat Yu, 2011). Fraud in election administration in Indonesia based on Article 93 of the Republic of Indonesia Law No: 07 of 2017 concerning General Elections should be resolved through the General Elections Supervisory Agency (BAWASLU). However, BAWASLU often does not act objectively and fairly. This is understandable because this institution is an executive formation which often acts not objectively and fairly, especially if there are incumbent candidates who come forward in the general election. Norris, et.al (2013) in his research found that many elections have ended with the main actors at odds about the election results with conflicts that spread to the streets. Calls for fraud are often heard, especially from those who lost in tight elections. Protests about the election results have broken out in countries such as Caracas, Harare, Kabul and Kuala Lumpur. Allegations of fraud occur in many countries with a history of electoral malpractice, such as in Mexico, Russia, or violence in Nigeria, leading to a weakening of public confidence in the integrity of elections.

In relation to election administration disputes, a law is needed that regulates the settlement of electoral administrative disputes. This law has an important role in resolving disputes in the judiciary. Administrative omissions in public services brought to justice have received increasing public attention because of election disputes (Wise, 2001).

In fact, many government institutions and courts have provided mediation as an alternative to adjudication. In the United States, there is a need for disputants to make good faith efforts to resolve differences using Alternative Dispute Resolution (ADR) programs before being brought to justice (Malatesta et al., 2017). Administrative disputes are resolved through cross-cutting laws applicable to all federal agencies. In these countries the basic provisions of administrative law do not perfectly map what federal agencies do. The three branches of government each have a tool for overseeing agency actions. The executive branch can manage the agency through an executive order. Branch courts conduct reviews using constitutional and statutory standards to ensure institutions operate within the law and the scope of their delegated powers. Congress has a variety of means of controlling administrative agencies, including budgetary control, specific instructions and structural constraints in legislation, reacting to agency actions by legislation, and oversight through committees, hearings, and investigations (Amsler, 2010).

Administrative Law reflects five main values related to the legitimacy of agency authority and the relationship between government and the governed with five (5) fundamental values: accountability, efficiency, transparency, participation, and collaboration. Historical events show that Congress has modified how it controls administrative agencies. The executive branch must comply with the administration (Amsler, 2010). In America to resolve administrative disputes, there is an ADR. In Indonesia, the settlement of administrative disputes, including administrative disputes (processes) for general elections, apart from being brought to the realm of administrative appeal through the election supervisory body, is also brought to the realm of the judiciary and handled by an administrative court known as the state administrative court.

In a case study in China in 1978 there has been a significant change in the nature and incidence of disputes, conflicts and social disturbances, as well as the mechanisms for dealing with them

(Peerenboom & He, 2008). Like economic and governance reforms, the government has adopted a pragmatic, problem-solving approach as it has sought to meet broad and sometimes conflicting goals of justice and efficiency while maintaining socio-political stability and rapid economic growth. The results of other studies say that the creation of new mechanisms, reform of existing mechanisms, and the return to older mechanisms.

Dispute resolution including election administration disputes related to injustices that continue to exist in human life, even the change of leaders or social dynamics that continue to develop, injustice will still exist. Even the judiciary has not been able to solve this problem since the beginning. As Cahill-Ripley (2014) points out, transitional justice has traditionally ignored or ruled out violations of economic and social rights, focusing on violations of civil and political rights as the primary gross human rights violations that must be addressed when seeking justice for past atrocities. Social justice is a contested term, put into the language of very different political positions. Those on the left argue that it requires intervention from the state to ensure equality, at least of opportunity; those on the right believe that it can be supported by a market economy with little or no state intervention (McCafferty, 2009). To date, political philosophers have made relatively little serious effort to explain how a theory of social justice translates into public policy.

The Timor-Leste case study several years ago reflected how the state's judiciary and international law did not give them rights and authority over their own territory. Moreover, violations of justice may be more widespread and systematic. For example, in the conflict in Timor-Leste it was noted that far more people were affected by violations of economic and social rights than violations of civil and political rights, displacement of people from their villages, agriculture and traditional settlements in gross violations of the rights to food, health, housing, education, resource self-determination and freedom of movement. Violations of these economic and social rights are directly linked to conflict (Cahill-Ripley, 2014).

Election Administration Dispute Resolution Process in Indonesia

Dispute resolution through the judiciary in various democracies is currently an option that involves the judiciary and raises difficult questions about the separation of powers, institutional legitimacy and values to be applied in resolving electoral disputes (Pal, 2017). Like the general election in Indonesia, both legislative and executive elections. Many issues are related to the resolution of electoral disputes, with various dispute resolution institutions. Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, stipulates that dispute over the election process consist of resolving disputes over the election process at the Election Supervisory Body, hereinafter referred to as BAWASLU and resolving disputes over the electoral process at the State Administrative Court, disputes over election results which are decided by the Constitutional Court. If there are allegations of criminal acts in the administration of elections, the handling is carried out by the District Court. Meanwhile, disputes related to violations of the ethics of election administrators are carried out by the Election Organizing Honorary Council (DKPP). Settlement of electoral process disputes including election administration disputes after going through the process at BAWASLU and DKPP are resolved through the State Administrative Court.

Law Number 7 of 2017 concerning General Elections states, Election Organizers are institutions that organize elections consisting of the General Election Commission, Election Supervisory Board, and the Election Organizing Honorary Council as an integral part of the Election Organizing function to elect members of the People's Representative Council, members of the House of Representatives. Regional Representatives, President and Vice President, and to elect members of the Regional People's Representative Council directly by the people (Article 1 paragraph (7)). Meanwhile, the provisions of Article 470 paragraph (1) of the Law of the Republic of Indonesia Number 7 of 2017 concerning Elections state that disputes over the general election process through the state

administrative court include disputes arising in the field of electoral state administration between candidates for members of the House of Representatives, which then referred to as DPR, Regional Representatives Council, hereinafter referred to as DPD, Provincial Regional People's Representative Council, hereinafter referred to as Provincial DPRD, Regency/City Regional People's Representative Council, hereinafter referred to as Regency/City DPRD, or political parties as candidates for election contestants, or candidate pairs candidates with the General Election Commission (KPU), hereinafter referred to as KPU, Provincial KPU, and Regency/Municipal KPU as a result of the issuance of KPU decisions, Provincial KPU decisions, and Regency/Municipal KPU decisions.

Based on the provisions of Article 471 of the Law of the Republic of Indonesia Number 7 of 2017 filing a lawsuit for election administrative disputes to the state administrative court can only be made after administrative efforts are submitted at BAWASLU by candidates for election participants or election participants because of the issuance of KPU decisions, Provincial KPU decisions, and decisions of Regency/Municipal KPU that cause disputes. Based on the issuance of the KPU's decision which is considered detrimental to the election participants or candidates, administrative efforts can be submitted to BAWASLU.

Article 470 paragraph (2) of the Election Law states that the filing of a lawsuit over the election state administrative dispute as referred to in paragraph (1) is carried out no later than 5 (five) working days after the BAWASLU decision is read out. Paragraph (4) of the law states that if within the time referred to in paragraph (2) the plaintiff has not completed the lawsuit, the judge will give a decision that the lawsuit cannot be accepted. Paragraph (5) states that the decision as referred to in paragraph (4) cannot be taken legal action. Paragraph (6) states that the state administrative court examines and decides on the lawsuit as referred to in paragraph (1) no later than 21 (twenty-one) working days after the lawsuit is declared complete. Paragraph (7) states that the decision of the state administrative court as referred to in paragraph (6) is final and binding and no other legal remedy can be taken. (8) KPU is obliged to follow up on the decision of the state administrative court as referred to in paragraph (6) no later than 3 (three) working days.

Based on the previous descriptions, especially related to some of the provisions of the articles in the Law of the Republic of Indonesia Number 7 of 2017 concerning Elections, it can be evaluated that the resolution of election administrative disputes in Indonesia can only be carried out through the State Administrative Court if the dispute has been resolved through administrative efforts through BAWASLU. and DKPP when it comes to the ethics of election organizers. The state administrative court can only resolve disputes if these administrative measures have been taken. From the explanation above, it can also be seen how complicated the resolution of election disputes in Indonesia is, especially the settlement of election administrative disputes.

The Role of the Judiciary in the Settlement of Election Administration Disputes in Indonesia

The State Administrative Court in Indonesia is an administrative court and is one of the judicial environments in Indonesia. There are four (4) judicial environments in Indonesia, namely the General Court Environment, the Religious Court Environment, the Military Court Environment, and the State Administrative Court Environment. The four judicial environments are under the Supreme Court. In addition to the Supreme Court, based on the provisions of Article 24 paragraph (2) of the Constitution of the Republic of Indonesia, the Constitutional Court also has the task of resolving disputes over the results of general elections (elections) in Indonesia. This can be seen from the provisions of Article 24 C (1) of the 1945 Constitution of the Republic of Indonesia which states that the Constitutional Court has the authority to adjudicate at the first and final level whose decisions are final to examine laws against the Constitution, to decide disputes over the authority of state institutions whose authority is provided for by the Constitution, decide on the dissolution of political parties and decide disputes regarding disputes over general election results.

The State Administrative Court has been in existence in Indonesia since 1991. This court is an administrative court established to settle disputes between the government and citizens that arise because of government actions that violate the rights of citizens. The objectives of establishing administrative courts are to provide protection for individual rights and protection of people's rights based on the common interests of individuals living in the community (Amarini & Hidayah, 2019).

The State Administrative Court, which is an administrative court, plays a role in resolving election administrative disputes after efforts to resolve disputes through ADR through BAWASLU and DKPP have failed. In this dispute resolution, judges in the administrative court play a role in examining, assessing, and deciding on administrative disputes for general elections based on the provisions of Article 53 paragraph 2 of Law No. 5 of 1986 in conjunction with Law of the Republic of Indonesia No. 9 of 2004. Article 53 paragraph (2) of the law states that the reasons for filing a lawsuit to the State Administrative Court are that the state administrative decision being sued is contrary to the prevailing laws and regulations and is contrary to general principles of good governance. The basis for testing the judge to examine and assess whether the decision being sued is against the law or not so that the judge will win the plaintiff, or the defendant also refers to the provisions of Article 53 paragraph (2) of this Law (Explanation of Article 53 paragraph (2) of Law No. 5 of 1986).

The role of the judiciary, especially the administrative courts in Indonesia in resolving administrative disputes for general elections, is to assess whether the KPU, BAWASLU, and DKPP as election organizers and supervisory agencies for the implementation of general elections in implementing his duty is against the law or not. The examination and assessment of the judge in the court refers to the provisions of Article 53 paragraph (2) of Law No. RI. 5 of 1986 in conjunction with the Republic of Indonesia Law No. 9 of 2004 concerning the State Administrative Court. This means whether the KPU's decision includes the making of regulations by the KPU and the BAWASLU and DKPP decisions if the DKPP is also sued for violating the applicable laws and regulations and violating the general principles of good governance or not. If in the judge's evaluation there is a violation of the applicable laws and regulations and a violation of general principles of governance, the actions of the KPU and BAWASLU and DKPP are considered against the law. Therefore, the role of judicial judges in general election administrative disputes is to examine, assess and prove and decide whether there are administrative violations committed by the general election organizers that cause general election administrative disputes. This is because the determination of state leaders who will administer the state government must be done democratically. As stated Hegre & Nygård (2015) that the rules governing how political leaders are recruited and how citizens participate in the selection of voters, however, are not the only relevant determinants of "good governance". Potentially (a) the quality of the bureaucratic apparatus, (b) the level of political corruption and (c) the suitability of the economic policies chosen by political leaders also affect the government's ability to prevent conflicts, violence, and state problems.

To analyze and evaluate the role of the judiciary in the resolution of electoral administrative disputes in Indonesia, the following is an example of an election dispute resolution case that was resolved through the judiciary. *First*, Oesman Sapto Odang against the KPU of the Republic of Indonesia. Oesman Sapto sued KPU Regulation Number 26 of 2018 concerning the Second Amendment to KPU Regulation No. 14 of 2018 concerning the Nomination of Individual Election Contestants for Members of the DPD because it is considered detrimental to him as one of the candidates for members of the DPD of the Republic of Indonesia. The Supreme Court asked BAWASLU to order the KPU to include Oesman Sapta Odang in the Permanent Candidate List (DCT) as a candidate for members of the Regional Representative Council (DPD) in the 2019 Election.

Second, the Indonesian Justice and Unity Party (PKPI) against the KPU of the Republic of Indonesia ON Decree of the General Election Commission of the Republic of Indonesia Number 58/PL., Provincial People's Representative Council, and Regency/City Regional People's Representative Council 2019. The party's National Leadership Council sued the Republican KPU to the State Administrative Court. The case has been decided by a court decision that has permanent legal force with the Jakarta Administrative Court Decision No. 56/G/SPPU/2018/PTUN-JKT. The contents of the decision include granting the plaintiff's claim in its entirety and declaring the cancellation of the RI KPU letter Number: 58/PL.01.1-KPT/03/KPU/II/2018, as long as the second Dictum letter b which basically stipulates the Indonesian Justice and Unity Party does not meet the requirements as participants in the 2019 General Election of Members of the People's Representative Council, Provincial Regional People's Representative Council, and Regency/City Regional People's Representative Council.

Third, the case of a prospective member of the Probolinggo Regency legislative (DPRD), named Jumanto, against the KPU of the Republic of Indonesia over the General Election Commission Regulation Number 20 of 2018 concerning the Nomination of Members of the People's Representative Council, the Provincial People's Representative Council, and the Regency/City Regional People's Representative Council. He as a citizen has been sentenced to prison for committing a criminal act of corruption without any additional punishment in the form of a ban on being active in political activities and/or being elected or voting in an election. For this sentence, Jumanto has served his sentence and has returned to his activities as an ordinary person. In the decision of the District Court regarding his corruption case there is no additional sentence that prohibits Jumanto from being active in political activities, either being elected or to vote. Jumanto when filing this lawsuit has been released based on the Decree of the Minister of Law and Human Rights and has been active in community activities. At the time of filing the lawsuit, he intended to nominate himself as a member of the DPRD in Probolinggo Regency. However, with the rules contained in KPU Regulation No. 20 of 2018 which was tested, it became impossible to run for office in the DPRD Member Election process.

Regarding the Jumanto case, the Supreme Court gave a decision to grant the petition for objection to the judicial review rights from the Jumanto Petitioner. The Supreme Court also stated Article 4 paragraph (3), Article 11 paragraph (1) letter d, and Attachment Model B.3 of the General Election Commission Regulation of the Republic of Indonesia Number 20 of 2018 dated July 2, 2018 concerning the Nomination of Members of the House of Representatives, the House of Representatives Provincial Regions, Regency/City Regional People's Representative Councils (State Gazette of the Republic of Indonesia Year 2018 Number 834) as long as the phrase "former convicts of corruption" contradicts higher laws and regulations, namely Law No. 7 of 2017 concerning General Elections in conjunction with Law no. 12 of 2011 concerning the Establishment of Legislation, therefore it has no binding legal force and is not generally applicable.

Looking at the facts of the election dispute that was brought to the court and won by the applicant/plaintiff, it is possible that it occurred because of fraud in the implementation of the election which is indeed difficult to prove in its implementation. Even by looking at the exposure of the cases above, it can be evaluated that errors or fraud also occurred in the making of laws and regulations related to the implementation of elections by election administrators. It is evident that after being brought to court, many laws and regulations made by election organizers contradict higher regulations and violate the principles of good governance and the principles of election. This proves that the principles of good governance have not been implemented properly in the implementation of elections in Indonesia.

Conclusion

The electoral administration dispute resolution process in Indonesia is a complex process and is carried out by many different institutions. Before the dispute is submitted to the judiciary, it must be resolved through the BAWASLU institution first related to the occurrence of violations of the election process. If it is related to ethical violations committed by election organizers, complaints are also made through the DKPP. The settlement process through these two institutions is a dispute resolution through administrative dispute resolution (ADR). After the settlement through ADR, then the dispute resolution can be carried out through the administrative court, namely through the administrative court with the procedures regulated in the Election Law, the State Administrative Court Law and other implementing regulations including the regulations issued by the Supreme Court regarding the proceedings before the court. including the laws and regulations governing the right to judicial review of laws and regulations that are contrary to higher regulations.

The role of the judiciary in the settlement of general election administrative disputes is to assess whether the RI KPU and the RI BAWASLU as well as the DKPP as the general election organizing agency and the supervisory agency for the implementation of the general election in carrying out their duties are against the law or not. The examination and assessment of the judge in the court refers to the provisions of Article 53 paragraph (2) of Law No. RI. 5 of 1986 in conjunction with the Republic of Indonesia Law No. 9 of 2004 concerning the State Administrative Court. This means whether the KPU's decision includes the making of regulations by the RI KPU and also the RI BAWASLU and DKPP decisions if the DKPP is also sued for violating the applicable laws and regulations and violating general principles of good governance or not. If in the judge's evaluation there is a violation of the applicable laws and regulations and a violation of general principles of governance, the actions of the KPU and BAWASLU and DKPP are considered against the law. Therefore, the role of judicial judges in disputes is to examine, assess and decide on administrative disputes for general elections based on Article 53 paragraph (2) of the State Administrative Court Law.

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Appendix (in Bahasa Indonesia)

Laws and Regulation

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

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