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Rethinking the Election Process Dispute Resolution Model to Implement the Election Justice Principle

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Abstract

The implementation of the 2019 and 2024 elections was conducted simultaneously on the same day to elect the president and vice president, as well as the legislative bodies at the central level (DPR and DPD) and at the regional level (Provincial and District/City DPRD), because the design of the implementation is normatively regulated in Law Number 7 of 2017 concerning general elections (Law No. 7 of 2017 concerning General Elections). The research method used to analyze the case involves several approaches, namely the legal approach and the case approach related to the relevant theme. That the results of the research explain that the regulation of the principle of electoral justice is not significantly addressed in Law No. 7 of 2017 concerning General Elections.

Keywords: Redesign, Model, Election Resolution, Principle of Justice.

Introduction

Data on disputes or legal conflicts during the 2018 election shows there were 563 election disputes. Meanwhile, data for the 2019 elections showed that there were 816 election dispute petitions submitted to the ranks of the Election Supervisory Board (Bawaslu). This does not yet include the disputes over election results in the Constitutional Court [1]. Based on the factual data, it shows that legal issues or disputes in the electoral process continue to occur and have increased both in terms of the quantity of problems and the complexity of the issues [2].

Based on the fourth book, Articles 454 to 487 of Law No. 7 of 2017 on General Elections, there are several criteria related to the objects of legal disputes in elections, which are quite broad, consisting of election violations, election process disputes, and election result disputes. If we examine the institutional system for resolving disputes (electoral case adjudication), there are various institutions that play roles and overlap with each other, particularly concerning the enforcement of electoral justice or electoral process disputes. The various institutional variations in question can be described as follows:

The variety of institutions involved in resolving electoral process disputes actually shows that the process of seeking electoral justice is very long and drawn out [3]. The consequence of the institutional resolution of electoral disputes having too many avenues (justice too many rooms) creates a configuration of authority that ultimately leads to legal uncertainty and the neglect of the constitutional rights of electoral participants and citizens. In fact, the expected condition is

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that for the effectiveness of law enforcement and the resolution of electoral process disputes, a single electoral court and a one-stop electoral judiciary are necessary to resolve process disputes within a single institution.

In the concrete case related to the implementation of law enforcement and electoral justice, it can be seen in the nomination of Osman Sapta Odang as a candidate for the Regional Representative Council (DPD) in the 2019 election. The candidacy of Osman Sapta Odang (OSO) as a member of the Regional Representative Council (DPD). During the nomination period, OSO ran as a DPD candidate for the West Kalimantan electoral district. His name was briefly included in the Provisional Candidate List (DCS) of DPD members published by the General Election Commission (KPU) on July 19, 2018.

Based on the Constitutional Court's Decision and the General Election Commission Regulation Number 14 of 2018, it states that political party officials cannot run in the DPD Election. Based on this regulation, OSO then filed a lawsuit with the Supreme Court and the Administrative Court. The lawsuit was then granted. In response to this, the KPU then asked OSO to resign by the nomination deadline [4]. The KPU then decided not to include OSO in the DPD election. OSO then responded to the KPU's decision by reporting it to Bawaslu. In its decision, the Election Supervisory Board (Bawaslu) ordered the General Election Commission (KPU) to reinstate OSO's name with the note that if elected, OSO must resign from the Hanura Party one day before the determination of the elected candidates.

Method

The type of research conducted in the preparation or study of this dissertation is normative juridical research. Normative juridical research is intended as research focused on examining the principle of justice in resolving electoral process disputes against applicable legal rules or norms. The research is conducted by understanding and analyzing the phenomena or symptoms being studied from a legal perspective, by observing and relating them to the realities present in their implementation. This activity aims to describe natural activities/events in everyday reality,⁷⁹ which are related to the elaboration of the principle of justice in legislation concerning the electoral dispute resolution system or the electoral process judiciary system in the context of the application of existing legal norms. Furthermore, it constructs how the application of the principle of dignified justice in the electoral dispute resolution system can realize dignified elections, as well as how legal politics in the formation of legislation can implement the principle of dignified justice in the resolution of electoral processes in the future.

KPU decisions, provincial KPU decisions, or district/city KPU decisions become objects in the request for resolution of electoral process disputes, but not all decisions can be used as objects in dispute resolution, which is also regulated in Article 15 of Perbawaslu Number 9 of 2022. Thus, through the aforementioned regulation, it provides limitations that clarify the absolute competence of Bawaslu in the quasi-judicial process of resolving electoral process disputes.

Discussion

Election Organizers Play An Important Role in Conducting A Democratic Election.

Based on the provisions of Law No. 7 of 2017 on General Elections, the election organizers are defined as institutions that conduct elections, consisting of the General Election Commission, the Election Supervisory Body, and the Honorary Council of Election Organizers as a unified function for conducting elections to elect members of the People's Representative Council,

Regional Representative Council, Regional People's Representative Council, President, and Vice President directly by the people, as well as to elect Governors, Regents, and Mayors democratically.

The existence of election organizers plays an important role in conducting democratic elections; on the other hand, democratic elections require the regulation of an election organizer's code of ethics in the law as a legal instrument to uphold the moral and ethical values of election organizers. Therefore, Law No. 7 of 2017 on General Elections has established the Election Organizer Honorary Council (DKPP) as the institution responsible for handling violations of the election organizer's code of ethics and is mandated to formulate a binding and mandatory code of ethics and conduct for election organizers. Election organizers who are proven to violate the principles of the code of ethics in ethical trials are assured to receive sanctions to maintain the dignity and honor of the election organizers [5].

The ethical norms for election organizers are already regulated by law, but so far, the understanding of the legal ethics of election organizers is limited to the organizers themselves [6]. Not many parties are aware of or have access to the legal ethics of election organizers, even though the role and interest of the public in understanding the ethics of election organizers are actually much broader, primarily the interest in overseeing and ensuring the conduct of elections with integrity and credibility. Normatively, the code of ethics for election organizers is regulated by the Regulation of the Honorary Council of the General Election Commission of the Republic of Indonesia (DKPP RI) Number 2 of 2017 concerning the Code of Ethics and Guidelines for the Conduct of General Election Organizers.

Based on DKPP RI Regulation Number 2 of 2017, it is emphasized that DKPP has the authority to impose sanctions on election organizers proven to violate the Election Organizer Code of Ethics. The sanctions that can be imposed are: 1) a written reprimand, 2) temporary dismissal, or 3) permanent dismissal. A written reprimand as referred to means a warning or a severe warning [7]. Permanent dismissal as referred to means permanent dismissal from the position of chairperson or permanent dismissal as a member.

Although an election organizer code of ethics has been established, ethical violations by election organizers are still found in practice, as evidenced by data from the Honorary Council of the General Election Commission of the Republic of Indonesia (DKPP-RI). This is a sign that the implementation of elections in Indonesia is still far from being of good quality and integrity for the election organizers. An election with integrity is one where the election organizers, participants, and the process, as well as the results, must all be of high integrity. Ramlan Surbakti in an article in *Harian Kompas* on February 14, 2014, titled "Pemilu Berintegritas dan Adil," stated that an election with integrity or electoral integrity is one of the six parameters of the democratic election process. The democratic elections adopted by Indonesia are essentially an elaboration of the Universal Declaration of Human Rights by the UN. Inter-Parliamentary Union (IPU) in 1994 detailed the understanding of free and fair elections in the declaration on the criteria for free and fair elections.

Public trust in elections heavily relies on the integrity of competent election organizers who have full freedom to act in conducting transparent and accountable elections [8]. In the sense that election organizers with integrity are those who adhere to and comply with the moral and ethical values of elections. Then, in the end, an election can be said to have integrity when the organizers and participants of the election not only adhere to and comply with the rules (rule of law) but also with ethics (rule of ethics). When elections have integrity, the fundamental principle of

democracy, which is political equality, will always be respected. On the contrary, if elections are considered lacking integrity, public trust will weaken, and the legitimacy of the government will decline. In the implementation process to maintain the integrity of the election administration, the roles of the KPU, Bawaslu, and DKPP are very important.

The KPU is the election organizer that directly interacts with voters and election participants because it operates at the grassroots level and is temporary in nature. The KPU as the organizer is an important part because it serves as the spearhead in the conduct of elections, as well as the frontline in serving voters and participants, and the backbone of democracy. It is called so, considering its very crucial role in facing the election stages, starting from the data updating and voter list preparation stages, logistics distribution, voting and vote counting, to the recapitulation of the vote counting results.

Election organizers (in this case, the KPU) often violate the election organizer's code of ethics [9]. To control the independence, professionalism, and integrity of the organizers, a behavioral control system has been established to prevent any damage to the integrity of the elections, including handling violations of the code of ethics. If attitudes or behaviors have shown bias, then the organizers can be held accountable through the electoral organizers' ethics tribunal. To create the integrity of election organizers, there needs to be capacity and a deep understanding from the election organizers themselves [10]. Election organizers must be able to carry out the stages according to the schedule and implement them in accordance with the electoral legal framework accurately and impartially, operated honestly and fairly. It is also important to enforce the law against electoral violations to maintain the integrity of the election organizers in conducting honest and fair elections, based on the concept of the importance of justice in electoral administration (electoral justice).

In the concept of electoral justice, every party involved in the election, such as election participants, candidates, campaign teams, and members of the community, should not be harmed or treated unfairly by the election organizers. The concept of resolving violations of the election organizers' code of ethics is intended to maintain and uphold the independence, integrity, and credibility of the election organizers. Many other terms are used to test integrity in various issues, such as electoral malpractice, electoral defects, electoral errors, electoral manipulation, and electoral fraud [11]. These terms are often used in electoral studies by political scientists.

Initially, ethical violations by ad hoc bodies were directly handled by the DKPP. Then it underwent changes in 2019 with the provisions of Article 10A of DKPP Regulation Number 2 of 2019 concerning amendments to DKPP Regulation Number 3 of 2017 on Guidelines for Handling Violations of the Code of Ethics for Election Organizers. A new pattern for handling violations of the code of ethics for ad hoc bodies was established, stating that in cases where the respondent and/or the reported party are election organizers serving as members of PPK, PPS, and KPPS, complaints or reports should be submitted directly to the KPU or KIP at the district/city level, based on KPU regulations.

The KPU then regulated the steps to be taken in handling KEPP violations by ad hoc bodies in PKPU 8/2019 concerning the Work Procedures of the General Election Commission, the Provincial General Election Commission, and the Regency/City General Election Commission, which has undergone three amendments, the latest being PKPU 4/2020. The handling of KEPP violations by ad hoc bodies is more specifically regulated in KPU Decision Number 337/HK.06.2-Kpt/01/KPU/VII/2020 concerning Technical Guidelines for Handling Violations of the Code of Ethics, Code of Conduct, Oath/Pledge, and/or Integrity Pact of District Election

Committee Members, Committee. In the KPU regulations, the steps taken in handling violations include studying, analyzing, and examining the core issues, then following up by summoning the involved parties, temporarily suspending the reported individual from their position as stated in a decision letter, forming an inspection team, gathering evidence, conducting an examination hearing, reviewing the type of violation, and then imposing sanctions on the reported individual. Sanctions for election organizers who violate the code of ethics according to DKPP Regulation Number 2 of 2017 Article 21 and Article 22 are written warnings consisting of a warning or a stern warning, temporary suspension, and permanent dismissal which includes permanent dismissal from the position of chairperson or permanent dismissal as a member.

In 2019, during the election, there were many violations of the code of ethics. In 2018, the DKPP received 521 complaints, and in 2019, it received 509 complaints related to the stages of the 2019 elections. From all these cases, there were 650 complaints or 63.3%, with 319 complaints in 2018 and 331 in 2019 that were eligible for trial, involving 2,455 election organizers as the defendants. The composition between the number of organizers who received sanctions and rehabilitation is 52.3% and 47.7%. As many as 1,770 received rehabilitation, 1,019 received warning sanctions, 33 people received dismissal sanctions, 19 people were temporarily dismissed, and 144 people received permanent dismissal sanctions. From January 1 to December 10, 2019, DKPP received a total of 506 complaints as shown in the graph below:



Source: DKPP RI, 2019

Based on the data above, the number of complaints in the first four months of 2019 was relatively high considering that the voting and counting stages of the 2019 elections were held on April 17, 2019. The peak in complaint reception occurred in May 2019 with 125 complaints, and the lowest number was in November 2019 with 9 (nine) complaints. The high number of complaints in May indicates an increase in complaints following the conduct of the voting and vote counting on April 17, 2019. Out of a total of 506 complaints received by the DKPP up to December 10, 2019, there were 15 complaints related to the administration of the Presidential and Vice Presidential elections and 380 complaints related to the Legislative Elections. In addition, there were also 2 (two) complaints related to the 2018 Regional Elections and categorized as others outside the stages of the 2019 elections and the 2018 Regional Elections, totaling 109 complaints.

Observing the number of complaints regarding alleged violations of the election organizers' code

of ethics in the 2019 elections, the stages of voting and vote counting as well as the recapitulation of vote counting are crucial stages. Out of 506 complaints, 64 complaints (12.6%) were related to the voting and vote counting stages, and 189 complaints (37.3%) were related to the vote tallying stage. Next, the campaign stage followed with 45 complaints (8.9%) and the nomination of legislative candidates and presidential and vice-presidential candidates with 25 complaints (4.9%).

In addition to complaints related to the stages of the 2019 elections, there are also 109 complaints in the other category that do not pertain to the stages. That number is relatively small compared to the total number of complaints received by the DKPP. The total number is divided into 18 different categories of violations. Among the eighteen categories, there are 3 (three) categories of ethical violations that stand out compared to the other categories.

These three categories are related to the recruitment of KPU officials, with 37 complaints (33.9%) regarding this, followed by 14 complaints (12.8%) related to alleged abuse of authority, and 10 complaints (9.17%) related to immoral acts and sexual harassment. The high number of complaints regarding the recruitment process of KPU officials and the alleged abuse of power by Election Organizers indicates a mechanism of public control over the integrity in the filling of membership in the Election Organizer institution as well as the actual performance of the Election Organizers themselves. Meanwhile, the inclusion of complaints about ethical violations by Election Organizers, who are suspected of committing immoral acts and sexual harassment [12], in the top three non-stage complaints indicates a moral issue within the election organizers in 2019.



Source: DKPP RI, 2019

Based on the recapitulation data of complaint types recorded during the 2019 election, complaints submitted directly to the DKPP remain the primary choice for seekers of justice, with a total of 294 complaints (58.1%), while complaints sent via postal mail or electronic mail

(complaint email) amounted to 189 complaints (37.3%). Meanwhile, complaints forwarded by Bawaslu to DKPP amounted to 23 complaints (4.5%). The presence of DKPP as an institution for enforcing the code of ethics for election organizers is not separate from issues related to DKPP's decisions. The presence of the phrase "final and binding" in DKPP's decisions. Final means that no other legal remedies or further legal actions are available after the DKPP decision takes effect, as soon as it is established and pronounced in a public DKPP session. Binding means that the decision is immediately binding and has a coercive nature, so all state power-holding institutions [13], including judicial bodies, are bound and obligated to implement the DKPP decision as it should be.

The DKPP's decision, which is final and binding as stated in Article 458 paragraph (13) of Law Number 7 of 2017 on general elections, has resulted in the absence of a correction mechanism for DKPP's decision directly by the Administrative Court (PTUN). However, the correction mechanism for a decision in the electoral process is something that is important to implement because there is a potential for errors to occur, both in the decision-making process and in the substance of the decision itself. Therefore, it is not surprising that many people think of DKPP as the angel of death. Because when the DKPP reads the permanent dismissal decision to the respondent, their career as an election organizer ends forever. Moreover, there are no regulations or provisions that set a time limit on how long the prohibition for the respondent to serve as an election organizer remains in effect after the permanent dismissal sanction is imposed. As a result, a respondent will accept whatever decision has been read by the DKPP, even if they are not satisfied or even feel that their electoral rights have been violated due to the DKPP's decision.

As is known, the Constitutional Court of the Republic of Indonesia (MK RI) issued Decision Number 32/PUU-XIX/2021 on Tuesday, March 29, 2022. In essence, the Constitutional Court Decision Number 32/PUU-XIX/2021 reaffirms the earlier decision Number 31/PUU-XI/2013 that the phrase "final and binding" in Article 458 paragraph (13) of Law 7/2017 is intended to be binding for the President, the General Election Commission (KPU), the Provincial KPU, the District/City KPU, and the Election Supervisory Board (Bawaslu) as the direct superiors authorized to appoint and dismiss election organizers at their respective levels. The President, KPU, Provincial KPU, District/City KPU, and Bawaslu do not have the authority to hold differing opinions that contradict the DKPP Decision. Thus, this is an excerpt from the legal considerations of the MK's decision. Basically, the Constitutional Court's decision reaffirms that the Constitutional Court upheld the previous decision [14]. This means that the decisions of the President, the General Election Commission (KPU), the Provincial KPU, the District/City KPU, and the Election Supervisory Board (Bawaslu), as decisions of TUN officials that are concrete, individual, and final, can be submitted as objects of cases in the Administrative Court by parties who do not accept the DKPP's decision.

Referring to the Constitutional Court's Decision, the judges' consideration essentially states that the DKPP Decision is final and binding for the President, KPU, and Bawaslu who implement the DKPP Decision. Regarding the ruling, it is appropriate for election organizers who feel aggrieved or treated unfairly by the issuance of the decision to still be able to pursue legal recourse. However, the legal resistance referred to in this case is not against the DKPP decision but rather the follow-up to the DKPP decision in the form of a Decree issued by the President, KPU, Provincial KPU, District/City KPU, and/or Bawaslu to the State Administrative Court.

The annulment of DKPP decisions, which are final and binding, applies to the President, KPU, Provincial KPU, District/City KPU, and Bawaslu. However, the decisions of the President, KPU,

provincial KPU, district/city KPU, and Bawaslu can be contested in the State Administrative Court (PTUN). So that when an election organizer feels their electoral rights have been violated, they can seek legal recourse through the Administrative Court. This is a reaffirmation of the MK's decision. Through that decision, when there is a DKPP ruling, the president, Bawaslu, and KPU are obliged to implement it according to their respective levels. Related to this matter, it can be seen in the DKPP Decision Number 317-PKE-DKPP/X/2019, which imposed a Permanent Dismissal Sanction on Evi Novida Ginting from her position as a Member of the Indonesian General Election Commission (KPU RI). Because the individual felt aggrieved and dissatisfied with the DKPP's decision, they pursued legal action. The legal resistance undertaken by the KPU Member is not against the DKPP's decision, but rather a follow-up to the DKPP's decision through the Presidential Decree of the Republic of Indonesia (Keppres) Number 34/P of 2020 issued by the President.

Quoting the opinion of Zulkifli Aspan and Wiwin Suwandi, who stated that in the context of enforcing ethics among election organizers, the polemic surrounding the DKPP's decision in the Evi Novida case not only caused turmoil but also led to a conflict between the two election organizing bodies. DKPP and KPU, which should ideally work in tandem. This happens because until now, the DKPP still considers the nature of its decisions to be final and binding, referring to Article 458 paragraph (13) of Law No. 7 of 2017 on General Elections. In legislative theory, norms in laws are still considered valid as long as they are not annulled (in legal review). The DKPP's insistence on its stance is justified because Article 458 paragraph (13) of Law No. 7 of 2017 on General Elections has not been annulled, thus it remains in effect. Although the Constitutional Court's decision Number 31/PUU-XI/2013 in the material test of Article 112 paragraph (12) of Law Number 15 of 2011 on the Implementation of General Elections states otherwise. This leaves a legal deadlock in interpreting it. How is the "final" nature of it, in reality, not final? Thus, it does not provide legal certainty in the context of enforcing the election organizers' code of ethics.

It can be understood that the nature of DKPP's decisions is not the same as final and binding in other judicial institutions. Because the DKPP is an internal device of the election organizers authorized by law, the final and binding nature of DKPP's decisions must be interpreted as final and binding for the President, KPU, Provincial KPU, District/City KPU, and Bawaslu who implement DKPP's decisions. Therefore, there needs to be clear regulations in the election law to provide legal certainty and consistency in the application of the law regarding the DKPP's method in resolving allegations of ethical code violations committed by election organizers.

A legal certainty regarding the DKPP's decision is needed, but what is more important than that is the enforcement of electoral organizers' ethics through the ethical mechanism at the DKPP. Building a healthy democracy supported by law simultaneously becomes a way to uphold the ethics of election organizers. According to Jimly Asshiddiqie's view, "law and ethics must be developed in parallel, simultaneously, complementarily, and integratively, and supported by an institutional enforcement infrastructure in the form of an open ethical judiciary that applies all the universal principles of the modern judicial system." Therefore, if the development in all countries today has reached the stage of functional ethics development, and the functionalization of ethics in question is still closed, not open, then we must pioneer a future era.

Furthermore, Jimly Asshiddiqie stated that the enforcement system of the code of ethics is carried out openly through an ethical adjudication process, as practiced in the legal judiciary. This is what was practiced by the DK-KPU 2010-2011 and the Honorary Council of the General

Election Organizers (DKPP-RI 2012-2017), which worked permanently for five years, adjudicating and enforcing the code of ethics. The way this council operates is exactly like the judicial institutions known in the legal world, starting from the complaint acceptance process to the reading of the verdict and the execution of the verdict based on universal standards. Therefore, it is said that the DK-KPU was the initial precursor, and the DKPP is the first ethical judicial institution in Indonesia, and also in the world.

Legal Rights and Obligations of the KPU in Conducting Elections

The administration of elections is the implementation of the stages of elections carried out by the Election Organizers. The administration of elections consists of the General Election Commission (KPU), the Election Supervisory Body (BAWASLU), and the Honorary Council of Election Organizers (DKPP) to elect members of the House of Representatives (DPR RI), Regional Representative Council (DPD), President and Vice President, Provincial Regional House of Representatives (DPRD), and City/Regency Regional House of Representatives (DPRD); (Law No. 7 of 2017).

The KPU is a state commission that serves as a supporting body for the main institution. The position of the KPU, therefore, cannot be equated with the state institutions that have been established in the 1945 Constitution. Auxiliary state bodies are also referred to as supporting state institutions, while main state organs are referred to as primary state institutions. In the administration of elections, the KPU is tasked with conducting the General Election for members of the DPR, DPD, DPRD, the Presidential and Vice Presidential Elections, as well as the General Election for Regional Heads and Deputy Regional Heads. Before the 2004 elections, its members could be filled by elements of political parties, but after the enactment of Law Number 4 of 2000, KPU members were required to be non-partisan.

In order to succeed in the implementation of the elections, both the KPU, BAWASLU, and DKPP must carry out their duties by upholding the principles of election administration, namely independence, honesty, fairness, legal certainty, orderliness, openness, proportionality, professionalism, accountability, effectiveness, and efficiency.

The KPU is tasked with planning programs and budgets as well as setting schedules. Drafting the work procedures for the KPU, Provincial KPU, Regency/City KPU, PPK, PPS, KPPS, PPLN, KPPSLN. Drafting KPU Regulations for each stage of the election, coordinating, organizing, controlling, and monitoring all stages of the election, Receive the voter list from the Provincial KPU, update the voter data based on the latest election data while considering the population data prepared and submitted by the Government, and establish it as the voter list, create minutes and certificates of vote count recapitulation results and must submit them to the election witnesses and Bawaslu, announce the candidates for the DPR, DPD, and elected pairs of candidates and create the minutes, promptly follow up on Bawaslu's decisions regarding findings and reports of alleged violations or election disputes, and socialize the conduct of elections and/or related to the duties and authorities of the KPU to the public.

The emergence of various threats of intervention and cooptation is certainly a sensitive issue that can undermine the spirit of independence of the KPU institution [15]. These examples clearly indicate that the independence of the KPU is not something that is well-established, but rather continues to be targeted for weakening by various political forces. This shows that the independence possessed by the KPU is an arena of contestation among political actors. As stipulated in Article 7 of Law No. 7 of 2017 on General Elections, it is explained that, "in

organizing elections, the KPU is free from any party concerning the implementation of its duties and authority". This can be interpreted that the KPU, in carrying out its duties, is free from any interventions from any party [16]. The independence of the KPU is certainly aimed at creating a clean and stable government, allowing the public to express their aspirations based on their conscience [17], and minimizing the potential for fraud in the conduct of elections. However, in the practice of conducting elections in Indonesia, fraud and the involvement of KPU members have often occurred. The 2019 election became one of the most scrutinized elections due to several factors, including the complexity of the election system and its implementation; the numerous political parties participating in the election, the candidates competing, the large number of voters, election officers, the technical intricacies of the election, the many documents that officers had to fill out, and the death of more than 500 election officers. Like the news from CNN titled "More than 300 workers dead after Indonesian election." In the news, it was reported that :

"On April 17, Indonesia held its presidential and legislative election, with around 192.8 million people across the archipelago's 17,000 island eligible to vote in more than 800,000 polling stations. An estimated six million election workers were involved in the election, which was billed as one of the most complicated single-day ballots ever undertaken.

On April 17, Indonesia held presidential and legislative elections, with around 192.8 million people across the 17,000 islands of the archipelago eligible to vote at more than 800,000 polling stations. It is estimated that six million election workers were involved in the election, which is referred to as the most complex one-day, one-ballot election ever conducted. The most concerning situation is that 311 election workers have died and 2,232 election workers have fallen ill.

Such phenomena have been widely reported by various international media. The deaths and illnesses of a large number of election officers during the 2019 elections in Indonesia seem quite shocking and constitute a significant phenomenon in the context of election administration. News about similar cases (the deaths and illnesses of a large number of election officers) in other countries is indeed very difficult to find [18]. In fact, not only are deaths and illnesses in large numbers hard to find, but deaths of election officers due to fatigue and workload are also very difficult to come across. If we trace the news about the deaths of election officers, almost all the news refers to the deaths of officers during the 2019 elections in Indonesia.

It's not surprising that this has become news in various global media outlets. The total number of voters in the 2019 election was around 192 million voters, with more than 800 thousand polling stations, over 20 thousand contested seats, 245 thousand candidates (DPR, DPD, DPRD, as well as President and Vice President), 20 political parties, and 7,385,500 election officers. The number of election officers was more than 7.3 million people who worked before and after the voting day, with more than 550 people having died. According to a report released by the Ministry of Health, there are several health conditions that contributed to the deaths of the election officers, including heart failure, stroke, respiratory issues, and meningitis. It is not yet clear how many deaths among the officers were due to the aforementioned health issues. Election officers referred to the hospital complained of fatigue and stress; most of these election officers worked non-stop for 24 hours or more to ensure their vote-counting tasks were completed. They also worked several days beforehand to ensure that the voting was ready. The deaths of the officers were much higher than the 2014 election report, which recorded 144 people.

The occurrence of DPT issues has always been a problem in the election stages. Based on

Bawaslu's records, this is caused by the difference in data held by the Ministry of Home Affairs and the KPU. As a result, there are voters who are not registered at the polling stations, and there are also voters who have passed away but their names are still included in the voter list. The results of Bawaslu's supervision showed that during the 2019 elections, there were still polling stations that lacked ballots. However, the ballots were printed 2 percent more than the number of registered voters at each polling station. In addition, the distribution of ballots did not arrive completely. Based on data from DKPP during the 2019 General Election, there were 374 complaints at DKPP related to violations of the election organizers' code of ethics.

He said, from the 86 cases that have been decided by the DKPP, there are 278 election organizers with the status of being the accused. The details are, from the KPU element, there were 189 complaints, and from the Bawaslu element, there were 89 complaints. The largest number from the KPPS was 5 in Palembang. This serves as an ethical note from the election organizers without intending to diminish the success of the 2019 elections. In addition, there was regulatory inconsistency that confused the election organizers, such as legislative ballots being marked more than once. Initially, it was considered invalid, but later the ballot was deemed valid for the party's vote tally [19].

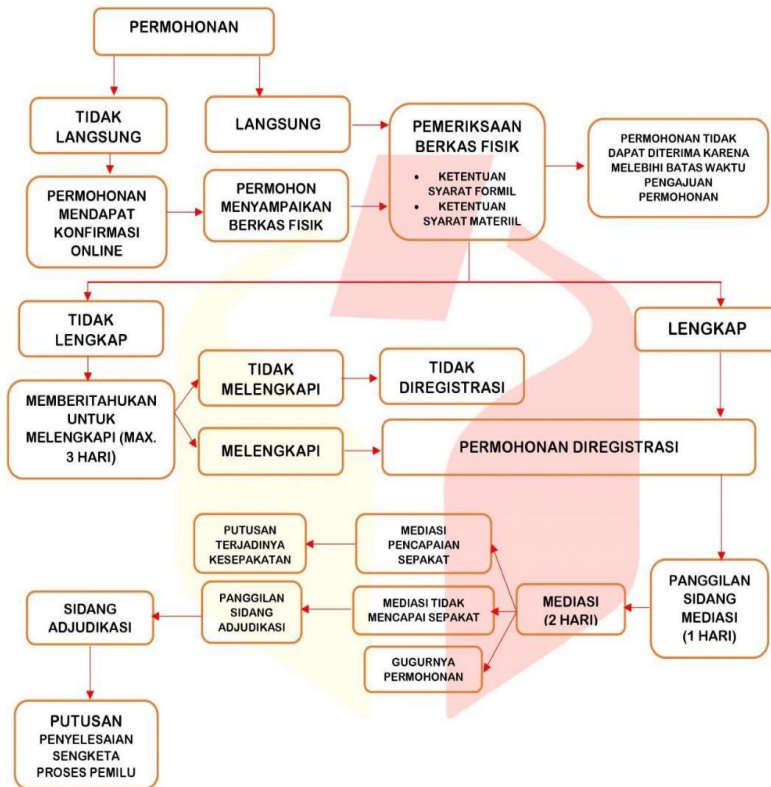
Based on the 2019 election records, it can be said that elections are not merely a routine in the democratic process. However, the substance of the electoral process becomes important in relation to the enforcement, protection, and fulfillment of human rights [20]. Looking at the conduct of elections during the COVID-19 pandemic, it is time for the government to implement a stronger centralized policy in handling the pandemic. This is related to the state's responsibility in the aspect of public health and the implementation of strict sanctions in its enforcement [21]. Although the pandemic has been managed now, it serves as a lesson for the 2019 elections for future elections [22]. It is recommended that the government create a stronger centralized policy in handling the pandemic. This is related to the state's responsibility in the aspect of public health and the imposition of strict sanctions in its enforcement [23]. Encouraging the Election Supervisory Board (Bawaslu), the Indonesian National Police, and the Attorney General to evaluate the joint regulatory framework to enhance the effectiveness of enforcement. Encouraging the General Election Commission (KPU) to actively coordinate and consult with the government, the House of Representatives (DPR), and other stakeholders to issue more adaptive and human rights-friendly regional election regulations. The provision of health protection guarantees and attention to the officers so that they can work comfortably, safely, and professionally during each election.

It is recommended to the Constitutional Court to ensure that the trial process runs objectively, professionally, and transparently, so that the judiciary becomes a means to seek true justice and does not only prioritize formal legal procedural aspects. Encouraging the government and the House of Representatives to make regulatory changes in regional elections aimed at ensuring the principle of non-discrimination. Lastly, abolishing or lowering the threshold requirements for regional head and deputy head nominations through political parties and simplifying the requirements for independent candidates in regional elections to prevent the emergence of oligarchies and single candidates". Included also in the presidential election law, the threshold can certainly be reduced, in order to ensure that not only two pairs of candidates emerge, but there will be more candidates."So that the public has more space to fully exercise their voting rights. So, not only are they faced with two choices that then divide the community and leave a residue to this day, but it also leads to serious human rights problems. Referring to the definition of election disputes based on Bawaslu Regulation Number 8 of 2015 concerning the procedures

for resolving disputes in the election of governors, regents, and mayors in Article 2, paragraph 2), it is defined that dispute resolution is carried out due to disputes arising from differences in interpretation or certain ambiguities regarding an activity and/or event related to the implementation of the Election as regulated in the provisions of statutory regulations; a situation where there are differing acknowledgments and/or avoidance refusals.

ALUR PENYELESAIAN SENGKETA PROSES PEMILU

“PERBAWASLU NO. 18 TAHUN 2018 TENTANG PERUBAHAN PERBAWASLU NO. 18 TAHUN 2017 TENTANG TATA CARA PENYELESAIAN SENGKETA PROSES PEMILU”
 “MAKSIMAL 12 (DUA BELAS) HARI SEJAK DITERIMANYA PERMOHONAN”



Flowchart of Election Process Dispute Resolution Currently In the current electoral dispute resolution system, several issues have been identified at various levels, including: Regulatory Aspect: Based on the regulatory aspect (for example, also found in Law Number 32 of 2004 in conjunction with Law Number 12 of 2008), it has not yet provided a comprehensive legal solution, as it only regulates the juridical aspect without considering the social aspects present in society as a reality. In addition, the existing regulations still allow incumbents to remain in their positions even if they intend to run for office. Thus, this tends to create potential conflicts rooted in jealousy (subjectivity) and injustice; Election organizing institutions: There is a tendency in every election administration for the KPU and Election Supervisors to show bias towards certain candidates (for example, towards election participants), so that in carrying out their duties, they often act subjectively, and these institutions frequently become places for vote buying and other such practices. Political Parties: As supporters of candidates, they have not yet functioned properly and correctly in providing political education to the people, and tend to only

think about their own interests unilaterally, for example by setting certain fees for candidates who wish to "ride" their party. Election Participants (Candidates or Prospective Candidates): That generally, election participants do not start with the right intentions; indeed, in presenting their visions and missions, they seem to appear for and on behalf of the people's interests, whereas in practice, most participants prioritize their own group's interests.

The position of the Constitutional Court, filled by judges who are professional, competent, and experienced in the field of law, will provide hope that the cases examined will be decided as fairly as possible, thus benefiting all parties, whether the applicants or respondents, as well as the society. Through the examination process by the Constitutional Court judges in a systematic, structured manner, and with sound and solid legal considerations in accordance with the facts and law in the trial, it will ensure that the cases or disputes to be decided by the Constitutional Court will provide justice as the pinnacle of hope for conducting elections democratically and with dignity. Moreover, the position of the Constitutional Court, which is authorized to examine and decide on electoral dispute results, is a form of substantial experience for the Constitutional Court in examining and deciding on election-related cases.

The legal framework for the Constitutional Court to adjudicate electoral process disputes is not limited to legislative elections alone, but also includes presidential or vice-presidential elections as well as regional head elections. With the limitation of the Constitutional Court judges numbering 9 (nine) people, it can then be restructured that the number of Constitutional Court judges can increase to 11 (eleven) people or 13 (thirteen) people, who will later be divided into judges who decide on process disputes and judges who decide on result disputes. This can only be done by amending the 1945 Constitution of the Republic of Indonesia and subsequently the Election Law as well as the implementing regulations. That legitimacy is a form of redesigning the resolution of electoral process disputes, which have so far been entrusted to the Election Supervisory Board (Bawaslu), by shifting that authority to the Constitutional Court.

Conclusion

The regulation of the principle of electoral justice is not significantly addressed in Law No. 7 of 2017 on General Elections. The regulations found in Articles 466 to 469 of Law No. 7 of 2017 on General Elections, which relate to the resolution of electoral disputes by Bawaslu, do not provide principles of certainty, utility, and justice because legal recourse can still be pursued in court against Bawaslu's decisions. Redesigning the resolution of electoral process disputes to achieve a dignified election can be done by reassigning Bawaslu's authority to examine and adjudicate electoral process disputes to the Constitutional Court, which would take over the examination and adjudication of electoral process disputes currently handled by Bawaslu.

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