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Mechanism for Settlement of Election Result Disputes by the Constitutional Court in Maintaining Democracy and Electoral Justice

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Abstract: General elections (elections) are the main pillar of a democratic system that aims to realize the sovereignty of the people. However, the implementation of elections often gives rise to disputes, especially related to election results, which must be resolved legally to maintain legitimacy and political stability. The Constitutional Court (MK) in Indonesia has the constitutional authority to resolve election result disputes stipulated in the 1945 Constitution and related laws and regulations. The resolution of election result disputes at the MK is an important instrument to ensure that the election process runs honestly, fairly, and democratically. This study aims to legally analyze the role and authority of the Constitutional Court in resolving election disputes and explain the legal procedures applicable to resolving these disputes. The study uses a normative legal research method with a statute approach and a conceptual approach. The data sources used include primary data in the form of laws and regulations and secondary data in the form of books, scientific journals, and other relevant legal documents. Data analysis techniques are conducted through literature studies and analysis of regulations. By understanding the legal mechanism for resolving election result disputes, it is envisioned that this research can contribute to strengthening the role of the Constitutional Court in maintaining democracy and ensuring electoral justice in Indonesia.

Keywords: Election Disputes, Dispute Resolution, Constitutional Court

INTRODUCTION

General elections serve as the main mechanism for exercising citizen sovereignty in a democratic system. In a democratic country, general elections are a formal procedure used by citizens to channel their political rights and actively participate in shaping the direction of government policy (Yunita, 2024). General elections allow citizens to directly elect their leaders and representatives in the legislative and executive branches periodically, thereby ensuring that power ultimately comes from the people. The holding of free and fair general elections is an important indicator of the extent to which democratic principles are upheld in a country (Kasih, 2018). Through periodic general elections, citizens can assess the performance of the government and give new mandates to candidates they deem worthy. General elections

play an important role in preventing the concentration of power in certain political parties. The regular transfer of power through general elections maintains political balance and ensures a broader representation of citizens (Sandy, 2024).

Fair and transparent elections are an absolute prerequisite for a solid democracy. The election process and its results must be free from all forms of fraud in order to obtain true legitimacy. Therefore, the implementation of elections must be direct, open, without obstacles, honest, and fair. If a dispute occurs during the election process, a strong legal framework is essential for its effective resolution (Nainggolan, 2025). According to Rochmat Soemitro, a dispute occurs when there are two opposing parties that cause disruption to the order of community life. To resolve the dispute, the assistance of a neutral third party is needed (Natasha, 2021). In this case, the Constitutional Court (MK) plays an important role as a state institution authorized to resolve election result disputes. By adhering to Article 24C of the 1945 Constitution, the Constitutional Court has the authority to resolve election result disputes. The successful implementation of the role of the Constitutional Court is essential for maintaining electoral justice and political stability in Indonesia.

Legal disputes arising from election disputes often arise from differences between applicable laws regulations and practices in the field. One of the main challenges is the difference in interpretation of election laws and regulations by election participants, election organizers, and judicial institutions. These differences in interpretation can create legal uncertainty that has a significant impact on the dispute resolution process (Erawan, 2025). Furthermore, the complexity and frequent changes in laws and regulations make it difficult for the disputing parties to understand the procedures that must be followed. For example, the formal requirements for submitting a dispute application to the Constitutional Court (MK) often result in the application being rejected because election participants neglect to fulfill the specified documents and deadlines.

Another problem that often occurs is the limited authority of the Constitutional Court in handling election result disputes. The Constitutional Court only has the authority to examine disputes related to the determination of election results that significantly affect the acquisition of votes. This causes disputes related to administrative violations, election crimes, or ethical violations by election organizers to be resolved in different institutions, such as Bawaslu or the State Administrative Court (PTUN) (Albab AF, 2018). This separation of authorities often causes confusion and delays in dispute resolution, especially when the violations that occur are complex and involve various legal aspects. On the other hand, there are still challenges in upholding the principle of independence and neutrality of election organizers and ensuring that the dispute resolution process takes place fairly and transparently (Chofifi, 2024). This requires improvements in regulations and synergy between institutions so that the election dispute resolution system can run more effectively and credibly.

METHOD

The research method in this study uses the normative-juridical research method, namely research that focuses on the study of written legal norms in laws and regulations and relevant legal concepts. This method aims to systematically analyze the legal rules governing the authority of the Constitutional Court in resolving election disputes in Indonesia. This study uses two main approaches, namely the statute approach and the conceptual approach. The statutory approach is carried out by examining the 1945 Constitution, Law Number 24 of 2003 concerning the Constitutional Court which has been amended, and laws and regulations related to the election dispute resolution process. The conceptual approach is carried out by examining legal concepts such as democracy, people's sovereignty, electoral justice, and the rule of law that form the basis for understanding the role of the Constitutional Court. The data sources in this study consist of primary data, namely laws and official documents such as Constitutional

Court decisions, as well as secondary data in the form of legal literature, scientific journals, articles, and other academic documents. Data collection techniques are carried out through library research, while data analysis techniques are carried out qualitatively by interpreting and analyzing legal rules and relevant concepts to gain a comprehensive understanding of the legal mechanisms in resolving election disputes.

RESULT AND DISCUSSION

Authority and Duties of the Constitutional Court in Resolving Election Disputes

The Constitutional Court (MK) has a strategic role in upholding the principles of democracy and justice in the implementation of general elections (Ilham, 2024). One of the main authorities of the MK is to examine, try, and decide on election result disputes. This is expressly regulated in Article 24C paragraph (1) of the 1945 Constitution, which states that the Constitutional Court has the authority to try at the first and final level whose decisions are final to test laws against the Constitution, decide on disputes of authority between state institutions, disband political parties, and decide on disputes regarding election results.

The authority of the Constitutional Court to decide on election result disputes is regulated in Article 10 paragraph (1) letter d of Law Number 24 of 2003 as amended by Law Number 8 of 2011. This provision stipulates that the Constitutional Court has the authority to decide on disputes regarding the results of general elections for members of the DPR, DPD, DPRD, and the President and Vice President. Furthermore, the authority was expanded to resolve disputes over regional head election results (pilkada) through Constitutional Court Decision Number 97/PUU-XI/2013. However, this authority was then delegated to the Supreme Court (MA) by developments in laws and regulations. In exercising its authority, the Constitutional Court limits its authority to disputes over vote acquisition results that may affect the determination of elected candidates (Aritonang, 2013). This principle is expressly stated in Article 74 paragraph (1) of Law Number 7 of 2017 concerning General Elections. Disputes in the Constitutional Court aim to ensure the results of the general election determined by the General Election Commission (KPU). Thus, the Constitutional Court does not have the authority to decide on administrative violations, criminal election violations, or ethical violations which are the special domain of other institutions such as Bawaslu and the State Administrative Court (PTUN) (Rowa, 2024). The limited authority in resolving disputes over election results has caused the legal process in the Constitutional Court to still focus on disputes that may affect the validity of the election results. However, these limitations also pose challenges in resolving complex and multidimensional disputes, thus requiring effective coordination with related institutions to build a more integrated and efficient election dispute resolution system (Sulistyowati, 2024).

The procedures for resolving election disputes at the Constitutional Court are regulated in detail in Articles 474 to 483 of Law Number 7 of 2017 concerning General Elections. The dispute submission process begins with the registration of an application by a party objecting to the election results determined by the General Elections Commission (KPU). The applicant can be an election participant, either an individual or a political party, who is disadvantaged by the determination of the election results. As regulated in Article 475 paragraph (2), the application must be submitted no later than three days after the election results are determined by the KPU. The application must contain the identity of the applicant, the nature of the dispute, the reasons for the application, and evidence of violations or errors in the determination of the vote acquisition results.

After the application is received, the Constitutional Court conducts a preliminary examination to determine whether the application has met the formal and material requirements. Formal requirements include the timeliness of the application submission, the legal standing of the applicant, and the suitability of the application's objectives with the

authority of the Constitutional Court as stipulated in Article 476 of the Election Law. If the formal requirements have been met, the Constitutional Court continues the substantive examination by holding an open hearing attended by the applicant, the respondent (KPU), and related parties, including Bawaslu and other election participants. At this stage, the parties are allowed to submit evidence, summon witnesses, and provide oral and written statements to strengthen their respective arguments. Furthermore, as stipulated in Article 478 of the Election Law, the Constitutional Court is mandated to issue a decision on a case within a maximum of 14 working days from the start of the first hearing. The decision is final and binding and must be implemented by the KPU. In practice, the decision of the Constitutional Court can be in the form of strengthening the election results that have been determined, ordering a recount of votes at several certain Polling Stations (TPS), or ordering a revote in a certain area if there are serious violations that have an impact on the vote count (Nggilu, 2019). The strict procedures and short deadlines for resolution are intended to ensure that the resolution of election disputes can proceed quickly so that political stability can be maintained. However, this also requires the parties to prepare evidence and legal arguments carefully to ensure the smoothness and fairness of the process at the Constitutional Court (Rastikasari, 2023).

From this explanation, we can see that the Constitutional Court only has the authority to decide disputes regarding election results. The Authority of Bawaslu and PTUN in Election Process Disputes For election process disputes, the institutions authorized to receive, examine, and decide on the resolution of disputes over the process are the Election Supervisory Body (Bawaslu) and the State Administrative Court (PTUN). This explanation can be seen in Article 93 letter b number 2, Article 95 letter d, Article 467 to Article 471 of the Election Law in conjunction with Article 2 paragraph (1) of the Supreme Court Regulation Number 5 of 2017 concerning Procedures for Settling General Election Process Disputes at the State Administrative Court (PTUN). Thus, if a dispute (dispute) occurs regarding the election results, the institution appointed to mediate the settlement is the Constitutional Court. Conversely, disputes related to the election process are handled by the Election Supervisory Body (Bawaslu) and the State Administrative Court (PTUN). If a lawsuit is filed over a dispute in the election process, the lawsuit is usually filed after the administrative efforts made by Bawaslu have been completed (Erick, 2022).

Challenges of the Constitutional Court in Resolving Election Disputes

Resolving election disputes at the Constitutional Court (MK) faces various challenges, both in terms of regulation, technicalities, and implementation (Zoelva, 2013). One of the most significant obstacles is the limited authority of the MK, which is limited to resolving election result disputes as stipulated in Article 74 paragraph (1) of Law Number 7 of 2017 concerning General Elections (Hantoro, 2024). This provision gives the MK the authority to examine and decide on disputes regarding the determination of the vote count results announced by the KPU. As a result, administrative violations, election crimes, or ethical violations committed by election organizers are often not resolved at the MK and must be resolved by other institutions such as Bawaslu, DKPP, or the State Administrative Court (PTUN). This separation of authorities often causes confusion among election participants, especially if the dispute in question is complicated and involves various legal dimensions at once.

Another challenge is the very limited time for resolving disputes. Based on Article 475 paragraph (2) of the Election Law, the Constitutional Court only has 14 working days from the first hearing to decide on a case. This short time limit requires the parties, including the applicant, the respondent (KPU), and the Constitutional Court judges, to work quickly and carefully in examining documents, evidence, and witness statements. This condition often causes technical problems, such as a lack of time for the applicant to collect strong evidence or prepare comprehensive legal arguments. In addition, the challenge of maintaining the

independence and neutrality of the dispute resolution process is also an issue that must continue to be considered. Public trust in the integrity of the Constitutional Court can be disrupted if there is a perception that the legal process is not taking place transparently and fairly.

Increasing institutional capacity is an urgent need to ensure that the resolution of election result disputes is effective, transparent, and fair. The Constitutional Court (MK) as an institution authorized to decide on election result disputes has a strategic role in maintaining the legitimacy of the democratic process. However, the complexity of the cases submitted, the limited time for resolution, and the political dynamics that accompany each election often pose challenges in themselves. Therefore, strengthening the institutional capacity of the Constitutional Court is very important to improve the quality of case examination and minimize potential errors in the decision-making process (Saputri, 2024).

Increasing institutional capacity includes several main aspects. First, improving human resources (HR), especially constitutional judges, clerks, and support staff, to ensure their competence is adequate in handling complex cases in a timely manner. Second, modernizing the administrative system and integrating information technology to facilitate a more efficient and transparent case management process. A reliable digital system allows for faster and more open submission of applications, preparation of documents, and public access to case information. Third, fostering synergy between the Constitutional Court and related institutions, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), is very important to prevent fragmentation in dispute resolution and ensure an integrated approach (Harmoko, 2021). Finally, strengthening institutional capacity requires the establishment of an effective internal oversight mechanism to maintain the independence and integrity of the institution. By implementing these steps, the Constitutional Court is expected to optimize its performance, provide high-quality decisions, and maintain public trust in the election dispute resolution process (Makie, 2024).

CONCLUSION

General elections are the main mechanism in a democratic system that provides citizens with a direct opportunity to exercise their sovereignty. Fair and transparent elections are essential for the health of democracy, as the legitimacy of government depends on an honest and open election process. However, in practice, various legal challenges often arise, including differences in the interpretation of laws and regulations, the complexity of legal procedures, and the limited authority of the Constitutional Court (MK) in resolving election disputes. The MK plays an important role in upholding electoral justice by resolving election result disputes, as mandated in its authority under Article 24C of the 1945 Constitution. However, the limited authority of the MK, which is mainly related to vote counting disputes, as well as administrative and criminal election violations that must be resolved by other institutions such as Bawaslu and PTUN, often causes confusion and delays in dispute resolution.

The resolution of election disputes at the Constitutional Court (MK) faces various challenges, especially related to its authority which is limited only to election result disputes, as regulated in Article 74 paragraph (1) of Law Number 7 of 2017 concerning General Elections. As a result, administrative violations, election crimes, or ethical violations must be resolved by other institutions, such as Bawaslu, DKPP, or PTUN, which often confuses the parties. In addition, the very short dispute resolution time—14 working days according to Article 475 paragraph (2) of the Election Law—is a major challenge for the Constitutional Court in ensuring that the examination process runs quickly and accurately. These technical obstacles are exacerbated by the risk of interference with independence and neutrality, which can reduce public trust in the institution. Therefore, strengthening the institutional capacity of the Constitutional Court is very important. Efforts to increase capacity include increasing the competence of human resources (HR), modernizing the information technology-based

administration system, synergy between institutions, and establishing a strong internal oversight mechanism. These steps are expected to strengthen the performance of the Constitutional Court, improve the quality of decisions, and maintain integrity and transparency in resolving election disputes so that the stability of democracy in Indonesia is maintained.

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