

**Quo Vadis of the Constitutional Court in Resolving Disputes
Over Regional Election Results After Constitutional
Court Decision No. 85/PUU-XX/2022**

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Article Info

Received: 2024-10-16
Revised: 2024-12-24
Accepted: 2024-12-24

Keywords:

Constitutional Court,
Election Dispute,
Regional Election

Abstract

This research aims to determine and analyze the Legal Politics of the Constitutional Court in deciding disputes over the results of regional election disputes in Indonesia. The authority of the Constitutional Court in resolving disputes over the results of Regional Election has yet to be regulated in the 1945 Constitution of the Republic of Indonesia. The authority of the Constitutional Court to decide disputes over the results of general election described in Article 24C paragraph (1) is different from regional election. This has been explained in the decision of the Constitutional Court Number 97/PUU-XI-2013, which states that the election and regional election regimes are different and the authority to decide disputes over election results is not the authority of the Constitutional Court but the authority of a particular judicial body. This research used normative juridical research methods, where library law was studied by examining library materials. Then, the collected materials are analyzed in a descriptive qualitative manner. The study results concluded that the Constitutional Court has the authority to permanently examine, decide, and resolve disputes over election results by the Constitutional Court Number 85 / PUU-XX / 2022 decision. There is no longer a distinction between the election regime and the election. With the decision of the Constitutional Court Number 85 / PUU-XX / 2022, the authority of the Constitutional Court becomes more precise and more substantial because of the binding legal certainty.

I. Introduction

Democracy as a system of government adopted and implemented in a country is not eternal and can experience decay. Many factors can cause this, with different indicators and conditions in each country. (Yarni et al., 2023) The concept of democracy is an idea about a way of life that emerges in response to social and political conditions that are considered inhumane in society. This response generally comes from idealistic and thoughtful individuals. "There are three ideal values that form the basis of democracy as an idea of life, namely freedom, equality, and justice." (Wahidin, 2008) One of the manifestations of democracy is the implementation of general election, which aim to elect the nation's leaders by involving public participation. As one of the main prerequisites of democracy, the implementation of general election in Indonesia is carried out by the principles of direct, general, free, secret, honest, and fair, which are held every 5 (five) years to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, as well as the Provincial People's Representative Council (DPRD) and the Regency/City Regional Representative Council (DPRD). (Syaputra, 2022)

The principle of sovereignty in the Unitary State of the Republic of Indonesia (NKRI) implies that the supreme power is in the hands of the people. This indicates that Indonesia, as a state of law, agrees with and recognizes the principle of popular sovereignty, which, in the framework of democracy, is known as a government from the people, by the people, and for the people. By referring to this principle of popular sovereignty, the people become the determinant and source of power, which means that the people are the source and purpose of power in a country. (Wahidin, 2008)

General Election (Pemilu) and Regional Election (Pilkada) are manifestations of the principle of popular sovereignty. They should be a more substantial reflection of the maturity of a country's democratic system. In addition, both also function as a forum for exercising human rights, especially the right to elect and be elected. (Isti Latifah Astri, Fitria Esfandiari, 2019) Although both are the implementation of democratic instruments and a means to exercise human rights, General Election and Regional Election are two different things. The constitutional basis for Regional Election does not lie in the Section that discusses Election but is regulated in the Section relating to Local Government, specifically in Article 18 paragraph (4). This article affirms that Governors, Regents, and Mayors, as heads of provincial, regency, and municipal local governments, are elected through a democratic process. (Rozali Abdullah, 2005)

Regional Election is a momentum of local, regional democracy that supports the political enthusiasm of the entire community. The election law itself is one of the regulations that is often changed to find the accuracy of the content, but several

times the changes are made, and each political decision often causes problems or conflicts, one of which is a dispute or dispute over the results of the regional election. (Mahfud MD, 2010) After the KPU decides on the results of the regional election vote, if one of the candidate pairs feels aggrieved by the decision, the decision can be tried through a court in order to maintain the constitutional rights of Indonesian citizens. (Fachrizal, 2017)

Disputes over Regional Election results must be resolved by due process of law, including the institutions authorized to resolve disputes over Regional Election. One of those authorized to decide disputes over the results of regional election disputes is the Supreme Court, which was later transferred to the Constitutional Court as stated in the Constitutional Court Decision Number 072-073/PUU-II/2004. For example, in the first simultaneous regional election held in 2015, the authority to hear disputes over the results was transitionally exercised by the Constitutional Court, and the authority was exercised until a particular judicial body was formed. (Zoelva, 2016) Over time, with the development of the Indonesian state administration, the authority of the Constitutional Court has increased. However, in its development in 2013, the Constitutional Court said it was not authorized to decide the dispute over the results of the regional election dispute as stated in the Constitutional Court Decision Number 97/PUU-XI/2013. The Constitutional Court considers the General Election Regime and the Regional Election regime differently. The general election regime includes, among others, the election of members of the DPR, DPD, DPRD, President, and Vice President.

In contrast, the Regional Election Regime includes the election of Governors, Regents, and Mayors. (Aris, 2022) incorporating the regional election regime into the general election is considered unconstitutional under Article 22E of the 1945 Constitution. To avoid legal doubts, the Constitutional Court ordered the establishment of a particular Judicial Body. However, once the agency is formed, the Constitutional Court is still authorized to hear disputes over the results of regional election. Constitutional Court Decision Number 85/PUU-XX/2022 emphasized that the authority of the Constitutional Court to hear disputes over election results is temporary unless establishing a particular Judicial Body in the future. (Pradika et al., 2020)

Based on the aforementioned background, the main point of discussion in this study is the authority of the Constitutional Court in resolving electoral disputes following Constitutional Court Decision Number 85/PUU-XX/2022. The focus is on the legal policy concerning the Constitutional Court's authority to resolve election result disputes, which from the initial Constitutional Court Decision Number 072-073/PUU-II/2004 up to Constitutional Court Decision Number 85/PUU-XX/2022, still discusses whether or not the Constitutional Court has the right to resolve electoral disputes.

This issue is interesting because the 1945 Constitution does not give the Constitutional Court the power to resolve disputes over the results of regional

election, as per Article 24C paragraph (1). However, after Constitutional Court Decision No. 85/PUU-XX/2022, the Constitutional Court stated that it is authorized to decide such disputes permanently, without any time limit regarding establishing a particular Judicial Body. This caused a conflict of norms between the decision and the provisions of the 1945 Constitution. The author is interested in examining the Constitutional Court Decision Number 85/PUU-XX/2022 and raises the research title: "QUO VADIS OF THE CONSTITUTIONAL COURT IN RESOLVING DISPUTES OVER REGIONAL ELECTION RESULTS AFTER DECISION 85/PUU-XX/2022."

2. Research Method

This research is Normative Juridical research, namely law, conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. Normative legal research focuses on the inventory of positive law, legal principles and doctrines, legal discovery, legal systematics, the level of synchronization, comparative law, and legal history. This research method is seen as the most by legal objectives and is the most appropriate and essential method in the mainstream legal disciplines. (Peter Mahmud Marzuki, 2005) Bahder Johan Nasution said, "Normative Juridical Research in research or study of normative law is an activity to explain the law is not required to support data or social facts because normative law does not recognize data or social facts known to legal entities." So, the main focus of this research is positive law. In the applicable legal order, the 1945 Constitution, several laws and regulations regulate issues regarding the decision of the Constitutional Court. (Bahder Johan Nasution, 2008) This further strengthens the author's choice of the normative juridical research type. Therefore, only legal concepts are used to explain or find meaning and give value to the law, and the steps taken are normative.

This research uses several approaches: the statutory approach (normative /statute approach) and the conceptual approach. The source of legal material refers to the origin of the legal material used as a reference in the research. In this context, the sources of legal materials in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. The material that has been collected is then carried out descriptive analysis, namely the analysis technique by describing the data collected and then conducting an in-depth analysis of the Quo Vadis of the Constitutional Court in Settling Disputes over Regional Election Results after Decision 85/PUU-XX/2022, namely by a) Inventorying legal materials relevant to the problem being discussed. b) Systemizing legal materials relevant to the problem being studied, and c) Interpreting all laws and regulations relevant to the problem being discussed.

3. Results and Discussion

It is important to note that before Constitutional Court Decision Number 85/PUU-

XX/2022, which affirmed the Court's authority to adjudicate disputes concerning regional head election results, this jurisdiction originally resided with the Supreme Court. This authority was subsequently transferred to the Constitutional Court. As originally stipulated in Article 24C Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court's jurisdiction was limited to resolving disputes related to general elections, not regional head elections.

However, public confidence in the Supreme Court's ability to effectively resolve regional head election disputes diminished over time. This dynamic changed with Constitutional Court Decision Number 72-73/PUU-II/2004, which transferred the authority to adjudicate these disputes to the Constitutional Court. In his legal reasoning, Constitutional Justice M. Laica Marzuki emphasized that the Supreme Court's authority in this matter was derived from statutory law rather than the Constitution. Therefore, the Constitutional Court was deemed the more appropriate institution to exercise this jurisdiction.

Despite the shift in jurisdiction, the Constitutional Court's exercise of its authority to resolve regional head election disputes has been marked by inconsistency. In Decision Number 97/PUU-XI/2013, the Court revoked this authority, asserting that regional head elections no longer fell within the ambit of "general elections." The Court adopted a narrow interpretation of "general elections" based on the original intent of Article 22E of the 1945 Constitution, limiting it to elections for members of the People's Representative Council (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional People's Representative Council (DPRD) every five years. Following this decision, plans were initiated to establish a specialized judicial body to handle regional head election disputes. In the interim, the Constitutional Court was to retain jurisdiction until the new body was formed.

However, the Constitutional Court later presented a new perspective on the conduct of regional head elections in Decision Number 55/PUU-XVII/2019, encompassing both national and local elections, including regional head elections. This culminated in Decision Number 85/PUU-XX/2022, which definitively affirmed the Constitutional Court's authority to adjudicate regional head election result disputes. This evolving jurisprudence reflects the legal policy considerations underlying the Constitutional Court's approach to resolving regional head election disputes.

The Authority of the Constitutional Court According to the Constitution of the Republic of Indonesia 1945

The constitutional court as one of the actors of judicial power whose authority has been explained in the 1945 Constitution of the Republic of Indonesia, precisely in article 24C paragraph (1), states that "the Constitutional Court has the authority to hear at the first and final level whose decisions are final to test laws against the Constitution, decide disputes over the authority of state institutions whose authority is granted by the Constitution, decide on the dissolution of political parties and decide

disputes about the results of general elections”.

The explanation of the authority of the Constitutional Court is the first authority in the case of judicial review of the Law, both according to the 1945 Constitution of the Republic of Indonesia and according to the Constitutional Court Law. It is emphasized that the Constitutional Court is only authorized to assess or adjudicate the constitutionality of a law against the 1945 Constitution of the Republic of Indonesia. The Constitutional Court can only state whether or not a law is partially in content, sentence, or phrase contrary to the constitution. The Constitutional Court also cannot exceed the limits of constitutional competence and enter the realm of legality competence. Until now, it has been recorded that the number of decisions on judicial review of the Law in the Constitutional Court is still fairly large, totaling 1573 with a percentage of 46% (Pradika et al., 2020).

The second authority, namely to decide disputes between state institutions whose authority is regulated in the 1945 Constitution of the Republic of Indonesia, means that the Constitutional Court has a working relationship with all state institutions whose authority is regulated in the 1945 Constitution of the Republic of Indonesia. The third authority is to decide on the dissolution of a political party, in the Constitutional Court Law, precisely Article 68 up to Article 73 paragraph (2) states that the party that can become an applicant in a case of dissolution of a political party is the government, not other parties. This means that other political parties do not have the right to file claims for the dissolution of other political parties. A political party that is constitutionally declared contrary to the 1945 Constitution of the Republic of Indonesia, the Constitutional Court has the right to dissolve the political party, as well as cancel the legal entity status of the political party.

The fourth authority of the Constitutional Court is to decide disputes about general elections. The granting of authority to decide disputes about election results to the Constitutional Court is because elections are related to constitutional issues. The election itself includes the election of members of the House of Representatives, the Regional Representatives Council, the President and Vice President, and the Regional Representatives Council as stated in Article 22E paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In contrast to regional head elections, where the elections themselves include the election of governors, regents and mayors as stated in article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. Likewise, it is also emphasized in other laws, namely article 10 paragraph (1) letter d of Law Number 24 of 2003 which has now been amended to Law Number 7 of 2020 concerning the Constitutional Court, article 12 paragraph (1) letter d of Law Number 4 of 2004 concerning Judicial Power, and Law Number 32 of 2004 concerning Regional Government, stating that one of the constitutional authorities of the Constitutional Court is to decide disputes about the results of general elections.

The Authority of the Constitutional Court Based on Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court

The Constitutional Court as a single State judicial institution, which does not have a court that is under it and is not subordinate to other institutions because the authority of the Constitutional Court itself is to hear at the first and final level whose decisions are final and binding. In accordance with the authority stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia which was later emphasized in the Constitutional Court Law, namely Law 24 of 2003 concerning the Constitutional Court which has now been amended by Law Number 7 of 2020 concerning the Constitutional Court which determines that the authority of the Constitutional Court is essentially the same as the contents of Article 24C paragraph (1) but there are several affirmations, namely in giving a decision on the opinion of the People's Representative Council that the President and Vice President are suspected of having violated the law in the form of treason against the state, corruption, bribery, other serious crimes or disgraceful acts, and/or no longer qualify as president as referred to in the 1945 Constitution of the Republic of Indonesia.

The authority of the Constitutional Court that has been explained above can be divided into two, namely the main authority and additional authority. The main authority includes: testing the Act against the 1945 Constitution, deciding constitutional complaints filed by the people against the authorities and deciding disputes over the authority of state institutions. Meanwhile, additional authorities include: dissolution of political parties, disputes over general election results and the provision of DPR decisions on alleged violations committed by the President and/or Vice President. From this explanation, we can understand that the role given to the Constitutional Court through its authority as a judicial institution reflects the increasingly strong implementation of the principle of the rule of law in the 1945 Constitution of the Republic of Indonesia. (Aris, 2022)

The Authority of the Constitutional Court Based on the Constitutional Court Decision Number 72-73/PUU-II/2004

The 1945 Constitution of the Republic of Indonesia and the Act do not have a provision that expressly states that the Constitutional Court is authorized to decide disputes over election results. However, in the decision of the Constitutional Court Number 72-73/PUU-II/2004 in consideration of its decision, it emphasized, "The Constitutional Court thinks that constitutionally, the legislator may ensure that direct election are an expansion of the definition of election as referred to in Article 22E of the 1945 Constitution of the Republic of Indonesia so that disputes regarding the results become the authority of the Constitutional Court with the provisions of Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia".(Aris, 2022) On this basis, Regional Election is included in the election regime so that all requests for disputes over election results become the authority of the Constitutional Court to be examined, tried, and decided. Where previously, the authority to decide disputes over election results was the authority of the Supreme Court, but Article 236C of the Regional Government Law states that "The handling of disputes over the results of the vote count for the election of regional heads and deputy regional heads by the

Supreme Court is transferred to the Constitutional Court no later than 18 (eighteen) months after the law is enacted". With the enactment of this article, the resolution of regional election disputes became the authority of the Constitutional Court. (Pradika et al., 2020)

The Authority of the Constitutional Court Based on the Constitutional Court Decision Number 97/PUU-XI/2013

Over time in the constitutional system, especially in terms of regional election, which have caused many problems, in 2013, the Constitutional Court, through its decision, namely the decision of the Constitutional Court Number 97/PUU-XI/2013 said that he (the Constitutional Court) was not authorized to decide the dispute over the results of the regional election. Moreover, general election and Regional Election are two different things. The formation of the Constitutional Court Decision Number 97/PUU-XI/2013 is due to the many assumptions and views that disagree if the Constitutional Court and the election handle the election are included in the election regime because the Law and the 1945 Constitution of the Republic of Indonesia do not explain this, so there are many rejections of the previous decision, namely the Constitutional Court Decision Number 72-72/PUU-XI/2004. (Harefa et al., 2020) In essence, the decision of the Constitutional Court Number 97/PUU-XI/2013 emphasizes the following:

1. Region Election is not an election, as Article 22E of the 1945 Constitution of the Republic of Indonesia states.
2. Suppose the election is part of the election so the Constitutional Court can resolve disputes over election results. In that case, it is not by the original intent of the election and makes the election no longer once every five years but many times.
3. Adding the Constitutional Court's authority to hear disputes over election results by expanding the meaning of Article 22E of the 1945 Constitution of the Republic of Indonesia is unconstitutional.
4. Although the Constitutional Court is not authorized to hear and decide disputes over election results, this does not mean that all of its decisions since 2008 are null and void. (Azmi, 2021)

The Constitutional Court Decision No. 97/PUU-XO/2013, one of which stated the need for a particular judicial body to handle disputes over election results, finally included the provision in Law No. 10/2016 concerning the second amendment to Law No. 1/2015 concerning the stipulation of government regulations in lieu of Law No. 1/2014 concerning the election of Governors, Regents and Mayors into law, precisely in article 157 paragraph (3). However, seeing that until the passing of the law, the particular judicial body has yet to be established. (Azmi, 2021)

The reasons why a particular judicial body to resolve disputes over election results has not yet been established are That it is impossible to prepare a particular judicial body in a short time before the start of the stages of implementing simultaneous national election, the delay in implementing regulations, limited human resources,

budget delays in the formation of particular judicial bodies that require high costs and political demands that are not always consistent. (Fachrizal, 2017)

The Authority of the Constitutional Court Based on the Constitutional Court Decision Number 85/PUU-XX/2022

The debate on the authority of the Constitutional Court that has been explained in the previous decision has not found a bright spot on the authority of the Constitutional Court in deciding disputes over the results of regional election disputes, so the Constitutional Court's decision Number 85/PUU-XX/2022 was made which answered all public doubts about the authority of the Constitutional Court to decide disputes over the results of regional election disputes. In the decision of the Constitutional Court Number 85/PUU-XX/2022, it was emphasized that the election regime includes the election regime, there is no longer a distinction between the election regime and the election regime, and the authority of the Constitutional Court in resolving and deciding disputes over election disputes is permanent, no longer waiting for the phrase "until the establishment of a particular judicial body." So, with the decision of the Constitutional Court Number 85/PUU-XX/2022, a particular judicial body will not be formed because it is not easy to create a new institution in a short time, seeing that the implementation of the democratic party is in sight. The Constitutional Court holds the authority to permanently dispute the results of regional election disputes. (Pratama et al., 2021)

In many cases of election disputes that have occurred from 2004 to 2018, the judicial body that resolves these disputes is the Constitutional Court because the Constitutional Court has the authority to examine and decide disputes over election results submitted to it. From the many cases of election disputes submitted to it, the Constitutional Court will try to resolve these cases within a reasonable time by applicable legal provisions. If the Constitutional Court cannot resolve all cases of election disputes submitted to it, then this can cause dissatisfaction among the public. For this reason, the Constitutional Court needs to maintain independence, transparency, and accountability in resolving the cases submitted to it. (Huda, 2018) In addition, in making it easier to resolve disputes over election results, the Constitutional Court can request support from related parties, such as law enforcement and government officials, to help speed up the process of resolving these cases.

Thus, the discussion of the authority of the Constitutional Court in resolving disputes over election results, although not yet clearly regulated in the 1945 Constitution of the Republic of Indonesia, is included in the election regime based on the Constitutional Court Decision Number 85/PUU-XX/2022 and the authority of the Constitutional Court has also been explained in the law. They were seeing this in order to provide legal certainty so that the disputes over Regional Election whose authority is apparent, the *Ius Constituendum* of the authority of the Constitutional Court can be expressly regulated in the 1945 Constitution, even though in the decision of the Constitutional Court Number 85/PUU-XX/2022 the authority of the Constitutional

Court is clear. Seeing the duties and responsibilities of the Constitutional Court in handling disputes over election results is not only about presenting procedural justice, which solely relies on textual rules in laws and regulations but also seeking substantive justice by making various legal breakthroughs.

DISCUSSION

Problems related to the authority of the Supreme Court in deciding cases of Regional Election results have led to a lack of public confidence in the institution. The decision of the Constitutional Court in Case Number 72-73/PUU-II/2004 changed this dynamic by transferring the authority to decide disputes over the results of Regional Election to the Constitutional Court. (Rois & Herawati, 2018) The legal reasoning of Constitutional Judge M. Laica Marzuki emphasized that the authority of the Supreme Court, in this case, comes from the law, not from the constitution. Therefore, the Constitutional Court is considered more appropriate to have this authority.

Over time, the Constitutional Court experienced inconsistency in holding the authority to decide disputes over the results of regional election. Decision No. 97/PUU-XI/2013 revoked this authority because Regional Election were no longer included in the electoral regime. The Constitutional Court limitedly interpreted the concept of general election by the original intent of Article 22E of the 1945 Constitution, which only includes the election of DPR, DPD, President, Vice President, and DPRD members every five years. Furthermore, there is a plan to establish a particular judicial body to handle disputes over the results of regional election. In the meantime, the Constitutional Court will handle these disputes until the particular judicial body is formed. (Pratama et al., 2021) Then, the Constitutional Court presented a new view regarding implementing regional election, including national and local election, including regional election, through Constitutional Court Decision Number 55/PUU-XVII/2019. Ultimately, the Constitutional Court issued Decision Number 85/PUU-XX/2022, emphasizing that the authority to decide disputes over the results of Regional Election remains with the Constitutional Court.

The discussion of the authority of the Constitutional Court in resolving disputes over election results, although it has not been clearly regulated in the 1945 Constitution of the Republic of Indonesia, in fact the election are included in the election regime based on the Constitutional Court Decision Number 85/PUU-XX/2022 and the authority of the Constitutional Court has also been explained in the law Seeing this, in order to provide legal certainty so that the disputes over election disputes whose authority is apparent, the *Ius Constituendum* of the authority of the Constitutional Court can be expressly regulated in the 1945 Constitution, although in the decision of the Constitutional Court Number 85/PUU-XX/2022 the authority of the Constitutional Court is clear. Seeing the duties and responsibilities of the Constitutional Court in handling disputes over election results is not only about presenting procedural justice, which solely relies on textual rules in laws and regulations but also seeking substantive justice by making various legal breakthroughs. (Huda, 2018)

This role and approach are undoubtedly inseparable from the basic philosophy of

establishing the Constitutional Court, which maintains the values of the Constitution and democracy. Thus, although the authority to handle direct election disputes is not given by the 1945 Constitution of the Republic of Indonesia through the law, the spirit to ground the constitution's values as a living organism must still be carried out. Moreover, the Law on Judicial Power mandates judges, including constitutional judges, to explore the values of truth in society. (M. Agus Santoso, 2014)

The existence of increasingly progressive decisions in resolving regional Election disputes is not appropriate if there are still parties who conclude that the Constitutional Court is only a "Calculator Court" that calculates the wrong or right of a vote recapitulation from the regional election. (Erick & Ikhwan, 2022) If we read as a whole and continuously the various legal considerations contained in the decisions of the Constitutional Court, it will be easily seen how the Constitutional Court opens a space for balance for the litigants. So that their different interests can be examined and tried fairly and openly in every trial examination process, it is clear that the authority of the Constitutional Court in resolving and deciding disputes over election results is by the decision of the Constitutional Court Number 85/PUU-XX/2022, in which the Constitutional Court has permanent authority in this matter. Considering the current status quo, there have been many cases handled by the Constitutional Court. To create harmony and truth in the Indonesian constitutional system.

The legal certainty provided by Constitutional Court Decision No. 85/PUU-XX/2022 definitively establishes the Court's authority to permanently resolve regional head election disputes. This decision holds irrefutable legal force and is binding on all parties involved in such disputes. As a final and binding ruling, it is grounded in fundamental legal principles, ensuring both legal certainty and justice. The Constitutional Court's decisions consistently strive to uphold these values, recognizing its role as a high court entrusted with permanently resolving electoral disputes. Therefore, the Court's authority in this domain must be respected and acknowledged.

Decision No. 85/PUU-XX/2022 strengthens and expands the Constitutional Court's jurisdiction over regional head election disputes, providing crucial legal certainty and preventing confusion within Indonesia's constitutional framework, particularly concerning its democratic processes. Without this decision, the Court's authority would remain tenuous, as the 1945 Constitution does not explicitly define its role in resolving such disputes, despite the Court's mandate to resolve disputes among state institutions. To ensure the Court's continued effectiveness in upholding the rule of law, justice, and the principles of free and fair elections, it is essential to solidify its jurisdiction through a constitutional amendment enshrining the principles of Decision No. 85/PUU-XX/2022. This amendment would eliminate any ambiguity and prevent future challenges to the Court's authority in resolving regional head election disputes.

4. Conclusions

The Constitutional Court has the authority to resolve disputes over the results of regional election disputes permanently, not having to wait for the formation of a

particular judicial body that will be formed to handle disputes over the results of regional election disputes by the Constitutional Court Decision Number 85/PUU-XX/2022, which in its ruling stated that Article 157 paragraph (1), (2) and (3) Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning the stipulation of government regulations in lieu of Law Number 1 of 2014 concerning the election of Governors, Regents and Mayors into Law is unconstitutional, contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force. The suggestion by the author is that the Constitutional Court must make firmness and renewal regarding the procedural procedures of the Constitutional Court in the dispute over the Results of the General Election of regional heads, which so far the authority of the Constitutional Court in resolving disputes over the results of regional election is only temporary to become permanent.

ACKNOWLEDGEMENT

We want to express our sincere gratitude to all those who have supported and contributed to completing this research. First, I sincerely thank all those who have provided guidance, encouragement, and valuable input throughout this research. I would also like to thank the Faculty of Law Universitas Jambi for providing the resources and platform to conduct this research successfully.

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