The Urgency of Establishing an Electoral Judicial Institution as an Effort to Strengthen the Electoral System in Indonesia

Made Widyarini Kusuma Wicitra1), Wijayanto2) & Nunik Retno Herawati2)*

1) Political Science Masters Study Program, Faculty of Social and Political Sciences, Universitas Diponegoro, Indonesia
2) Department of Politics and Government Science, Faculty of Social and Political Sciences, Universitas Diponegoro, Indonesia

Received: 08 November 2023; Reviewed: 02 February 2024; Accepted: 30 March 2024

Abstract

Periodically, every five years, general elections are held as a form of democracy in Indonesia. During elections, political issues are often followed by controversies, conflicts, and disputes in local power competitions. These issues include cheating, money politics, and vote manipulation. The purpose of this study is to encourage the establishment of a permanent electoral court in the constitutional system and in the form of a state institution to handle any existing election results disputes, whether for the presidential election, legislative election, or regional election. To achieve the electoral justice system’s legal certainty and utility principles. The research method was used qualitatively with a case study research design. The results indicate that the establishment of an election court institution is essential, considering elections are held regularly and periodically as part of people's sovereignty representation and efforts to establish a fair electoral system. An election court institution is necessary for Indonesian elections, tasked with handling every election dispute, thereby allowing the Constitutional Court to focus solely on testing laws against the 1945 Constitution. This journal concludes that an electoral justice institution needs to be established permanently, with competent judges and resources to handle every election-related case to realize an electoral justice system.

Keyword: Institution; Judiciary; Election


*Corresponding author:
E-mail: wicitraveda@gmail.com
INTRODUCTION

Indonesia applies Pancasila as the basis of the state and the 1945 Constitution of the Republic of Indonesia as the constitutional foundation. As a nation practicing a democratic system, the democratic principles are manifested through regular general elections every five years, involving various participants in the electoral process, namely various political parties (multi-party). Indonesia has held elections 12 (twelve) times since it was held for the first time in 1955. In 2024, it will be the 13th (thirteenth) time that the Election Law continues to change and the vote counting method that varies every time the election is held (Gulo et al., 2022).

Elections and local elections (known as pilkada in Indonesia) represent the regular and periodic exercise of popular sovereignty within a direct democratic system guided by the principles and concepts of elections. Each electoral process involves several key stages, with the potential for disputes or violations at each phase. This likelihood may arise from fraud, errors, or electoral strategies that, while not illegal, can erode public confidence (non-fraudulent misconduct). In Indonesia, there is a frequent alteration of electoral arrangements as politicians and lawmakers pursue the ideal electoral system based on their preferences and interests. (Lubis et al., 2022).

Since its initiation in 2005, regional elections (Pilkada) in Indonesia have frequently been marked by polemics, conflicts, and disputes as political elites vie for local-level power. Common issues include detrimental fraud against one of the participating parties, widespread money politics, vote inflation, the lack of neutrality among election organizers, and other challenges. Various ongoing efforts aim to establish elections characterized by integrity, including the presence of a General Election Supervisory Committee (paywall). Additionally, an integrated law enforcement center (gakkumdu) comprising members from the General Election Supervisory Agency (Bawaslu), the Prosecutor’s Office, and the Police are established to minimize fraud during the electoral process. However, despite these measures, there are still dissatisfied parties resorting to legal channels (Rosanti, 2020).

The authority to resolve election-related problems can be categorized into at least 6 types of cases, namely: (1) Election administration; (2) Election process; (3) Election result disputes; (4) Election crimes; (5) Code of ethics of election organizers; and (6) Other election-related cases. Each dispute arising from direct elections needs to be resolved by the law, involving authorized institutions. In connection with this, various laws and regulations about this issue encompass distinct legal policies (Taufiqurrohman, 2023).

The resolution of election result disputes through legal avenues was originally under the jurisdiction of the Supreme Court (MA) for Governor Elections, and the High Court for disputes related to Regent/Mayor elections within its jurisdiction. However, with the implementation of the Law of the Republic of Indonesia Number 12 of 2008 concerning Regional Government, the responsibility to adjudicate disputes arising from regional elections has transferred to the Constitutional Court (MK) (Riduan, 2021).

The Constitutional Court’s functions and roles in Indonesia are outlined in Article 24C, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This article specifies four constitutional powers entrusted to the Constitutional Court, along with one constitutional obligation, as emphasized in Law of the Republic of Indonesia Number 24 of 2003 concerning the Constitutional Court in Article 10, paragraphs (1) a-d. The four authorities of the Constitutional Court encompass: (1) reviewing laws against the 1945 Constitution of the Republic of Indonesia; (2) adjudicating disputes over authority between state institutions granted authority by the 1945 Constitution of the Republic of Indonesia; (3) deciding on the dissolution of political parties; and (4) adjudicating disputes over election results. The Constitutional Court’s authority in handling election result cases is governed by relevant laws and regulations, namely: (1) Law of the Republic of Indonesia Number 42 of 2008; (2) Law of the Republic of Indonesia Number 8 of 2012; (3) Law of the Republic of Indonesia Number 8 of 2015; and (4) Law of the Republic of Indonesia Number 10 of 2016. (Wulan Suri & Yuneva, 2021).

Election result disputes involve conflicts between the KPU and election participants concerning the calculation of the national vote acquisition in the election results. Such disputes arise when the KPU’s decisions impact
the selection of DPD members, the identification of candidate pairs advancing to the second round of presidential and vice-presidential elections, and the overall outcome of the president and vice-president election, including the allocation of seats for political parties in an electoral district. These matters are governed by the Tenth Section of the Law of the Republic of Indonesia Number 24 of 2003 on the Constitutional Court, specifically outlined in Articles 74-79 (Noak, 2024).

Since the authority to resolve election disputes was transferred from the Supreme Court to the Constitutional Court in November 2012, 452 cases have been submitted to the Constitutional Court. This means that since the transfer of handling election disputes to the Constitutional Court, the number of disputes over election results has been very high. The settlement of disputes over election results was completed in a short period of 14 days by 9 MK judges (Dinaka & Arsil, 2023).

The significant volume of election result cases has led the Constitutional Court to introduce various legal innovations through its decisions, aiming to uphold the constitutional mandate for democratic elections. Despite these efforts, the Constitutional Court has encountered numerous challenges in addressing administrative and criminal violations during elections, indicating a lack of effective resolution. Given these challenges and the existing issues of overlapping authority in handling election result disputes, the establishment of an election judicial institution is deemed relevant to address these matters as a new institution in Indonesia (Zuhri, 2018).

This study seeks to advocate for the permanent establishment of an election judicial institution within the constitutional framework and as a state entity. The purpose is to address disputes over election results, encompassing presidential elections, legislative elections, and regional elections. The goal is to ensure the application of the principles of legal certainty and expediency, thereby realizing an electoral justice system through this state institution (Aris, 2022). The urgency of this research is to highlight the importance of the election court in strengthening the electoral system through handling disputes and electoral violations. It also aims to provide guidelines for future election processes, maintaining transparency, accountability, and public trust in the Indonesian electoral system.

The passage provides a comprehensive overview of the electoral system in Indonesia, highlighting key aspects and challenges associated with elections, particularly the upcoming 13th election in 2024. It discusses the shift of responsibility for resolving election disputes to the Constitutional Court (MK) and outlines the court's functions and roles as governed by relevant laws and regulations. The analysis of election result disputes and the substantial number of cases brought to the Constitutional Court since 2012 underscores the importance and complexity of this legal process. Legal innovations introduced by the Constitutional Court demonstrate its commitment to addressing challenges and upholding democratic principles.

The study's advocacy for the permanent establishment of an election judicial institution is well-supported by the detailed examination of the existing electoral framework, emphasizing the need for a dedicated institution to comprehensively handle disputes over election results. The passage skillfully weaves together legal and procedural information, creating a strong foundation for the study's claim and findings. Additionally, the urgency of the research is effectively communicated by linking it to the challenges faced by the Constitutional Court in addressing administrative and criminal violations during elections. The emphasis on transparency, accountability, and public trust aligns with the broader goal of ensuring an electoral justice system in Indonesia. In summary, the passage strategically presents key elements of the electoral system, the role of the Constitutional Court, challenges faced, and the proposed solution through the establishment of an election judicial institution. This comprehensive analysis provides a robust basis for the study's claim and findings, strengthening the overall argument.

**RESEARCH METHODS**

This research employs a qualitative approach. The researchers utilize both observation and interviews as methods to gather data and information relevant to the research subject. Observation is utilized to make firsthand observations of an object or event, aiming to achieve a comprehensive...
understanding of the phenomenon under scrutiny. On the other hand, interviews are conducted to extract data directly from informants or respondents actively engaged in the research context, offering insights, explanations, or firsthand experiences. Both these qualitative methods contribute to obtaining a nuanced and contextual comprehension of the aspects investigated in the research.

Observation involves directly and meticulously examining an object to acquire information about it. This aligns with Widoyoko’s definition, stating that observation is a systematic practice of observing and documenting elements that manifest in a phenomenon on the research subject.

The objective of observation in this research is to depict a subject and all aspects associated with it through a meticulous examination, aiming for a comprehensive understanding of political communication activities in the digital era. Additionally, the study utilized the interview research method to gather necessary data. An interview serves as a data collection technique involving inquiries directed at an informant or respondent. Koentjaraningrat outlines various interview types, generally categorized into planned and unplanned interviews (Lubis et al., 2022).

RESULT AND DISCUSSION
The Urgency of Establishing an Election Court Institution as an Effort to Strengthen the Election System in Indonesia

The passage highlights the constitutional basis of Indonesia’s elections and emphasizes the need for an effective electoral justice system. It describes the processes within the electoral justice system, including formal measures, punitive penalties, and alternative mechanisms for resolving disputes. The Constitutional Court’s role in resolving election result disputes is discussed, with attention to its authority and challenges. The passage notes the lack of clarity regarding the institution authorized to settle disputes, leading to the Constitutional Court’s involvement until the establishment of a dedicated judicial body. It highlights the instruments used for evaluating the constitutionality of the Constitutional Court’s decisions.

Challenges faced by the Constitutional Court, such as inefficiency and a backlog of cases, are outlined. The proposal for a special election judicial institution is examined, emphasizing its autonomy, composition, and responsibilities. The need for such an institution is underscored by the increasing number of election-related cases and challenges faced by existing authorities. The urgency of establishing a special election judicial body is emphasized, considering the rising cases of election violations and the limitations of the current system. The passage concludes by stressing the importance of aligning the new institution with constitutional principles and ensuring its autonomy for effective functioning.

In summary, the passage provides a comprehensive analysis of Indonesia’s electoral system, challenges in dispute resolution, and the proposed solution of a special election judicial institution. It navigates through legal and procedural complexities, offering a strong basis for the argument in favor of the new institution. The Constitution of the Republic of Indonesia Year 1945 in Article 22E Paragraph (1), constitutional elections contain and are held directly, publicly, freely, secretly, honestly, and fairly, every 5 years. This element is also embedded in the implementation of democratic elections. To ensure the implementation of Pilkada, the implementation is carried out by ensuring the creation of an electoral justice system (electoral justice system) in which there are mechanisms in every action, procedure, and decision related to elections in line with the rule of law, protecting and restoring electoral rights, parties who feel their electoral rights have been violated are given a way to file objections, hearings, and obtain adjudication (Junaidi, 2020).

The processes provided within the electoral justice system for addressing electoral conflicts operate across three dimensions: (1) formal and corrective measures, including submitting electoral challenges to annul, amend, or acknowledge irregularities; (2) punitive penalties, imposing sanctions on those responsible for irregularities, whether individuals, entities, or parties, encompassing issues related to electoral management and criminal responsibility; and (3) alternative mechanisms for voluntarily and informally settling electoral disputes between involved parties (Minan, 2019).
The 1945 Constitution of the Republic of Indonesia, in Article 22E Paragraph (1), stipulates that constitutional elections are comprehensive and conducted directly, publicly, freely, secretly, honestly, and fairly every 5 years. This principle is integral to the conduct of democratic elections. To safeguard the Pilkada implementation, there is an establishment of an electoral justice system, ensuring mechanisms align with the principles of the rule of law in every electoral action, procedure, and decision. This system safeguards and reinstates electoral rights, providing a platform for parties who believe their electoral rights have been infringed upon to raise objections, undergo hearings, and receive adjudication (Miceal Josviranto & Ephivanus Markus Nale Rimo, 2022).

The mechanisms offered in the electoral justice system in resolving electoral disputes move on 3 (three) spectrums, namely: (1) formal and corrective remedies such as filing electoral challenges that invalidate, modify, or recognize irregularities; (2) punitive sanctions that impose penalties on the perpetrators, entities, or parties responsible for irregularities such as those related to electoral administration and criminal liability; and (3) alternative mechanisms for resolving electoral disputes that are voluntary to the parties to the dispute and are informal (Arrsa, 2016).

Due to the lack of clarity regarding the institution authorized to settle disputes arising from direct elections, as specified in Article 157 of Law of the Republic of Indonesia Number 10 of 2016, Article 157 paragraph 3 aims to address the legal vacuum. To bridge this gap, the Constitutional Court is granted the power to resolve disputes arising from direct elections until the establishment of a dedicated judicial body with the competence to handle such disputes. This provision is explicitly outlined in Constitutional Court Decision Number 97/PUU-XI/2013 (Mubaraq et al., 2017).

Until now, the instruments used to evaluate the constitutionality of the Constitutional Court in resolving election disputes encompass (1) The text of the 1945 Constitution of the Republic of Indonesia; (2) Documented materials associated with the 1945 Constitution of the Republic of Indonesia, including minutes, decisions of the MPR TAP, specific laws, rules of order, and others; (3) Constitutional values manifested in constitutional practices; and (4) Values ingrained in the cognitive awareness of the community, along with the reality of political and legal behavior of citizens regarded as exemplary habits and imperatives for the nation and state (Ulya & Musyarri, 2020).

The concentration of a court’s function in the Constitutional Court has led to the piling up of lawsuits and the prolonged decision-making process, resulting in the Constitutional Court's inefficiency in delivering conclusive judgments, as stipulated by Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, which governs specialized courts vested with the authority to scrutinize, adjudicate, and resolve specific cases. This is elucidated in Article 1 Point B, which defines "Special Courts as courts that have the authority to examine, hear, and decide certain cases that can only be established within one of the judicial bodies under the Supreme Court as regulated by law." (Dewi Rastikasari, 2024).

Specialized courts are typically categorized into two main types: (1) Courts that operate based on substantive law and specialize in specific legal domains. Examples of material specialized courts encompass economic courts, commercial courts, human rights courts, tax courts, and fisheries courts; and (2) Specialized courts based on the subjects involved, such as economic criminal cases being handled by the economic court and bankruptcy cases being addressed by the commercial court (Effendi & Purwanto, 2021).

About the establishment of a special election judicial institution, the provisions of Law of the Republic of Indonesia Number 8 of 2015, Article 157, explain that: Paragraph (1): "Election result disputes shall be examined and adjudicated by a special judicial body"; Paragraph (2): "The special judicial body as referred to in paragraph (1) shall be established before the implementation of national simultaneous elections; Paragraph (3): "Disputes over the determination of the vote acquisition of election results shall be examined and adjudicated by the Constitutional Court until the establishment of a special judicial body" (Sari & Wibowo, 2019).

In practice in other countries, there are also specialized judicial bodies that handle dispute resolution for local elections such as in Brazil, Mexico, Uruguay, Costa Rica, Nigeria, Germany, and the United Kingdom. This shows...
that other countries have also prepared a body that specifically handles local election disputes in Indonesia known as local elections (Taufiqurrohman, 2023).

According to the statistics in 2015, out of 269 regions that held simultaneous elections, there were 152 cases. In 2017, out of 101 regions that held simultaneous elections, 60 cases were submitted to the Constitutional Court. These statistics show that about 50% more cases were filed than the number of regions that held simultaneous elections. Then it is estimated that in 2024 there will be around 415 regencies and 90 cities that will carry out simultaneous elections of course there will also be many cases submitted to the Constitutional Court (Maria & Marendra, 2020).

Currently, the management of elections faces challenges due to inadequate law enforcement regarding criminal violations in elections and conflicting laws and regulations, leading to ineffective resolution of election-related offenses. The role of election supervisors is also ineffective because indeed the main task of election supervisors is only as a "post office", namely an institution that sends election problems to law enforcement officials if criminal problems and the General Election Commission (KPU) if the type of violator turns out to be electoral administration. Indeed the authority of election supervisors is only limited to recommendations and cannot execute or force a case to be followed up, be it an election crime to the police to the court, and also administrative violations to the KPU because it is not the legal domain of the Constitutional Court to resolve Election Crimes. So in the end, there are many problems of election crimes that are waiting at the Election Supervisory Committee because they cannot be followed up. Another thing is that in general, election supervisors have limited working authority due to their ad hoc nature (district/city election supervisors), so that in the end the problem of election crimes is simply swallowed up by time. Thus, there are also many cases of election crimes that cannot be resolved properly by the District Court, which has resulted in justice seekers filing a lawsuit against the Constitutional Court (Pamungkas, 2019).

The urgency of this special election judicial body needs to be studied in depth, this is because (1) There are so many cases of election violations that occur, both administrative and criminal; (2) It is not uncommon for there to be differences in views between the institutions that handle elections, including Panwaslu, the Police, and the Prosecutor’s Office in handling settlements related to election criminal cases; (3) There has not been an effective mechanism for handling various cases of election violations at the pre-stage or before entering the realm of handling by the Constitutional Court; and (4) There is an impression that the Constitutional Court seems to accommodate all existing election dispute issues, including, in this case, the existing election disputes (Puspitasari et al., 2016).

Understanding how important the presence of an election court is in political contestation that is routinely held is evidence of the marketability (getting) of why this election court law is needed and the validity of the norms that will become the content material of this legislation later. The legislator in forming the law or organizing a state institution as long as it does not contradict and deviate from the provisions of the constitution. The problem is how the form and position of the special court so that it does not deviate from or not conflict with the principles of the constitution (Heryanto, 2021).

Sociologically, of course, the establishment of this election court can be accepted openly because of rational and well-founded considerations. The settlement of disputes in the Constitutional Court has indeed been implemented based on the principle of speed trial, but if the Constitutional Court exercises this transitional authority for a long time, it will raise the issue of "readiness" of the Constitutional Court judges who are only 9 people must handle the elections which in the future will be held simultaneously throughout Indonesia, in addition to the Constitutional Court to hear other cases, especially the judicial review of laws as a constitutional authority that cannot be ruled out because it concerns the order of law and human rights (Puspitasari et al, 2016).

The Special Election Tribunal, as outlined in the proposed law, will function as an autonomous entity, ensuring freedom from interference by other authorities. This institution will be responsible for judicial duties in reviewing and adjudicating disputes related to election outcomes. Thus, the autonomy of the Special Election Tribunal can
be gauged using the criteria applied to Independent Regulatory Agencies, which include:

1. Party Politicization of appointments, judges at the Special Election Tribunal are 5 (five) people consisting of 2 (two) constitutional judges and 3 (three) ad hoc judges. Ad hoc judges are appointed and dismissed by the President as the Head of State on the proposal of the Chief Justice of the Constitutional Court. The establishment of the ad hoc Special Electoral Tribunal is initiated through a legislative proposal by the Indonesian House of Representatives and is enacted into law.

2. Departures (dismissal and resignation). Ad Hoc Judges are respectfully relieved of their duties due to: (a) passing away; (b) voluntary resignation; (c) experiencing continuous physical or mental illness for 6 (six) months, supported by a medical certificate from an authorized doctor; (d) being unable to perform their duties; or (e) completing their term of office. The honorable dismissal mentioned above is determined by the President upon the recommendation of the Chief Justice of the Constitutional Court. Ad Hoc Judges are dishonorably removed from their position if (a) convicted and sentenced to imprisonment for a criminal offense carrying a penalty of 5 (five) years or more, based on a legally binding court decision; (b) negligently neglecting their job duties without valid reasons for 3 (three) consecutive times; (c) violating the oath or commitment of office; (d) engaging in disgraceful acts; or (e) holding concurrent positions.

3. The term of office for Ad Hoc Judges is five years, and they may be reappointed for a single additional term.

4. The financial and personnel provisions of the Special Election Tribunal. The funding for the Special Election Tribunal will be covered by the State Budget (APBN).

5. The authority to annul IRA decisions by elected officials. The Special Election Tribunal is empowered to formulate a Code of Ethics and/or Code of Conduct for judges in collaboration with the Constitutional Court.

6. Sanctioning Authorities/Quasi-judicial power. Verify, clarify, and investigate reports of alleged violations of the Code of Ethics and/or the Code of Conduct of Judges in a closed manner; if the alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is substantiated, the Special Election Tribunal will recommend imposing sanctions against the Judge suspected of the violation to the Constitutional Court.

7. Self-regulatory or rule-making. The Special Election Tribunal has the authority to establish its own institutional rules independently.

Mexico and Costa Rica have established an Election Court as a solution to address fraud in general elections. The Election Court is positioned alongside the Supreme Court (MA) and the Constitutional Court (MK), but it stands on its own and has a robust financial management system, fully supported by the government to focus on issues experienced throughout the period before, during, and after the elections. This serves as a consideration for the author for Indonesia to create an Election Court similar to Mexico and Costa Rica.

Furthermore, making the Election Court a new branch of power is crucial to ensuring the effective and efficient resolution of elections. Given that the election process requires certainty and a short timeframe, decisions made by the Election Court are expected to be final, and no further legal actions can be taken. Therefore, placing the Election Court as the supreme judicial institution is also intended to make its decisions conclusive and binding.

By consolidating dispute resolution under the umbrella of the Election Court, concerns about the inefficiency and disharmony of court decisions in election matters, which often occur, can be avoided. The establishment of the General Election Court brings integration to the election justice system, and with effective systematic structure through the Election Court, it is expected to eliminate overlapping decisions between one court and another.

The Election Court is expected to formulate, examine, judge, and decide violations, cases, or disputes within the absolute competence of the judiciary. This includes addressing violations of the ethical code of election organizers, administrative violations of elections that may lead to the disqualification of offenders, disputes in the election process prone to violations, including those involving election participants due to the results and decisions of the KPU report. The Election Court also has the authority to adjudicate election crimes and handle disputes over election results and post-election disputes.
Establishing the Election Court as a permanent institution is based on several relevant reasons. First, the execution of election functions involves continuous activities throughout the election cycle, not work that can be done hastily. Regarding post-election disputes, especially in the withdrawal of votes in the process of recalling members of the DPR through legal channels, the Election Court is considered the appropriate institution to adjudicate such recall applications. With the election process extending from the preparation stage to the voting process, the Election Court is deemed eligible to receive this authority, ensuring the integration of the general election justice system and affirming the role of the Election Court as a permanent institution to enhance the specialization of justice and professionalism.

Second, making the Election Court a permanent institution is a positive step that reflects Indonesia's commitment to respecting the principles and values of democracy, as well as supporting international human rights instruments. The sustainability of the Election Court as a permanent institution is expected to improve more professional performance, keep up with the latest developments in the field, and overcome challenges that arise during the election cycle, including pre and post-election stages.

Third, regarding stability and existence, it is generally good practice to entrust the resolution of election disputes to a permanent and independent body. The main reason is that when the law does not mandate the Election Court to continue operating after the election period, there must be another trusted body to handle any possible claims that arise during the pre and post-election periods, such as disputes over the withdrawal of votes. In terms of recruiting Election Court judges, it can involve career judges and academics, ensuring integrity, good character, fairness, professionalism, and experience in the fields of law and elections. The composition of Election Court judges can also include judges recruited from academics specializing in Election Law.

Equally important is the issue of election court procedural law, which must provide specific guidelines for procedures related to the stages, programs, and schedules by election organizers. In the Election Court Procedure Law, the resolution process must be faster, easier, and more economical than other cases. The precise and careful application of procedures required to hear and resolve lawsuits is a fundamental requirement if an election court wants to provide justice and credible election results.

CONCLUSION

One aspect that is always anticipated and hoped for in every life of the nation and state, including in the conduct of elections, is the establishment of justice, expediency, and legal certainty. With the presence of an election judicial institution, the Constitutional Court in the future will concentrate on scrutinizing the Law by the 1945 Constitution of the Republic of Indonesia only, and will no longer be involved in resolving disputes over election results. So that the electoral judicial institution that is formed can contribute and be designated in every handling of election cases for presidential elections, legislative elections, and regional elections. Electoral justice institutions need to be established permanently, with judges and resources that are competent in handling every case related to elections to realize an electoral justice system.

On the other hand, the aspect of resolving election cases becomes the responsibility of the election judicial institution, covering presidential elections, legislative elections, and regional elections. This institution will play a key role in ensuring the fairness, sustainability, and integrity of the election processes in Indonesia. They must also have sufficient authority to take necessary steps to resolve disputes quickly and fairly. Therefore, the establishment of an effective election judicial institution will be a crucial step to enhance the electoral system and ensure transparent and accountable election implementations.

As the discourse unfolds in the search for an ideal electoral justice system, it leads us to the discovery of electoral issues as an evaluation for the realization of better elections in the future. These issues include the tug-of-war over the authority to resolve disputes in regional head elections, the disintegration of authority in resolving general election disputes, the accumulation of election and regional head election disputes in the Constitutional Court (MK), and issues related to the recall system for members of the DPR by political parties.
Identifying each of these issues culminates in a proposal to establish an Election Court as a judicial entity expected to address these problems, including integrating the electoral justice system in Indonesia. The Election Court will be positioned alongside the two other apex courts, namely the Constitutional Court (MK) and the Supreme Court (MA). The formulation of the Election Court is expected to involve receiving, examining, adjudicating, and deciding violations, cases, or disputes within the absolute competence of the judiciary. First, regarding violations of the ethical code of election organizers. Second, related to administrative violations of elections with the potential disqualification of offenders. Third, disputes in the election process that are prone to violations, including participants in the election due to the results and decisions of the KPU report. Fourth, having the authority to adjudicate election crimes. Fifth, adjudicating disputes over election results and post-election disputes.

REFERENCES


Noak, P. A. (2024). DIGITALISASI BIROKRASI DALAM WILAYAH PUBLIK DAN MASYARAKAT SIPIL MENYONGSONG PEMILU TAHUN 2024 Fakultas Ilmu Sosial dan Ilmu Politik Universitas Udayana Email : piersandreasnoak@unud.ac.id Digitalisasi bukanlah tema yang tak lagi jarang kita dengar. Di z. 132–144.


Sari, F. V., & Wibowo, A. (2019). Analisis Sentimen Pelanggan Toko Online Jd.Id Menggunakan Metode Naïve Bayes Classifier Berbasis...