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The Urgency of Reformulating Election Dispute Resolution in Indonesia: A Comparative Study

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Abstract

The Indonesian concept of the rule of law fundamentally adopts key elements of the Rechtstaat tradition, prioritizing the supremacy of law as the ultimate instrument in governing national life, where the protection of Human Rights is not merely a legalistic formality but the core spirit animating every regulation to ensure that popular sovereignty remains within the corridors of respect for human dignity. However, current realities demonstrate that the protection of the right to vote and be elected in Indonesia has undergone significant degradation due to legal uncertainty arising from the highly complex fragmentation of election dispute resolution bodies, involving at least five different institutions with frequently overlapping authorities, thereby creating a confusing judicial bureaucratic labyrinth. This study employs a normative legal research method with statutory, comparative, and conceptual approaches through literature study techniques to analyze the problems of the electoral legal structure descriptively and prescriptively, integrating Lawrence M. Friedman's legal system theory and Gustav Radbruch's triad of legal goals to holistically examine the aspects of justice, certainty, and legal utility. The results reveal that the phenomenon of sectoral ego within Indonesia's electoral law enforcement system reflects a democratic paradox where an excessively broad distribution of authority, lacking integrative hierarchical coordination, creates conflicting decisions and delegitimizes the integrity of general election results. As a strategic solution, this study recommends reformulating the dispute resolution model through the establishment of a tiered "one-door system" special electoral court under the auspices of the Supreme Court to guarantee the synchronization of rulings as well as procedural and substantive legal certainty without necessitating an amendment to the 1945 Constitution, provided that the Constitutional Court's authority to adjudicate result disputes remains constitutionally preserved.

INTRODUCTION

The concept of the Indonesian rule of law fundamentally adopts key elements from the *Rechtsstaat* tradition, which prioritizes the supremacy of law as the highest instrument in regulating the life of the nation and state.[1] From this perspective, the protection of Human Rights is not merely a legalistic formality, but the core spirit animating every regulation to ensure that state power is not absolute and remains within the corridor of respect for human dignity.[2] The principle of governance based on law (*wetmatigheid van bestuur*) demands that every action of the ruling authority must possess a clear basis of legitimacy, thereby creating legal predictability that shields citizens from arbitrariness. The separation of powers adopted in our system functions as a crucial mechanism of checks and balances to prevent the accumulation of power in a single branch of government, which often serves as an entry point for authoritarianism.[3] The presence of administrative justice serves as a concrete manifestation of legal protection for the people, where every decision of the state administration can be tested for validity to guarantee justice for individuals aggrieved by government actions.[4] Thus, the consistent strengthening of these pillars is an absolute prerequisite for the sustainability of a rule of law that is not merely procedural, but also substantive in realizing social justice for all people.[5]

Juridically, the primary foundation of this concept is enshrined in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which explicitly states that "The State of Indonesia is a state based on law." Further elaboration regarding the protection of Human Rights is contained in Chapter XA of the 1945 Constitution, which affirms the state's constitutional commitment to the basic rights of its citizens in various aspects of life. The principle of separation of powers is reflected in the institutional structure of the state, which divides legislative, executive, and judicial functions independently yet within a unified, coordinated system of government.[6] The existence of administrative

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[1] D R Tri Astuti Handayani and others, "Mewujudkan Keadilan Gender Melalui Perlindungan Hukum Terhadap Perempuan," *REchtstaat NieuW* 1, no. 01 (2016).
[2] Satria Unggul Wicaksana Prakasa, "Paradigm of Law and Human Rights as a Protection of Academic Freedom in Indonesia," *Human Rights in the Global South (HRGS)* 2, no. 1 (2023): 37–52.
[3] Sam J Ervin Jr, "Separation of Powers: Judicial Independence," *Law & Contemp. Probs.* 35 (1970): 108.
[4] Dzikry Gaosul Ashfiya and Anna Erliyana, "Clemencial Review Oleh Peradilan Tata Usaha Negara (Telaah Kritis Keputusan Presiden Tentang Pemberian Grasi Dalam Sistem Pemerintahan Presidensiil Di Indonesia)," *PALAR (Pakuan Law Review)* 6, no. 1 (2020): 159–86.
[5] M Tasbir Rais Rais, "Negara Hukum Indonesia: Gagasan Dan Penerapannya," *Jurnal Hukum Unsulbar* 5, no. 2 (2022): 11–31.
[6] Helmiadi Helmiadi, Yasni Efyanti, and Martunus Rahim, "Konfigurasi Politik Pemerintahan Pada Masa Reformasi Dan Karakter Produk Hukumnya," *Istishab: Journal of Islamic Law* 2, no. 01 (2021): 13–20.

justice is confirmed through Article 24 paragraph (2) of the 1945 Constitution, which states that judicial power is exercised by a Supreme Court and judicial bodies underneath it, including within the sphere of the State Administrative Court. The existence of this judiciary is reinforced by Law Number 5 of 1986 jo. Law Number 51 of 2009 concerning the State Administrative Court as a means of judicial control over state administrative actions.[7] Through this legal framework, Indonesia seeks to ensure that every public policy remains aligned with the values of justice and human rights that constitute the main foundation of the rule of law. The integration of these values demands synchronization between laws and regulations from the central to the regional levels to prevent contradictions that could injure the constitutional rights of the community. Therefore, strengthening the substance of the law and the structure of the judiciary becomes a non-negotiable agenda in the context of perfecting the implementation of the Rechtsstaat concept in the homeland.[8]

The close correlation between democracy and the rule of law demonstrates that both are two sides of the same coin, mutually complementary and inseparable in modern state practice.[9] The rule of law provides a regulatory frame so that political competition in a democracy does not descend into anarchy, while democracy provides energy for the law to remain responsive to the aspirations and needs of society. Protection of the right to vote and to be elected in Indonesia is expressly guaranteed in Article 27 paragraph (1) and Article 28D paragraph (3) of the 1945 Constitution, which state that every citizen has equal standing in law and government and is entitled to equal opportunity in government. Furthermore, Article 43 of Law Number 39 of 1999 concerning Human Rights reinforces that every citizen has the right to be elected and to vote in general elections based on equal rights through voting that is free, fair, and just. This provision aligns with international principles that view political rights as an inseparable part of human dignity that must be upheld by every civilized nation. Thus, strengthening legal instruments in protecting the right to vote is not merely a technical election matter, but an effort to safeguard the sovereignty of the people as the holders of the highest power in this country.[10]

The correlation between the political right to vote and to be elected and the concept of Economic, Social, and Cultural Rights (ECOSOC) is a manifestation of the principles

[7] Jarot Digdo Ismoyo et al., *Teori Negara Hukum Modern* (PT. Sonpedia Publishing Indonesia, 2025).
[8] Ridwan Syaidi TarigaN, *Hukum Tata Negara Dan Transformasi Implikasi Dan Prospek Sosial* (Ruang Karya Bersama, 2024).
[9] Muhammad Mutawalli, *Negara Hukum Kedaulatan Dan Demokrasi (Konsepsi Teori Dan Perkembangannya)* (Pustaka Aksara, 2023).
[10] Raju Moh Hazmi and M H SH, "Teori Dan Konsep," *Pengantar Hukum Progresif* 29 (2024).

of indivisibility and interdependence in global Human Rights studies.[11] The right to vote does not exist in a vacuum; rather, it is heavily influenced by the level of economic welfare and access to education, which are core parts of a citizen's ECOSOC rights. Without the fulfillment of the right to proper education, a voter may lack sufficient political literacy to cast a vote intelligently, which can ultimately degrade the quality of the democratic result itself. Likewise, economic vulnerability often traps citizens in the practice of vote-buying (money politics), where the right to vote, which should be an expression of free will, is instead traded for the fulfillment of urgent basic needs.[12] In this perspective, the state has an obligation to ensure that the fulfillment of economic and social rights proceeds hand-in-hand with the strengthening of political rights to create a society that is politically independent and materially prosperous. Internationally, this commitment has been recognized through the ratification of legal instruments that view human welfare as a coherent whole that must not be compartmentalized between civil-political rights and economic-social-cultural rights.[13] Therefore, the reformulation of election laws in the future must consider these ECOSOC aspects as major supporting factors determining the effectiveness of the protection of citizens' political rights holistically.[14]

The existence of the state in a constitutional democratic system holds a fundamental role as a protector of rights, tasked with guaranteeing that every human right—whether civil-political or economic-social-cultural—is truly realized in daily life without discriminatory obstacles.[15] As an organization of power possessing legitimacy, the state is obliged to provide legal and institutional infrastructure capable of warding off all forms of violations against citizens' voting rights, while simultaneously providing effective remedies if malpractice occurs in the democratic process. This obligation is a logical consequence of the social contract between the people and the state, wherein the people surrender a portion of their authority in the hope of obtaining guarantees of security, justice, and welfare that are equal for all groups. Holistically, the role of the state as this protector demands the presence of impartial institutions and consistent law enforcement mechanisms to ensure that the leadership succession process remains within

[11] Diah Pitaloka Hardiyanti et al., *Dasar Hukum: Kajian Khusus Teori Hukum Di Indonesia* (PT. Green Pustaka Indonesia, 2024).
[12] Indira Swasti Gama Bhakti, "Penerapan Prinsip-Prinsip Hukum Dalam Sistem Hukum Indonesia," *Pengantar Hukum Indonesia: Teori, Praktik, Dan Transformasi* 71 (2025).
[13] Putri Nabela, Raihan Nisya, and Siti Tiara Maulia, "Demokrasi Pancasila Sebagai Landasan Konstitusi Dan Sistem Politik Indonesia Era Orde Lama, Orde Baru, Dan Masa Reformasi Hingga Sekarang," *Causa: Jurnal Hukum Dan Kewarganegaraan* 3, no. 6 (2024): 36–46.
[14] Loso Judijanto et al., *Sistem Politik Indonesia* (PT. Green Pustaka Indonesia, 2025).
[15] Tata Negara, "Bab 4 Prinsip Kedaulatan Rakyat Dalam Tata Negara," *Dasar-Dasar Teori Hukum Tata Negara*, n.d., 49.

the rails of constitutionality.[16] Without the presence of a state that is strong yet remains under legal control, citizens' rights will be in a position vulnerable to intervention by capital forces or uncontrolled mass pressure.[17]

The practice of protecting the right to vote and to be elected in Indonesia currently experiences significant degradation due to legal uncertainty stemming from the fragmentation of election dispute resolution institutions, which is highly complex. There are at least five institutions possessing different authorities that often intersect in handling election problematics, ranging from the technical level of implementation to the final results of vote acquisition both nationally and regionally.[18] The Constitutional Court (MK) holds absolute authority in deciding disputes over general election results as stipulated in Article 24C paragraph (1) of the 1945 Constitution, yet its scope is limited to the numerical figures of the final results, which often disregards process violations that occurred previously.[19] On the other hand, the General Election Supervisory Agency (Bawaslu), based on Law No. 7 of 2017 concerning General Elections, possesses broad authority in supervising stages and adjudicating process disputes, the decisions of which sometimes create dualism with other institutions if not well-synchronized. This condition creates a confusing bureaucratic labyrinth of justice for justice seekers, where a candidate or voter must move between institutions to fight for the same single right.[20]

The complexity is further increased by the presence of the Election Organizer Honorary Council (DKPP), which focuses on the enforcement of the code of ethics for organizers, yet its ethical decisions often have implications for administrative aspects that should be the domain of other institutions.[21] The KPU (General Elections Commission) and Bawaslu, as legal subjects supervised by the DKPP, are often squeezed between the demands of administrative legal certainty and the pressure of ethical sanctions that can lead to member dismissal. Furthermore, the State Administrative Court (PTUN) holds a crucial role in adjudicating election process disputes based on Article 470 of the Election

[16] Adam Muhshi, *Teologi Konstitusi: Hukum Hak Asasi Manusia Atas Kebebasan Beragama* (LKIS Pelangi Aksara, 2015).
[17] Yessi Puspita Asuki, "Supremasi Hukum Restorative Justice Terhadap Anak Yang Berhadapan Dengan Hukum" (Universitas Islam Sultan Agung Semarang, 2024).
[18] Kasman Bakry, Apriyanto Apriyanto, and Efraim Mangaluk, *Hukum Tata Negara: Teori Dan Penerapan Hukum Tata Negara Di Negara Demokrasi: Teori Dan Penerapan Hukum Tata Negara Di Negara Demokrasi* (PT. Sonpedia Publishing Indonesia, 2025).
[19] Progam Studi Hukum Tata Negara, "Analisis Asas Kedaulatan Rakyat Terhadap Eksistensi Partai Politik Pada Sistem Pemerintahan Presidensial Di Indonesia," n.d.
[20] Ridwan Syaidi Tarigan, *Menuju Negara Hukum Yang Berkeadilan* (Ruang Karya Bersama, 2024).
[21] H Jangi Abd Rahim and others, "Kedudukan Putusan Dewan Kehormatan Penyelenggara Pemilu (DKPP) Dalam Negara Demokrasi Berdasarkan Hukum" (Universitas Islam Indonesia, 2017).

Law, particularly related to KPU Decisions deemed detrimental to election participants during the verification or candidate determination stages. The existence of this mechanism in the PTUN adds a layer of examination that, if not managed under a one-door system, will prolong the uncertainty of the legal status of election participants who are in the midst of competing.[22]

The final institution that indirectly exerts significant influence is the district court (general judiciary), which has the authority to adjudicate internal disputes of political parties, who are the main actors in all levels of general elections in Indonesia. Although the district court does not handle technical election matters directly, its decisions regarding dualism in management or the cancellation of a cadre's party membership mid-way can damage the stability of candidacy at the KPU and disrupt election stages that are in progress.[23] The cancellation of an individual's membership status by a district court can trigger candidate disqualification, which, if it occurs at a crucial time, will cause political turbulence and threats to national stability and public order. Uncertainty regarding which institution is most authorized to execute political party decisions in the middle of election stages creates a legal loophole often exploited to bring down competitors. Holistically, the link between internal party disputes in the general courts and their impact on the election process in other institutions demonstrates how fragile our current election law enforcement system is.[24]

The condition of institutional fragmentation currently existing in Indonesia tangibly creates legal uncertainty that contradicts the legal ideals proposed by Gustav Radbruch. According to Radbruch, the law must contain three basic values that are interrelated yet often in tension: justice (Gerechtigkeit), expediency (Zweckmässigkeit), and legal certainty (Rechtssicherheit). In the context of election dispute resolution in Indonesia, the value of legal certainty is often sacrificed due to overlapping authorities, resulting in parties failing to obtain clarity regarding the end of a legal process.[25] When legal certainty wavers, the value of justice becomes difficult to achieve because convoluted procedures tend to benefit parties with greater access to information and power, while the value of expediency is lost because the nation's energy is drained by disputes that never end. Holistically, the disharmony between these three values causes the election law

[22] Arif Wijaya, "Demokrasi Dalam Sejarah Ketatanegaraan Republik Indonesia," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 4, no. 01 (2014): 136–58.
[23] S H Made Subawa et al., *Dinamika Filsafat Ilmu Hukum Pancasila: Ontologi Dan Aksiologis Sumber Dari Segala Sumber Hukum Di Indonesia* (Uwais Inspirasi Indonesia, 2023).
[24] Achdijat Sulaeman and S IP, "Prinsip-Prinsip Demokrasi Dan Good Governance," *Pengantar Ilmu Pemerintahan: Konsep, Sistem Dan Praktik.*, 2025, 35.
[25] Jumanah Jumanah et al., *Hukum Publik: Pidana Dan Tata Negara* (CV Edu Akademi, n.d.).

enforcement system to become unstable and can erode trust in the eyes of the public and the election participants themselves.[26]

Furthermore, if this condition is dissected using the legal system theory of Lawrence M. Friedman, it is clearly evident that there are fundamental problems in the aspects of the structure and substance of our law.[27] The legal structure, consisting of institutions such as the MK, Bawaslu, DKPP, PTUN, and PN, is often trapped in sectoral egos, where each institution tends to defend its authority without integrative coordination in resolving election legal issues thoroughly.[28] From the side of substance, regulations scattered across various laws often overlap or are even contradictory, thereby providing room for differing interpretations by each law enforcement institution.[29] This sectoral ego is exacerbated by the legal culture of society and political elites who tend to seek legal loopholes in every available institution, which ultimately creates a tangled thread in election law enforcement at the implementation level.[30] Holistically, the mismatch between a bloated structure and unsynchronized substance results in our election law system failing to provide effective protection for citizens' voting rights.[31]

Based on the comprehensive elaboration of the background above, the formulation of the problems in this research is as follows: 1) What is the actual condition of general election dispute resolution in Indonesia viewed from the aspect of overlapping authority between institutions?; and 2) What is the urgency and model for the reformulation of general election dispute resolution in Indonesia?

RESEARCH METHOD

This research employs a normative juridical research method focusing on the examination of legal norms in abstracto to discover the legal basis and ideal model for

[26] Anwar Alaydrus et al., *Pengawasan Pemilu: Membangun Integritas, Menjaga Demokrasi* (Penerbit Adab, 2023).
[27] Raihan Syafiq Ramadhan and others, "Keadilan Elektoral Dalam Pemungutan Suara Ulang Pada Perselisihan Hasil Pemilihan Umum (Studi Putusan Mahkamah Konstitusi Nomor: 01-01-05-32/PHPU. DPR-DPRD-XXII/2024)" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).
[28] Asep Sapsudin, *Filsafat Hukum Ketatanegaraan* (Gunung Djati Publishing Bandung, 2024).
[29] S Arman, *Manajemen Pelayanan Publik Dan Desentralisasi Pemilihan Umum Kepala Daerah* (Cv Cahaya Arsh Publisher \& Printing, n.d.).
[30] Sivani Ardi Apritania, "Politik Hukum Penyelesaian Sengketa Pemilihan Kepala Daerah Di Mahkamah Konstitusi" (Universitas Islam Sultan Agung (Indonesia), 2023).
[31] Mancur Sinaga, Ahmad Ahmad, and Indah Nur Shanty Saleh, *Filsafat Hukum: Teori, Prinsip Dan Hukum Di Indonesia: Teori, Prinsip Dan Hukum Di Indonesia* (PT. Sonpedia Publishing Indonesia, 2025).

the restructuring of the general election dispute resolution system in Indonesia.[32] The statute approach is applied comprehensively by analyzing the constitutional foundations within the 1945 Constitution of the Republic of Indonesia, specifically Article 1 paragraph (3) concerning the rule of law, Article 20 paragraph (2) regarding the formation of laws, Article 22E concerning election principles, as well as Article 24A paragraph (1) and Article 24C paragraph (1) related to the authority of the Supreme Court and the Constitutional Court, which are synchronized with the organic regulations in Law Number 7 of 2017 concerning General Elections.[33] The comparative approach is utilized to dissect the effectiveness of the centralized election dispute system in Germany, Thailand, Brazil, and Mexico with the functional comparative approach and structural comparative approach, while the conceptual approach is directed toward exploring the essence of procedural and substantive justice in process disputes.[34] Data collection techniques are conducted through library research by collecting primary, secondary, and tertiary legal materials that are authoritative and relevant to the urgency of institutional reformulation. The data is subsequently analyzed descriptively and prescriptively by integrating Gustav Radbruch's Theory of Legal Objectives to examine the aspects of justice, certainty, and legal expediency, as well as Lawrence M. Friedman's Legal System Theory to dissect the problematics of legal structure, substance, and culture in the practice of election law enforcement in Indonesia.[35]

RESULTS AND DISCUSSION

1. The Actual Condition of General Election Dispute Resolution in Indonesia Viewed from the Aspect of Overlapping Authority Between Institutions

The phenomenon of sectoral egoism in the resolution of general election disputes in Indonesia currently reflects a highly worrying democratic paradox, wherein the distribution of authority that is too broad precisely creates a legal bureaucratic labyrinth that complicates matters for justice seekers. This condition arises as a logical consequence of an institutional design that fragments authority across various institutions without hierarchical and integrative lines of coordination, thereby triggering overlapping

[32] melki Juli Anri Sagala, "Analisis Yuridis Penyelesaian Sengketa Pemilihan Umum Pra Dan Pasca Penghitungan Suara Menurut Undang-Undang No 7 Tahun 2017 Tentang Pemilihan Umum Di Tinjau Dari Sudut Pandang Hukum Tata Negara," 2024.
[33] Fahrin Amrullah, *Konsep Ideal Penyelesaian Sengketa Pemilihanumum Di Indonesia Yang Berbasis Nilai Keadilan* (Universitas Islam Sultan Agung (Indonesia), 2021).
[34] S H Masidin and others, *Penelitian Hukum Normatif: Analisis Putusan Hakim* (Prenada Media, 2023).
[35] Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Penerbit Widina, 2023).

decisions that collide with one another.[36] This legal uncertainty is further exacerbated by the tendency of each institution to rigidly defend its jurisdiction to demonstrate its institutional existence within the Indonesian constitutional ecosystem.[37] Theoretically, this absence of legal certainty violates the principle of the rule of law, which demands coherence and predictability in every law enforcement process, especially within the highly sensitive scope of political contestation.[38] This issue of sectoral egoism is not merely an administrative matter; rather, it has become a serious threat to the integrity of election results, which should be a pure reflection of the people's will. Without strong synchronization, these institutions are often trapped in sectoral egos that prioritize their respective institutional formalities over the substance of holistic electoral justice. Therefore, a profound reconceptualization of the relations between dispute-resolving institutions is required to eliminate the sectoral egoism that has thus far hindered the creation of substantive electoral justice.

The absence of legal certainty rooted in the existence of multiple institutions creates the risk of conflicting decisions that can delegitimize the democratic process as a whole in the long term. When a single object of dispute can be brought to several judicial doors with differing results, public trust in democratic institutions will slowly but surely erode. Legal reality on the ground indicates that election participants often exploit these legal loopholes to engage in "forum shopping" to seek the institution most likely to favor their political interests.[39] This proves that institutional fragmentation does not add to the quality of justice, but instead complicates the conflict resolution scheme that should proceed quickly and with finality in accordance with the principle of a speedy trial.[40] This legal uncertainty also impacts election organizers, such as the General Elections Commission (KPU), who are often confused in executing decisions that contradict one another between one institution and another. As an academic, I view this overlap as a manifestation of legislative failure to formulate an integrative and comprehensive legal design from the inception of the law's formation. A legal breakthrough is needed that is

[36] Miftakhul Huda, "Kepastian Hukum, Keadilan Dan Kemanfaatan Putusan Hakim Bagi Para Pihak Dalam Penyelesaian Sengketa Ekonomi Syariah Studi Pada Pengadilan Agama Di Wilayah Hukum PTA Surabaya" (UIN Sunan Gunung Djati Bandung, 2024).
[37] yanita Kusuma, "Urgensi Pembentukan Peradilan Pemilihan Umum Dalam Mewujudkan Keadilan Di Indonesia," n.d.
[38] Gun Gun Heryanto, *Realitas Komunikasi Politik Indonesia Kontemporer* (IRCiSoD, 2020).
[39] Zulfikar Putra Utama, "Kewenangan Mahkamah Konstitusi Dalam Mengadili Sengketa Proses Pemilihan Presiden 2024 Di Tinjau Dari Aspek Kepastian Hukum." (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).
[40] Firnandes Maurisya, "Rekonstruksi Penyelesaian Sengketa Pemilihan Umum Dalam Perspektif Keadilan Pemilu," *Universitas Jambi*, n.d.

capable of unifying these various dispute resolution chambers into a single, more integrated system so that the principle of legal certainty can be fully upheld. Thus, the strengthening of the election law system must be directed toward the removal of sectoral ego barriers to guarantee that every dispute is resolved within a legal corridor that is certain, measurable, and authoritative.[41]

The division of election dispute resolution in Indonesia into five distinct categories namely ethics, results, process, supervision, and internal party disputes constitutes a form of specialization that in practice produces destructive legal fragmentation.[42] Each section is managed by an institution possessing different standard operating procedures, timeframes, and judicial philosophies, thereby creating a disparity of decisions that often confuses the wider public. In the context of ethics handled by the Election Organizer Honorary Council (DKPP), intersections are often found with the realm of process disputes at the General Election Supervisory Agency (Bawaslu), where administrative procedural violations are also deemed severe ethical violations. The prevailing statutory provisions seem to allow each institution to run on its own track without a legal bridge unifying the vision of electoral justice collectively. High sectoral ego arises because each institution feels it possesses an absolute constitutional or legal mandate, such that coordination between institutions often becomes mere jargon without tangible implementation in the field. Holistically, this division demonstrates the complexity of our election law bureaucracy, which indirectly lengthens the chain of conflict resolution that should ideally be simplified. This fragmentation also results in a waste of state resources due to the multitude of institutions that must be financed to handle intersecting issues that are actually closely related to one another.[43]

The Election Organizer Honorary Council (DKPP) holds a crucial mandate in maintaining the dignity (muruah) of election administration through the enforcement of the code of ethics explicitly regulated in Law Number 7 of 2017 concerning General Elections.[44] The primary legal basis for the DKPP's existence is contained in Article 155 through Article 166 of the Election Law, which grants absolute authority to this institution to examine and decide complaints regarding alleged code of ethics violations by members of the KPU or Bawaslu. The existence of the DKPP is philosophically

[41] Mohamad Sudi and others, "Strategi Komunikasi Dalam Revitalisasi Budaya Lokal Terhadap Industri Pariwisata Di Kabupaten Biak Numfor Papua" (Universitas Hasanuddin, 2023).
[42] Abdullah Idi et al., *Dinamika Dan Rekonstruksi Kebijakan Publik Di Era Otonomi Daerah* (Deepublish, 2020).
[43] Muhammad Akbal and Abdul Rauf, *Peran Mahkamah Konstitusi Dalam Pembubaran Partai Politik* (Media Sahabat Cendekia, 2019).
[44] S H Ridwan and others, "Kewenangan Mahkamah Konstitusi Dalam Penyelesaian Sengketa Pemilihan Kepala Daerah" (Universitas Islam Indonesia, 2018).

intended to create an independent internal control mechanism to avoid conflicts of interest that might arise if ethical enforcement were conducted by fellow organizer colleagues. In the perspective of constitutional law, the DKPP functions as a tribunal of honor ensuring that the personal and professional integrity of election organizers is maintained to guarantee public trust in the voting results. However, this authority often intersects with the realm of administrative law because DKPP decisions, which are final and binding, often impact an individual's employment status, which should be the domain of the state administrative court. This indicates that although the goal is neutrality, the position of the DKPP in the constitutional structure still leaves room for debate regarding the boundaries between ethics and pure administrative law.[45]

The Constitutional Court (MK) possesses the sole and highest authority in deciding disputes concerning general election results as strictly mandated by Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This authority places the MK as the last bastion of democracy tasked with correcting vote-counting errors or violations that are structured, systematic, and massive (TSM) which significantly affect vote acquisition. This constitutional legal basis provides highly strong legitimacy for the MK to annul election results deemed to have been obtained through means contrary to constitutional principles. In practice, the MK does not merely act as a "calculator court" (mahkamah kalkulator) that counts numerical differences, but also often makes legal breakthroughs to uphold substantial justice that transcends procedural justice. This is important because disputes over election results are the estuary of the entire election process, making the MK's decision the final determinant for the legitimacy of the elected government.[46]

The General Election Supervisory Agency (Bawaslu) is an institution with a unique and strategic role in the Indonesian democratic ecosystem because it possesses a dual function as a supervisor as well as an administrative dispute arbiter. This authority is legally granted through Law Number 7 of 2017 concerning General Elections, which mandates Bawaslu to supervise all stages of election implementation and resolve process disputes. In carrying out the supervisory function, Bawaslu is equipped with the authority to receive reports, conduct investigations, and issue decisions on administrative violations occurring in the field. This role is vital to ensure that every

[45] A A Rajab, Marwan Mas, and Abd Haris Hamid, "Implikasi Kewenangan Komisi Pemilihan Umum Kepala Daerah Pasca Putusan Mahkamah Konstitusi Nomor 97/PUU-XI/2013," *Indonesian Journal of Legality of Law* 5, no. 2 (2023): 384–92.
[46] Geofani Milthree Saragih, Mexsasai Indra, and Dessy Artina, *PUTUSAN MAHKAMAH KONSTITUSI: Dalam Praktik Pengujian Undang-Undang Terhadap UUD'45-Rajawali Pers* (PT. RajaGrafindo Persada, 2023).

action of the organizers and election participants is always in alignment with the principles of elections that are direct, general, free, secret, honest, and fair. However, Bawaslu's position as both "judge and prosecutor" in several administrative cases often triggers criticism regarding the principle of impartiality in election law enforcement. Holistically, Bawaslu is the vanguard that detects every potential fraud early, yet its effectiveness is often hampered by limited executorial authority over its own decisions.

The involvement of the State Administrative Court (PTUN) in the resolution of general election process disputes is specifically regulated in Article 470 of Law Number 7 of 2017 concerning General Elections. Based on this provision, the PTUN has the authority to adjudicate election process disputes after all administrative efforts at Bawaslu have been exhausted and have not resulted in agreement or satisfaction for the disputing parties.[47] The presence of the PTUN in this realm is actually intended to provide a guarantee of legal protection for citizens' political rights against the possibility of arbitrary state administrative decisions issued by the KPU. However, from the perspective of an integrative legal design, the involvement of the PTUN effectively adds to the long list of institutional fragmentation that election participants must traverse to obtain legal certainty. The time available for the PTUN to decide election dispute cases is also very limited, namely only a few working days, which certainly places extraordinary pressure on judges to decide complex cases in a rush. This often results in decisions that lack substantial depth due to time constraints and the limited scope of proof available.[48]

In the perspective of the legal system theory proposed by Lawrence M. Friedman, the component of legal structure refers to the institutional framework, law enforcement agencies, and the way they interact in carrying out legal functions. If we apply this theory to the election dispute resolution system in Indonesia, it is clearly evident that our legal structure is experiencing "institutional obesity" which actually weakens the performance of the system as a whole. The multitude of institutions possessing authority (MK, Bawaslu, DKPP, PTUN, to the MA/Supreme Court) creates a structure that overlaps and locks one another, which in Friedman's terms can cause stagnation of the legal function itself. This highly fragmented structure lacks a command center or clear coordination, such that each structural component moves autonomously without regard for the systemic impact on other components. Consequently, our election law machine works

[47] Syafrina Husna Harahap, "Implikasi Putusan Mahkamah Konstitusi Nomor: 60/PUU-XXII/2024 Terhadap Sitem Pilkada Di Indonesia" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).
[48] Ketua Mahkamah Konstitusi Republik Indonesia, Bapak Dr Suhartoyo, and M H SH, "I. Kewenangan Mahkamah Konstitusi," n.d.

inefficiently and often produces outputs (decisions) that contradict one another. The legal uncertainty currently occurring in Indonesia is a direct product of a structural design that is too complicated and out of sync with the need for rapid justice in the political field.[49]

The elaboration of Friedman's theory on the Indonesian system shows that a fragile and fractured legal structure will impact the weakness of the legal substance (regulations) and the damage to the community's legal culture. Society and election participants become cynical toward these institutions because they see inconsistency and thick sectoral egoism in every dispute handling process. An ideal legal structure should be integrative and hierarchical so that there is certainty regarding which institution has the final say on a legal issue. In the Indonesian context, the current structure provides room for uncertainty because there is no procedural harmonization between these institutions. As a professor, I emphasize that without reform at the level of legal structure, no matter how well the substance of the Election Law is drafted, it will never be implemented effectively in the field. Reform of the legal structure must be directed toward simplifying the number of institutions and clarifying jurisdictional divisions so that overlapping authority triggering a legitimacy crisis of election results does not occur again. Thus, the strengthening of the national election law system must begin with the restructuring of institutional structures to create harmonious synergy and solid legal certainty.[50]

Table 1. Comparison of Authority and Legal Basis of Election Dispute Resolution Institutions

No	Institution	Primary Authority	Primary Legal Basis	Nature of Decision
1.	Constitutional Court	Disputes over General Election Results (PHPU)	Article 24C (1) of the 1945 Constitution	Final and Binding
2.	Bawaslu (General Election Supervisory Agency)	Process & Administrative Disputes	Law No. 7 of 2017	Final & Binding (except for certain disputes)
3.	DKPP (Election Organizer	Ethical Violations	Law No. 7 of 2017	Final and Binding

[49] Muhammad Putra Mahardika Suma and Indy Valensia Worang, "Aktualisasi UUD 1945 Dalam Praksis Ketatanegaraan Indonesia Terhadap Penyelenggaraan Kekuasaan Kehakiman Mahkamah Konstitusi," *Pratyaksa: Jurnal Ilmu Pendidikan, Sosial Dan Humaniora* 1, no. 3 (2025): 30–39.
[50] Darwis Robi, "Kewenangan Bawaslu Dalam Pembuktian Money Politic Pada Pelaksanaan Pemilihan Kepala Daerah" (Universitas Malikussaleh, 2024).

	Honorary Council)			
4.	PTUN (State Administrative Court)	Process Disputes (Further Stage)	Article 470 of Law No. 7 of 2017	Legal remedy available (Supreme Court)

Based on the table above, the institutional system for election dispute resolution in Indonesia exhibits high uncertainty and fails to fulfill the three primary legal objectives according to Gustav Radbruch: Justice, Certainty, and Expediency. Legal Certainty is neglected due to the existence of tiered and overlapping dispute channels between Bawaslu and the PTUN, as well as the intersection between ethics (DKPP) and administration. From the aspect of Justice, this fragmentation often produces differing decisions for the same object, thereby injuring the sense of justice of election participants. From the aspect of Expediency, this system is highly inefficient as it consumes significant time and costs without guaranteeing a thorough dispute resolution under one roof.[51] Viewed from Lawrence M. Friedman's theory, Indonesia's Legal Structure is too bloated and uncoordinated, which ultimately damages the Legal Culture because the public loses confidence in the credibility of dispute-resolving institutions. The lack of synchronization among these various institutions proves that the Legal Substance (Election Law) is not supported by a structure capable of executing those rules coherently. This system needs to be reformed toward a one-roof judicial system model so that the integrity and legal certainty of elections can be maintained in accordance with the ideals of the rule of law.[52]

If viewed from comparison perspective, Mexico has the model of one door system in its electoral dispute, represented by the *Tribunal Electoral del Poder Judicial de la Federación* (TEPJF), stands as a global benchmark for an autonomous specialized electoral judiciary that operates with full constitutional authority to resolve every facet of election disputes within a single institutional roof. Under Articles 94 and 99 of the Mexican Constitution, this tribunal is granted the ultimate power to adjudicate not only the validity of presidential elections but also the protection of individual political-electoral rights, thereby preventing the fragmentation of justice that often plagues developing democracies. By centralizing these powers, Mexico effectively eliminates the risk of conflicting decisions between administrative bodies and judicial courts, ensuring that the

[51] Chairy Maghfirah Dasraf and others, "Eksistensi Badan Pengawas Pemilihan Umum Dalam Pelaksanaan Pemilihan Umum Di Indonesia Pada Tahun 2019 Dan 2024" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2024).
[52] kesuma Paksi Ibnu, "Strategi Badan Pengawas Pemilu Dalam Pencegahan Pelanggaran Politik Uang Pada Pemilu Melalui Kampung Pengawasan Partisipatif (Studi Pada Badan Pengawas Pemilu Kota Bandar Lampung)" (UIN Raden Intan Lampung, 2024).

democratic will of the people is protected by a bench of specialized experts who understand the nuances of political contestation. The TEPJF serves as a final arbiter whose decisions are unappealable, providing a level of legal certainty that is essential for maintaining social peace during highly polarized electoral cycles. Consequently, this specialized approach allows for a more holistic interpretation of electoral law, where procedural technicalities are balanced against the substantive protection of constitutional democracy. From a structural perspective, the Mexican system proves that a dedicated electoral court can bridge the gap between political reality and legal idealism, fostering a culture of trust in democratic institutions.

In a similar vein of integration, Brazil's model through the *Tribunal Superior Eleitoral* (TSE) presents a unique "one-door" architecture where the administration and adjudication of elections are fused into a single powerful entity. Governed by Articles 118 through 121 of the Brazilian Federal Constitution, the TSE is not merely a court but a comprehensive electoral authority that oversees everything from the logistics of electronic voting to the final certification of election results and the trial of electoral crimes. This fusion of powers creates an incredibly efficient ecosystem where the same body that designs the rules also interprets them in the context of disputes, thus minimizing the friction and "sectoral ego" found in fragmented systems like Indonesia's. The TSE is composed of justices from the Supreme Federal Court and the Superior Court of Justice, ensuring that the highest level of judicial expertise is applied directly to electoral matters with a focus on speed and finality. This model significantly reduces the possibility of "forum shopping" because all legal challenges—whether administrative, civil, or criminal in nature—converge into a single, specialized judicial hierarchy. By centralizing these functions, Brazil ensures that the electoral process is not delayed by jurisdictional overlaps, providing a robust framework for democratic stability in one of the world's largest democracies.

The German system provides a distinct perspective by utilizing a hybrid mechanism of parliamentary review and constitutional oversight, primarily anchored in Article 41 of the Basic Law (*Grundgesetz*). This model, known as *Wahlprüfung* or election scrutiny, initially empowers the *Bundestag* (Federal Parliament) to review its own election results through a dedicated committee, but it strictly subordinates this political process to the ultimate judicial authority of the Federal Constitutional Court (*Bundesverfassungsgericht*). The *Wahlprüfungsgesetz* (Law on the Scrutiny of Elections) outlines a streamlined procedure where any citizen or political party can appeal a parliamentary decision to the Constitutional Court, ensuring that the final word always rests with the judiciary. This dual-layered but integrated approach prevents the proliferation of competing agencies,

as all disputes regarding the validity of the election are funneled through this specific constitutional pipeline. Unlike fragmented systems, Germany maintains a high degree of legal predictability because there is no separate administrative or ethical tribunal that can issue conflicting rulings on the same electoral event. The system's success lies in its ability to combine democratic self-regulation with rigid constitutional control, creating a "one-stop" resolution process that is both legally sound and politically legitimate.

Thailand, on the other hand, utilizes a model of internal judicial specialization by establishing the *Election Cases Division* within its Supreme Court of Justice, as mandated by the 2017 Constitution. This approach differs from forming a separate court like Mexico's, but it achieves the same goal of centralization by ensuring that senior justices with specialized expertise handle all high-level electoral disputes. By dedicating a specific division of the highest court to electoral matters, Thailand ensures that the judicial process is adapted to the urgent timelines required by the electoral calendar, avoiding the lengthy delays typical of general civil or criminal proceedings. This specialization provides a clear legal pathway for the disqualification of candidates or the nullification of fraudulent results, with the Supreme Court acting as the final and absolute authority. This prevents the "fragmentation of justice" because the administrative findings of the Election Commission are subject to a single, specialized judicial review that cannot be challenged in other courts. From the viewpoint of legal system theory, Thailand's model reinforces the principle of hierarchy and finality, ensuring that the legal status of an election is determined swiftly and with full judicial authority. Both Germany and Thailand demonstrate that even within different constitutional traditions, the centralization of electoral justice is the preferred method for ensuring legal certainty and preventing institutional conflict.

Table 2. Comparison of Election Dispute Resolution: Indonesia, Mexico, Brazil Germany, and Thailand

Country	Primary Judicial Body	Legal Basis (Highest Level)	System Model	Finality of Decisions	Scope of Authority
Indonesia	MK, Bawaslu, DKPP, PTUN, MA	Art. 24C 1945 Constitution & Law 7/2017	Fragmented (Multi-Agency)	Final at each separate agency	Split: Ethics, Process, Results, Admin

Mexico	TEPJF (Tribunal Electoral)	Art. 99 Political Constitution of Mexico	Specialized (Autonomous Court)	Final & Unappealable	Full: Results, Process, Political Rights
Brazil	TSE (Tribunal Superior Eleitoral)	Art. 118-121 Brazilian Constitution	Integrated (Admin-Judicial)	Final & Binding	Full: Admin, Logistics, Results, Crimes
Germany	BVerfG (Fed. Constitutional Court)	Art. 41 Basic Law (*Grundgesetz*)	Centralized (One-Door Appeal)	Final Constitutional Ruling	Validity of Elections & Scrutiny
Thailand	Supreme Court (Election Division)	2017 Constitution of Thailand	Compartmentalized (Specialized Div.)	Final Supreme Court Order	Disqualification & High-Level Results

2. Urgency and Model of Reformulation of General Election Dispute Resolution in Indonesia

The urgency of the institutional reformulation of general election dispute resolution in Indonesia is rooted in the need to create harmonious synchronization between various institutions to prevent overlapping authority that is detrimental to justice seekers. In the perspective of constitutional law, the existence of currently fragmented institutions often triggers conflicting decisions that ultimately erode the dignity (marwah) of election law itself as a means of national integration. An ideal institutional structure must be able to provide a guarantee that every violation or dispute arising in every election stage can be resolved through a mechanism that is clear, rapid, and measurable.[53] Without a fundamental redesign, our election law system will remain trapped in a labyrinth of judicial bureaucracy that is exhausting and lowers the level of public trust in election results. This reformulation is not merely an administrative change, but a constitutional endeavor to ensure that the sovereignty of the people is not injured by procedural weaknesses in its law enforcement system. Clarity of institutional mandates becomes an absolute prerequisite for the creation of political stability and governmental legitimacy

[53] Rif'an Zidny Muhammad, "Kepastian Hukum Surat Keputusan Bersama Nomor 2 Tahun 2022 Mengenai Mekanisme Penanganan Netralitas Aparatur Sipil Negara Dalam Pemilu" (UIN KH Abdurrahman Wahid Pekalongan, 2025).

born from an honest and fair election process. Therefore, the restructuring of the election law architecture must be placed as a national priority agenda to strengthen the joints of the democratic rule of law in Indonesia.[54]

Legal certainty and justice are two sides of the same coin that cannot be separated in the organization of elections with integrity in accordance with the mandate of Article 22E of the 1945 Constitution of the Republic of Indonesia. Institutional reformulation aims to eliminate the ambiguity of legal interpretation that has frequently emerged due to the existence of "dualism" or even "multialism" of forums in deciding similar cases. Legal justice can only be felt by election participants and voters if there is certainty regarding which forum is authorized and what procedures must be pursued transparently. Theoretically, legal certainty will birth order, while justice will provide substantive satisfaction for the disputing parties so that potential horizontal conflict can be dampened early on. Through integrated institutions, the standardization of norms and decisions can be realized so that there is no longer room for uncertainty, which is often exploited by political actors for pragmatic interests. In the long term, this reformulation will form a consistent election jurisprudence and become a compass for election organizers in carrying out their duties without the shadow of legal doubt. The strengthening of this institutional aspect holistically will transform the face of our election law enforcement from one that is reactive to one that is more preventative and authoritative. Thus, the legal justice aspired to is no longer merely a slogan, but an objective reality that can be felt by all Indonesian people.[55]

The phenomenon of sectoral egoism among election law enforcement institutions in Indonesia has become the main obstacle in realizing complete procedural and substantive justice. Currently, authority scattered across Bawaslu, DKPP, PTUN, and the Constitutional Court often creates unhealthy institutional competition and mutual claims of authority in deciding a case.[56] This condition causes the chain of law enforcement to become extremely long and convoluted, which ultimately distances the essence of law as a means of effective conflict resolution. Each institution tends to defend its "ego" and

[54] imam Munandar, "Peranan Sentra Penegakan Hukum Di Kabupaten Purworejo Terhadap Pelanggaran Pidana Pemilihan Umum 2024 Berbasis Kepastian Hukum (Studi Kasus Putusan Pengadilan Negeri Purworejo Register Perkara Nomor 6/Pid. Sus/2024/Pn. Pwr Juncto Nomor 108/Pid. Sus/2024/Pt Smg)" (Universitas Islam Sultan Agung Semarang, 2025).

[55] Batara Abdullah Nasution and A R Zulkifli, "Penguatan Putusan Bawaslu Kabupaten/Kota Menjadi Final Dan Mengikat Dalam Sengketa Pemilihan Dengan Perspektif Kepastian Hukum," *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 22, no. 3 (2023): 440–52.

[56] S H Pardamean Harahap and others, *ARBITRASE PENYELESAIAN SENGKETA KONSUMEN FINAL MENGIKAT Jilid 2: Pelaksanaan Putusan Arbitrase Badan Penyelesaian Sengketa Konsumen Yang Bersifat Final Mengikat* (Goresan Pena, 2025).

respective legal perspective without integrative coordination within the grand framework of the election law system. This lack of synchronization results in justice seekers often being tossed around between various judicial doors without obtaining a final certainty that is comprehensively binding. If this sectoral ego is allowed to continue without firm reformulation, then the authority of election law enforcement will further degrade in the eyes of the international and domestic communities. This proves that institutional strengthening without a unification of vision and coordination will only birth a legal bureaucracy that is dysfunctional and counter-productive to the goals of democracy.[57]

Procedural and substantive justice become difficult to achieve when the legal system allows for conflicting decisions between one institution and another, triggering a vacuum or overlap of norms. This sectoral ego not only damages the legal structure but also damages the order of trust of election participants in the democratic process currently underway in the homeland. In this context, procedural justice is often neglected because parties must spend significant time and resources merely to determine which institution is most authorized to handle their case. Meanwhile, substantive justice is frequently sacrificed for the sake of rigid administrative formalities or to maintain the jurisdiction of a certain institution above the interests of broader justice. The further impact of this sectoral ego is the emergence of systemic legal uncertainty, where the rules of the game in elections can change or be interpreted differently by different institutions. Without cutting this inefficient chain of authority, our election law enforcement will remain trapped in an exhausting vicious circle of uncertainty. Therefore, eliminating sectoral ego through the unification of election judicial institutions becomes a crucial step to ensure that justice can be upheld without institutional bureaucratic obstacles. A one-door reformulation becomes a strategic solution to unite a law enforcement vision oriented toward material truth and the protection of citizens' constitutional rights in their entirety.[58]

Substantive justice in election dispute resolution emphasizes the achievement of genuine truth (*kebenaran hakiki*) and the protection of the people's voting rights, exceeding mere compliance with rigid administrative rules. Currently, the election law system in Indonesia is often trapped in the trap of legal formalism, resulting in the essence of justice

[57] Agus Saputra, "Revitalisasi Sistem Pemilu Noken Sebagai Bentuk Kepastian Hukum Pengakuan Hak Masyarakat Adat Papua Berdasarkan Asas Pemilu Berkeadilan" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).
[58] humayni Humayni, "Rekonstruksi Regulasi Penyelesaian Sengketa Pertanahan Di Peradilan Tata Usaha Negara Yang Berbasis Nilai Keadilan" (Universitas Islam Sultan Agung Semarang, 2024).

itself being difficult for justice seekers to feel. The overlapping division of authority among various different institutions results in decisions often being taken based solely on technical considerations without touching the root of the dispute problem. The concept of substantive justice demands that the final result of a judicial process reflects material truth capable of restoring legal rights that have been tangibly violated. However, institutional fragmentation creates a situation where one institution can rule in favor of a party while another institution issues a decision that is substantively contradictory. This lack of clarity indicates that our election law enforcement system is not yet fully capable of transforming legal norms into real justice for society. Without a unification of views regarding what constitutes substantive justice in elections, every decision will continue to be viewed as a mere political product rather than an authoritative legal product. Therefore, it is important to pull the direction of election law enforcement back to its main goal, namely maintaining the purity of the people's vote as the highest mandate in a democracy.[59]

Gustav Radbruch in his theory emphasizes the triad of legal objectives consisting of justice (*Gerechtigkeit*), legal certainty (*Rechtssicherheit*), and expediency (*Zweckmässigkeit*), which in Indonesian election practice often contradict one another.[60] Actual conditions show that the irregularity of our legal system makes these three objectives difficult to achieve simultaneously because the law tends to be convoluted and not focused on fair results. Substantive justice becomes impossible to achieve if legal certainty remains fragile due to the very strong sectoral egoism among various law enforcement institutions. The legal community seeking substantive justice often finds that the process they undergo provides no expediency whatsoever because the decisions cannot be executed or overlap.[61] In Radbruch's framework of thought, if a conflict occurs between certainty and justice, then justice must be prioritized; however, this is difficult to realize if the procedural system itself is flawed from the start. Election law reformulation must be directed to harmonize these three legal objectives so that a system is created that is not only formally certain but also materially fair. The main challenge currently is to overhaul provisions in the Indonesian legal system that tend to be fragmentative to become simpler

[59] hansen Fransiscus Simamora, "Formulasi Regulasi Kewenangan Kepolisian Dalam Melakukan Penyelesaiaan Tindak Pidana Melalui Mekanisme Restoratif Justice (Studi Kasus Di Polres Pandegelang)" (Universitas Islam Sultan Agung Semarang, 2025).
[60] Andrianto Budi Santoso, "Rekonstruksi Regulasi Kewenangan Penyidik Pegawai Negeri Sipil Tertentu Dalam Penyidikan Tindak Pidana Bea Cukai Berbasis Keadilan Pancasila" (Universitas Islam Sultan Agung, 2023).
[61] Indah Nur Shanty Saleh et al., *Buku Referensi Sistem Peradilan Di Indonesia: Proses, Hak, Dan Keadilan* (PT. Sonpedia Publishing Indonesia, 2024).

and focused on achieving justice for all parties. Thus, the legal ideal to present order and welfare through fair elections can be realized in actual state practice.

The reformulation of election law in Indonesia, particularly regarding the dispute resolution system, can be validly pursued through the mechanism of amending the Election Law based on an agreement between the House of Representatives (DPR) and the President. Constitutionally, Article 20 paragraph (2) of the 1945 Constitution of the Republic of Indonesia provides very strong legitimacy for these two institutions to conduct changes to legal norms deemed no longer relevant or hindering justice. As a positive legislator, the DPR and the President possess attributive authority to reformulate the architecture of election justice to respond to the dynamics of the legal needs of society desiring efficiency.[62] This political consensus is crucial so that the changes made possess strong sociological and juridical legitimacy to be accepted by all elements of the nation. Through the amendment of the law, the structure of institutions such as Bawaslu can be reviewed regarding their functions to focus more on pure supervision rather than exercising adjudication functions that often overlap.[63] This inclusive legislative process also allows for synchronization between various regulations that have thus far collided and created uncertainty. By utilizing authority based on Article 20 paragraph (2) of the 1945 Constitution, the state can ensure that this reformulation proceeds within a constitutional corridor that is orderly and transparent. This step is the most appropriate constitutional path compared to pursuing efforts that are extraordinary and risky to national legal stability.[64]

The most ideal reformulation model in our legal system is the formation of a special election court that is one-door in nature and arranged in a tiered manner to guarantee comprehensive justice.[65] The formation of this court aims to centralize all election process disputes into a single judicial vessel so that there is no longer a dichotomy between supervisory institutions and judicial institutions. This tiered structure is very important because it allows for a legal remedy or appellate mechanism for justice seekers who feel they have not obtained justice at the first instance. Through this model, procedural justice can be guaranteed through a uniform procedural law, while substantive justice can be pursued through a deeper and more professional examination of cases. Thus far, many

[62] H Iwan Rasiwan and M H SH, *Dinamika Sistem Peradilan Pidana Indonesia* (Grafindo Publisher, 2025).
[63] menuju Peradilan Pemilihan Umum Yang Berkeadilan And Dodi Afriyanto, "Kewenangan Quasi Peradilan Oleh Badan Pengawas Pemilihan Umum," n.d.
[64] M Syahdega Pitra And Others, "Problematika Pembentukan Undang-Undang Di Indonesia (Studi Gagasan Hak Veto Oleh Presiden Dalam Pembentukan Undang-Undang)," 2018.
[65] Dedi Candra, "Pelaksanaan Fungsi Legislasi Dewan Perwakilan Daerah Republik Indonesia Berdasarkan UUD 1945 Dan UU No. 27 Tahun 2009," 2012.

decisions of institutions like Bawaslu or DKPP are final and binding yet often trigger a sense of injustice due to the absence of a door for re-examination. With the existence of an integrated special judiciary, the entire dispute resolution process will become more transparent, accountable, and possess a higher standard of proof. This concept will also minimize the potential for political intervention because the process is conducted entirely within the realm of independent judicial power. Therefore, the special election court is the answer to the community's longing for an election law enforcement system that is fair, fast, and professional.[66]

Critique regarding the nature of Bawaslu RI and DKPP decisions being final and binding is based on the argument that every citizen is entitled to legal remedies in fighting for their rights. In the perspective of constitutional law, the denial of legal remedies is often considered a form of disregarding the principle of complete justice because it does not provide room for correction of potential errors by judges or organizers. When the concept of a special election court is opened with a tiered system, then every oversight in decision-making at the first instance can be corrected through a measurable appellate mechanism. This will automatically improve the quality of decisions because every judge will be more careful in considering legal facts and evidence presented. Substantive justice can only be achieved if its procedural justice provides sufficient room for parties to conduct a defense to the maximum extent through various judicial levels. The integration of this one-door system will also eliminate the confusion of election participants in finding the appropriate judicial forum when they feel aggrieved in the election process. Additionally, the specialization of judges in this special court will guarantee that every case is handled by experts who truly understand the intricacies of election law deeply. Thus, the special election court becomes a fundamental solution in presenting a judicial system that not only possesses legal certainty but also truly serves justice.[67]

It is important to emphasize that the formation of the special election court will not take over the constitutional authority of the Constitutional Court in resolving general election result disputes.[68] The Constitutional Court (MK) remains holding the main

[66] Andy Wiyanto, "Kekuasaan Membentuk Undang-Undang Dalam Sistem Pemerintahan Presidensial Setelah Perubahan Undang-Undang Dasar 1945," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 6, no. 2 (2016): 131–48.
[67] Muhammad Maksum and others, "Implementasi Kewenangan Mahkamah Konstitusi Dalam Menyelesaikan Sengketa Hasil Pilkada" (Jakarta: Fakultas Syariah dan Hukum UIN Syarif Hidayatullah, 2017).
[68] Made Subawa et al., *Dinamika Filsafat Ilmu Hukum Pancasila: Ontologi Dan Aksiologis Sumber Dari Segala Sumber Hukum Di Indonesia*.

mandate in accordance with Article 24C paragraph (1) of the 1945 Constitution which reads: "The Constitutional Court possesses the authority to adjudicate at the first and final level, the decision of which is final, to decide disputes concerning the results of general elections." With this division, the special court will only handle process disputes occurring while stages are in progress, so that the MK's burden is not too heavy and it can focus more on the substance of the final result of the people's vote. This model creates a clear division of tasks between administrative/process disputes in the special court and results disputes in the Constitutional Court in accordance with our original constitutional design. This also proves that the idea of this reformulation is fully in line with the spirit of the 1945 Constitution and does not require a constitutional change or amendment that risks creating political instability. This separation of authority precisely strengthens the system of checks and balances between various judicial institutions to prevent excessive centralization of power in one institution. Thus, this legal architecture continues to respect the sovereignty of the MK while providing a solution for the deadlock of process dispute resolution at the lower level.[69]

The addition of the Supreme Court's authority as the court of cassation for the special election court is a logical consequence consistent with the constitutional mandate in Article 24A paragraph (1) of the 1945 Constitution. That article affirms that the Supreme Court has the authority to adjudicate at the cassation level and possesses other authorities granted by law, including in this case adjudicating election disputes at the highest level. Although in implementation this election court will be under the auspices of the State Administrative (TUN) chamber in accordance with Article 24 paragraph (2) of the 1945 Constitution, its existence will provide far better legal certainty. The concept of the "One Door System" will unify all process dispute jurisdictions previously scattered across Bawaslu, PTUN, and PTTUN into one integrated system. This not only cuts bureaucracy but also guarantees the unity of legal interpretation controlled directly by the Supreme Court as the peak of judicial power. Thus, the establishment of the election court under the MA is not an obstacle, but a great leap in the restructuring of our judicial system which has thus far been fragmentative. This strengthening of the MA's role will ensure that every election dispute is resolved by an institution possessing integrity and independence guaranteed by the constitution.[70]

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[69] Ridwan Syaidi Tarigan S H MH, *Kewenangan Penyelesaian Perselisihan Pemilihan Kepala Daerah Serentak* (Historie Media, 2024).
[70] Utama, "Kewenangan Mahkamah Konstitusi Dalam Mengadili Sengketa Proses Pemilihan Presiden 2024 Di Tinjau Dari Aspek Kepastian Hukum."

The fundamental consequence of the application of this one-door system is the removal of adjudication authority from Bawaslu RI, PTUN, and PTTUN in adjudicating general election process disputes partially. Bawaslu can subsequently be returned to its original function as a supervisory institution focusing on prevention and enforcement of violations in the field without having to concurrently serve as a "judge" deciding disputes. This will eliminate conflicts of interest and clarify the dividing line between the party supervising and the party adjudicating in a democratic process. The removal of PTUN and PTTUN authority in election disputes aims to avoid duplication of processes and ensure that election disputes are handled specially by judges possessing specific competence in the field of elections. This reformulation becomes a concrete solution in presenting substantive justice because justice seekers no longer have to circle from one institution to another to obtain legal certainty. Procedural justice will also be easier to achieve because there is only one standard of procedural law applicable to all process disputes throughout Indonesia. Ultimately, this one-roof model will increase the dignity of election justice and guarantee that every dispute can be resolved as fairly as possible to maintain the integrity of future general elections.[71]

CONCLUSION

The actual condition of election law enforcement in Indonesia is currently trapped in a systemic crisis of legal certainty due to highly complex institutional fragmentation that tends to be destructive toward citizens' political rights. The handling of disputes, which is fractured into five different avenues covering the Constitutional Court, Bawaslu, DKPP, PTUN, and the Supreme Court, has birthed the phenomenon of sectoral egoism and "institutional obesity" that hinders the achievement of the triad of legal objectives according to Gustav Radbruch, namely justice, certainty, and expediency. This bloated yet uncoordinated legal structure triggers the occurrence of forum shopping by election participants as well as the emergence of conflicting decisions, which theoretically damages the community's legal culture and delegitimizes the integrity of democratic results. The lack of synchronization between the differing procedural laws in each institution results in procedural justice being neglected, such that the conflict resolution process becomes convoluted, resource-inefficient, and fails to provide thorough legal protection for justice seekers.

[71] Aeni Nur, "Kontradiksi Putusan Mahkamah Konstitusi Dan Mahkamah Agung Tentang Mekanisme Penetapan Perolehan Suara Pemilihan Presiden Tahun 2019 (Studi Atas Putusan Mahkamah Konstitusi Nomor 39/PUU-XVII/2019 Dan Putusan Mahkamah Agung Nomor 44 P/HUM/2019)" (IAIN Purwokerto, 2021).

This research offers a novelty in the form of a one-door election dispute resolution reformulation model integrated under the judicial power of the Supreme Court, adopting the efficiency of the Wahlprüfung system in Germany, and Thiland, Brazil, also Mexico, without requiring an amendment to the 1945 Constitution of the Republic of Indonesia. The main findings of this research assert that the strengthening of substantive justice can be achieved by establishing a tiered special election court to decide process disputes, while the Constitutional Court retains sole authority over results disputes in accordance with the mandate of Article 24C paragraph (1). This reformulation demands the amendment of the Election Law through a consensus between the House of Representatives (DPR) and the President as positive legislators to remove the adjudication authority of Bawaslu, PTUN, and PTTUN, thereby creating a standardization of procedural law that is singular and certain. This one-roof model becomes the fundamental solution to eliminate institutional sectoral egoism, guarantee the right of appeal for justice seekers, and ensure that every election dispute is resolved professionally, rapidly, and with legal certainty to maintain the dignity of constitutional democracy in Indonesia.

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