

DESIGN OF SPECIAL JUSTICE AGENCY ELECTION CHAIN IN INDONESIA

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ABSTRACT : Past-approval of government regulation in lieu of Law No.1 of 2014 concerning the election of governor, regent, and mayor (hereinafter called local election), In accordance with the decision of the Constitutional Court Number 97 / PUU-XI / 2013, the Constitutional Court is no longer authorized to resolve disputes on direct election results, because the provisions of Article 236C of Law Number 12 Year 2008 NRI are against the Constitution of 1945. Article 157 paragraph (1) Law No. 8 Year 2015 determines that the dispute settlement on direct election results become the authority of specialized judiciary. But before a specialized judiciary is formed, then the Constitutional Court is authorized to resolve disputes on direct election results. The authority of the Constitutional Court is the constitutional authority to fulfill temporary legal vacuum (*rechtvakum*). Therefore legislators should immediately establish a specialized judiciary which has the authority to resolve the disputes on direct election results.

There is a new design in election mechanisms of regional hand. The law *a quo* stated that elections be held simultaneously at the national level. This design would require regulatory support, such as the establishment of as special court, solve any disputes that arise from the election. The problems emerge in this study is how the urgency of special court, how it compares to special court on election matters in various countries and how the relevance of the comparison can be applied in Indonesia. This was conducted using a legal-normative research. The research conclude unable to meet the demands for justice, for example, the court's decision are settled after the elections conducted and thick-layers on legal remedies so it is counterproductive to the election that have limited period of time. These legal remedies are even separated in several judicatures. Various countries have also established a special court on local elections with a variety of institutional design and procedural law. For Indonesia, the special court is *ad hoc* court, based on provincial and district or city and authorized to settle disputes concerning the local elections.

Keywords : special court, local election for regional leaders, simultaneous election

INTRODUCTION

History of the implementation of Regional Head Election (*Pilkada*) in Indonesia has been through a long journey. Provisions on Regional Head Election are regulated in a number of Regional Government Laws, starting Law no. 1 of 1945 Concerning Regulation Regarding

Position of National Committee of the Region, Law no. 22 of 1948 On the Stipulation of the Main Rules Concerning Self-Governance in Areas Eligible to Arrange And Manage Their Own Duties, Law no. 1 of 1957 on the Principles of Regional Government, Law no. 18 of 1965 on the Principles of Regional Government, Law no. 5 of 1974 on the Principles of Governance in the Region.

Pilkada mechanism at the time of the enactment of the Law Regional House of Representatives (DPRD) proposes the names of candidates for regional head, then the President who will elect candidates for regional head. But after the reformation, there has been a very fundamental change in the system of local governance, was born Law no. 22 of 1999 on Regional Governance, the elections were elected by the DPRD (indirect democracy) with the affirmation of a strong decentralization principle.

However, the urgency of the reform agenda for the strengthening of democracy in the field of political recruitment desires the realization of direct Elections (Direct Democracy). The realization of this reform agenda, starting at the level of central government where on November 9, 2001, the third amendment, in Article 6A paragraph (1) accommodate it by entering the norm of direct Presidential election, and Article 22E paragraph (1) and (2) Members of DPR, DPD and DPRD directly, then was born Law no. 23 of 2003 on General Election of President and Vice President and Law Number 12 Year 2003 regarding General Election of Members of the People's Legislative Assembly, Regional Representatives Council, and Regional People's Representative Council directly.

The success of the 2004 General Election that encourages the implementation of direct democracy can also be realized at the local government level, as it is considered in line with the regional autonomy already accommodated in Article 18 of the 1945 Constitution. On that consideration and as a correction to various weaknesses of electoral practice regulated in Law no. 22 of 1999 on Regional Government, then on September 29, 2004 the House of Representatives has approved the Bill on Regional Government as a substitute of Law Number 22 Year 1999 which in the future the rest of his office, legalized Law no. 32 of 2004 on Regional Government on 15 October 2004 by President Megawati Soekarno Putri. One of the materials contained in the law is the regulation on elections. Based on Law Number 32 Year 2004, the Provincial KPUD, Regency / City has been given the authority as the direct election organizer.

Since the Regional Head Election has not yet been included in the General Election regime, the dispute resolution of regional head elections shall be conducted by the Supreme Court as regulated in Article 108 of Law Number 4 Year 1999. 32 of 2004 on Regional Government.

On the journey, the dispute over the election results in the Supreme Court much adds to the increasingly complex problem, due to the protracted settlement period, the content of the controversial decision and the distrust of the public on the ability of the Supreme Court to resolve election dispute by way of practicing the justice system Clean, fast, and cheap. The large number of election dispute resolution issues in the Supreme Court raises the desire to include elections as electoral regimes so that the consequence is that the resolution of election disputes is resolved in the Constitutional Court.

Finally, lawmakers included elections in the election regime by making a second amendment to Law no. 32 of 2004 by forming Law no. 12 of 2008 which in article 236C states that the settlement of disputes Pilkada resolved in the Constitutional Court.

The inclusion of elections in the election regime becomes the General Election of Regional Head (Pemilukada) by Law no. 22 of 2007¹ on the Implementation of General Elections is clearly contradictory to Article 22E Paragraph (2) of the 1945 Constitution which explicitly states that the elections are held to elect members of DPR, DPD, President and Vice President and DPRD.

The consequence of the inclusion of elections into the election regime by Law No. 22 of 2007 is the delegation of authority over disputes concerning the election results of the Supreme Court (cq High Court) to the Constitutional Court. The transfer of authority then forced the Constitutional Court to share the focus between the authority granted by the 1945 Constitution, especially the examination of the Law, with the tight deadline for disputes election disputes regulated in Law no. 24 of 2003 on article 78 letter (a) ie no later than 14 (fourteen) working days from the date of application recorded in the Constitutional Case Registration Book.

Initially, the Constitutional Court only handles the election disputes of the President and DPR, DPD and DPRD for 5 (five) years, since the delegation of authority over the settlement of disputes concerning the election result, currently the Constitutional Court focus becomes sidetracked by the handling of dispute resolution elections regularly . In addition, other problems resulting from the delegation of this authority are the final and binding decision of the Constitutional Court (the first and final attempt) in the settlement of disputes concerning election results. This means that after the Constitutional Court decided no more other efforts that can be taken².

The number of lawsuits that enter, the narrow time of the administration (14 days), and the nature of the final and binding decision is what makes the Constitutional Court considered will not be maximized and carefully examined cases of election disputes, and became a gap utilized by certain elements to play to ambitious regional head To be able to win at the Constitutional Court, because that would be his first and last attempt in seeking justice.

Finally, in December 2013, a group of people on behalf of the Law and Constitutional Studies Forum (FKHK), Law Student Movement Jakarta (GMHJ), Student Executive Board of Esa Unggul University of Law (BEM FH UEU) filed a judicial review on the authority of the Constitutional Court in handling the settlement of disputes Pilkada with case number 97 / PUU-XI / 2013 and on May 19, 2014 the Constitutional Court granted the petition.

After the decision of the Constitutional Court No. 97 / PUU-XI / 2013, then the design of the completion of the results of regional head elections entered a new phase. Decision No. 97 / PUU-IX / 2013 which examined Article 236C of Law no. 12 of 2008 on the Second Amendment to Law no. 32 of 2004 on Regional Government and Article 29 paragraph (1) of Law no. 48 of 2009 on Judicial Power, the Constitutional Court has declared that the two articles governing the authority of the Constitutional Court in resolving disputes over the Constitutional Elections are contrary to the Constitution and therefore have no binding legal force. However, in the second point of the verdict, the Constitutional Court has stated that it is still authorized to hear the dispute over regional election as long as there is no law regulating

1 Year 2011 Act no. 22 of 2007 on the Implementation of General Elections has been amended by Law no. 15 of 2011 on the Implementation of General Elections

2 Of the 1945 Constitution, only regulates the obligations and authorities of the Constitutional Court into four powers and obligations. However, while the authority of the Constitutional Court is given the authority to decide the general election of regional head. Some laws and regulations governing this authority are provided in accordance with article 106 paragraphs (1) and (2) of Law no. 32 of 2004.

the matter³.

Then the polemic of the election occurred again when the Government proposed the Election Bill that wanted election election by Parliament, and then passed by the House of Representatives into Law no. 22 of 2014 on Pilkada, but not long after the President issued the Presidential Regulation in Lieu of Law (Perppu) no. 1 of 2015 on the Regional Head Election which revoked Law no. 22 of 2014 and return the Pilkada from Representative mechanism in DPRD to be elected directly.

Arrangement of dispute resolution results in Perppu No. 1 of 2014 transferred back to the Supreme Court. In Article 157 paragraph (1) the dispute settlement of election result is said that:

"In the event of a dispute over the determination of the election vote result, the election participant may apply for the cancellation of the result of vote counting by the Provincial KPU and Regency / Municipal KPU to the High Court appointed by the Supreme Court."

However, the enactment of the Perppu was not long after the House of Representatives convened the legislation to become Law no. 1 of 2015 on Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 About Election of Governor, Regent, And Mayor Become Law, Parliament immediately make limited revision to Law no. 8 of 2015 On Amendment To Law Number 1 of 2015 On Stipulation of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors Became Act. Limited revisions include changing the resolution of disputes over the results of regional head elections from the Supreme Court, again handed back to the Constitutional Court, until the establishment of a special judicial body to resolve the dispute over the results of regional head elections.

In Article 157 paragraph (1) of Law no. 8 of 2015 On Amendment To Law Number 1 Year 2015 Concerning Stipulation of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors Becoming Laws, says that: "Election disputes cases are reviewed and tried by a special judicial body."

While the establishment of the special judicial body referred to in paragraph (2) says that: "The special judicial body as referred to in paragraph (1) shall be established prior to the implementation of the national Selection."

Thus, as long as a special judicial body has not yet been established, the authority to settle the dispute over the results of the regional head election as stipulated in paragraph (3) : "The case of dispute over vote acquisition of the Electoral result is examined and tried by the Constitutional Court until the establishment of a special judicial body."

So that the process of dispute resolution result of local election is still handled by the Constitutional Court, until the establishment of a special judicial body that is expected to be formed before the implementation of regional head election simultaneously held nationally as mandated in Law no. 8 of 2015 article 201 paragraph (7) which says: "A national unanimous

3 The most prominent finding related to the Constitutional Court is the first, in relation to the constitutionality of the local election law regime, whether the electoral law regime or the local government legal regime, which has implications for the election dispute settlement institution. Secondly, the priority of formal aspect in deciding the dispute over elections results 2015. And thirdly, the various decisions of the Constitutional Court in deciding the articles in the Election Law which became the basis of the implementation of elections simultaneously.

vote in the election of Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor throughout the territory of the Unitary State of the Republic of Indonesia shall be held on the same date and month in 2027."

The establishment of a special judicial body becomes interesting to be investigated by the authors, related to the matter of the design of the judiciary as well as the harmonization of regulations with election organizers and election supervisors as well as the judiciary under the authority of the Law no. 48 of 2009 on Judicial Power.

Therefore, the authors plan to raise the title of research "Special Court of Justice for Dispute Resolution of Election Results of Regional Head (Constitutional Review Article 157 paragraph (1) Law No. 8 of 2015 on Amendment to Law Number 1 of 2015 About Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors Become Act).

Based on literature search conducted by writer in several universities, internet, have not found any research that raised the problem about the matter of special justice of dispute settlement result of regional head election.

The establishment of a special judicial body to resolve the results of the election of new regional heads is raised in Law no. 8 of 2015 which recently passed its enactment⁴.

DISCUSSION

Legislation is a part or substance of the legal system, therefore discussing the politics of legislation in essence cannot be separated from discussing about legal politics. The terms political or legal politics of legislation are based on the principle that laws or legislation are part of a political one.

How to interpret the term politics of legislation as simple as a policy regarding the determination of ISIS or object formation of legislation. While the formulation of legislation itself is defined as the act of giving birth to a legislation⁵.

Abdul Wahid Maru defines the politics of legislation as a which is translated as an act of government or the State in the form of a consortium from the planning stage up to its enforcement⁶.

In the 2015 direct elections, the implementation of Article 158 of the Election Law leaves an important task for lawmakers to respond to the legal challenge of creating electoral justice in direct elections in order to be able to produce a strongly legitimate local head because it is a pilkada court product with integrity.

According to the interpretation of the Constitutional Court, Article 158 is one article which is an open legal policy in the regulation of regional head election. The a quo Article is submitted 3 times to the Constitutional Court, 2 times declared unacceptable and 1 time declared rejected

4 Although pilkada has been successfully held simultaneously but the implementation, leaving many issues that must be answered by the Election Law as the main regulation that ensures the realization of a pilkada system that integrity and justice in accordance with the principles of the rule of law. Several problems arising during the election process have not been fully addressed, for example: (1) the existence of candidate pairs established as suspects of corruption and election of corruption suspects, (2) SARA campaign material and use of government programs to mobilize support, (3) neglect (4) the neutrality of civil servants / government officials including employee mutations that are not in line with The Petahana, (5) the integrity of election supervisors, and so on. While in the aspect of law enforcement pilkada, done partially and not accessible to elektoral justice.

5 Ibid, hlm 2

6 Abdul wahid maru, politik hukum dan perundang-undangan, makalah, Jakarta, 2004

by the Constitutional Court. Decision Number 73 / PUU-XIII / 2015 is declared unacceptable, and its legal considerations are *mutatis mutandis* with Decision Number 51 / PUU-XIII / 2015, and Decision Number 26 / PUU-XIII / 2015 is declared unacceptable due to libel / obscure libel.

The legal opinion of the Constitutional Court stipulates that the limitation imposed by the legislators does not necessarily be said to be contrary to the Constitution. The restrictions made by *de wetgever* in the *a quo* Article according to the Constitutional Court are logical and legally acceptable to measure the significance of the votes of candidates⁷.

Article 158 of the Regional Head Election Law should be revised because it has become the legal reason for the non-acceptance of the majority of the Electoral Outcome Dispute (PHP) petition in the Constitutional Court. The maximum threshold / maximum difference between the Petitioners and the winners of the majority of votes accepted by the principal, categorized by population (from 0.5-2%) has left the value of justice in electoral justice in the dispute over election results. This Article leads to a loss of opportunity to prosecute fraud / crime in counting / recapitulating election results.

Moreover, Article *a quo* is further elaborated through Article 6 of PMK 1 & 5 of the year 2015 on the Guidelines for Proceedings in the Dispute on the Results of the Elections of Governors, Regents and Mayors, which further diminishes the opportunity for further applications to examine the principal issue of the case. Implementation of the *a quo* article in PMK has caused misconception of the correct paradigm of voice / threshold. Many parties mistakenly interpret the provision of vote difference in Article 158, by instantly reducing the number of votes of the applicant with the majority vote winner. One of them as happened in the trial of PHP Kab Lebong, Bengkulu, which found the difference of 4% and different votes with the result of the count of votes of the judges panel 3 Constitutional Court⁸.

Discussing the constitutionality of the special justice of dispute settlement result of election of regional head, is measuring the authority of special judicial institution of dispute settlement result of election of regional head given by law to settle dispute result of regional head election to constitution. As well as the position of the special judicial body in the judicial system in Indonesia as well as its synergy with the organizers and election supervisors such as KPU, Provincial KPU, Regency / Municipal KPU, Bawaslu DKPP⁹.

Through the decision of the Constitutional Court during the leadership period of Jimly Asshiddiqe *a quo*, it can be concluded that direct election is an open legal policy (opened legal policy). Although there is no editorial view that direct elections are an open legal policy, the decisions and arguments of the verdict as set out meet the characteristics of an open legal policy that gives the legislators the opportunity to choose their arrangements. The Court has provided *wetgever* with the choice of whether elections are part of the electoral law regime as

7 Putusan Nomor 51/PUU-XIII/2015 Mahkamah Konstitusi

8 Quoted from: pilkada-serentak-2015.liputan6.com/read/2406864/ini-formulasi-mk-hitung-selisih-suara-untuk-sengketa-pilkada, On Friday, February 19, 2016,

9 In the Indonesian constitutional system, based on the legal opinion of the Constitutional Court in the judgment of 072-073 / PUU-II / 2004 on March 22, 2005, on the constitutionality of Article 106 paragraph (1) - (7) of the Regional Government Law, the legislator can ascertain That the direct Regional Head Election is an extension of the definition of the election as referred to in Article 22E of the 1945 Constitution. With the ruling, the dispute over the election result of the regional head shall be the authority of the Constitutional Court. However, the legislator can also decide otherwise that the direct election is not an election in the formal sense mentioned in Article 22E of the 1945 Constitution so that the authority of the court is at the Supreme Court (Decision Number 072-073 / PUU-II / 2004 of the Constitutional Court).

an extension of Article 22E of the 1945 Constitution or the direct election of part of the local government legal regime. In 2013, in a different leadership period, Hamdan Zoelva, the Constitutional Court then stated explicitly that the Pilkada is not an election law regime based on Decision No. 97 / PUU-XI / 2013. The Constitutional Court affirmed that the delegation of regulatory authority concerning the Constitutional Court through the Law is limited to the appointment and dismissal of Constitutional Justices, procedural law and other provisions concerning the Constitutional Court. "Other provisions" are interpreted by the Constitutional Court as authority over the organization or other matters related to the implementation of the functions and authorities of the Constitutional Court.¹⁶ Not to add new authority, such as a court of dispute over election disputes.

In the Decision 97 / PUU-XI / 2013, the Constitutional Court stipulates that the meaning of the general election in Article 22E of the 1945 Constitution has four principles: (a) general elections made directly, publicly, freely, secretly, honestly and fairly every five years. (B) elections are held to elect members of DPR, DPD, President and Vice President, and DPRD. (C) election participants to elect members of DPR and DPRD are political parties and general election for DPD is individual. And, (d) elections are organized by a national, permanent and independent electoral commission¹⁰.

Thus, the general election referred to by the Constitution is the election held once in 5 years to elect members of DPR, DPD, President and Vice President, and DPRD. Observed from the meaning of the text, the original will, the comprehensive grammatical meaning of the Constitution, the general election as intended in Article 22E shall be interpreted as limitative. If entering the election of regional heads into the general election regime and dispute authority the results are in the Constitutional Court, not only does not match the real meaning of the election. But also many times, because the election of regional heads is very much done in 5 years¹¹.

The Constitutional Court on Decision 97 / PUU-XI / 2013 a quo, decides that the expansion of the meaning of elections provided for in Article 22E of the 1945 Constitution is unconstitutional. And stated in order to fill the void of law the Court takes over this authority until there is an agency or body to handle disputes election results of regional heads. From this consideration, it can be concluded that currently the direct election of regional heads is not the election law regime as regulated in Article 22E of the Constitution, but part of the local government legal regime as regulated in Article 18 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia 1945. The consequences of this decision, the occurrence of the vacuum of Power concerning the institutions authorized to adjudicate electoral disputes. However, the Constitutional Court in its decision to take the initiative to accommodate the dispute over the results of Regional Head Election until there is an institution authorized to hear.

During that time, President Susilo Bambang Yudhoyono issued Perppu 1/2014 on the Election of Governors, Regents and Mayors who authorized the Court of Appeal to resolve the dispute over the results of elections by appeal as the final legal remedy in the Supreme Court. The Perppu was subsequently enacted into Law 1/2015, then amended to Law 8/2015 with the mandate of the formation of a special court of justice and the authority to adjudicate the dispute on the results given back to the Constitutional Court in the transitional period until the special election court for 2027 simultaneous elections was held.

10 Putusan Nomor 97/PUU-XI/2013 Mahkamah Konstitusi

11 Putusan Nomor 97/PUU-XI/2013 Mahkamah Konstitusi.

The review of the constitution and its subordinate legislation, affirms that a special election court should be established under the judicial authority held by the Supreme Court. The interpretation of the Constitutional Court which narrows its authority has erased the legal loophole, the dispute over the results of the election by the Constitutional Court. MA, with a series of problematics that handcuffed from corruption cases, long and slow cases of handling of cases, and piles of cases that continue to multiply from year to year, doubt to be able to accommodate disputes election results simultaneously which must be terminated in a short time without overriding electoral justice. The Law on Regional Election has mandated the establishment of a special election court to resolve the dispute over the results of the Pilkada simultaneously. Based on Article 24 paragraph (2) of the Judicial Authority Constitution is the Supreme Court under the jurisdiction under it namely the general court environment, religious courts, the military court environment, the administrative court of the state, and by the Constitutional Court as a constitutional court that is limitative duties And its authority is determined by the constitution.

Based on the legal opinion of the Constitutional Court, which has determined the election of regional heads is not part of the election legal regime causing the change of institutions authorized to resolve election disputes in Indonesia. Constitutional Court is no longer authorized to adjudicate electoral dispute. But the legislator mandated the settlement of the dispute over the results of the elections by the Constitutional Court until a special election court in the Pilkada Serentak Nasional 2027 was formed. Article 1 paragraph (8) of the Judicial Power Law explains that the establishment of a special court can only be conducted within one of the courts of the judiciary in the Supreme Court. Therefore, the formation of special election courts should be determined as early as possible by the DPR and the President whether to be placed in the general judicial or administrative court environment of the state. At this time, the court of competent jurisdiction over election disputes other than the Constitutional Court is a PN with an appeal in the PT as the last legal remedy for electoral crime. PT-TUN and appeal in the Supreme Court as the final legal remedy for state administrative disputes. The legislator must determine whether a special election court will be held in each of the High Courts or under the jurisdiction of the Supreme Court.

The complexity of the electoral justice demands the legislators to immediately design the pilkada judicial design as soon as possible. If it is not possible to revise the current Pilkada Law, the goal of election law drafting can be done immediately, because if it waits until 2027, many aspirations of justice are delayed. Based on the constitutional argument above, we have to look at the lessons learned from the pilkada judicial practice simultaneously in phase I, this report encourages that the pilkada future judicial design is an integrated and one-stop court, namely the Supreme Court, with the authority to adjudicate criminal election, Administration, and result dispute. As for ethical violations held by DKPP, it can still be maintained with limiting and extensible rules of authority that all products of DKPP decisions are binding for follow-up. All the work of electoral justice products including DKPP must be integrated in a cycle that moves in a linear and mutually influential manner before the determination of the results is issued by the KPU.

CONCLUSION

First, referring to the research question as stated above, this study shows that the electoral justice system as in Law 8/2015 on Pilkada has not been conducive to the realization of elections with integrity and has not supported the fulfillment of electoral justice. This study shows that there is not yet conducive election judicial system with a number of indicators, namely:

1. Maximum vote threshold for acceptance of the election complaint lawsuit petition to the Constitutional Court does not create justice of electoral justice in the design of the dispute resolution of the results of the elections simultaneously. Maximum vote threshold / categorized according to the number of population of each region, covering the possibility of receipt of the dispute on the result of Regional Head Election to the Constitutional Court.
2. The existence of a Constitutional Court Regulation that interprets and implements article 158 in its PMK, makes it clear that the formulation of the articles on the Regional Head Election Law must contain legal certainty. Article 158, has given the Constitutional Court the opportunity to interpret it based on its legal considerations is different from the "difference of voice" paradigm intended by the legislators.
3. The Constitutional Court in resolving the elections in 2015 has been guided by rigid / rigid procedural law. Ignoring aspects of substantive justice, including by not making the facts of structured, systematic, and massive violations (TSM) as a variable in examining cases.
4. A segmented segregation of regional disputes has led to legal uncertainty. Moreover, there is no clear deadline in handling various reports of election fraud or administrative dispute to PT-TUN. Reports of violations are ultimately split and prosecuted under the authority of the institution. Thus, there is no deepening of the report to seek material truth thoroughly / comprehensively.

Secondly, from the first round of electoral studies in the first round of 2015, the segmented regional judicial design has distanced access to electoral justice and is incompatible with democracy in Indonesia. The unfairness of electoral justice practices for various types of lawsuits: criminal, administrative, ethical, and result dispute have made the practice of election trials as a useless democratic routine. Impunity of election criminal offenses that should be a variable of electoral justice failed to contribute to strengthening the quality of elections. In the future, an integrated pilkada judicial design in one vessel in the Supreme Court needs to be designed to ensure the integrity of justice.

Third, the number of norms testing of Pilkada Law indicates that the quality of Law on Regional Election does not fulfill the aspirations of all parties and is composed of political interests. Therefore, the momentum of the revision of the Regional Head Election Law should be an opportunity to improve all norms that are deemed to be inconsistent with the Constitution of the Republic of Indonesia and contain the contestation of citizens' constitutional rights. This study convinces the legislators to comply with the constitution by becoming judicial review decisions on the Regional Election Law as a reference in the revision of the Act.

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