

The Authorities And Responsibilities Of The Commission Of Regional General Election In The Dispute Of The General Election Result Of Regional Head In Constitutional Court

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ABSTRACT

The General Election of Regional Head is the democracy party to elect Governor, Regent, and Mayor done directly by the people through the representative in legislative body. Governor, Regent, and Mayor have a function as regional government head of province, regency, and Municipality elected democratically, as organized in article 18 and verse (4) in The 1945 Constitutional of the Republic of Indonesia.

Then to implement the mandate of Undang-Undang Dasar 1945, the legislators (Parliament and President) establish a constitution 32 in the year 2004 about Regional Government that is revised based on constitution 22 in the year 1999 about Regional Government. In Article 56 verse (1) state “regional head and regional head vice are elected democratically based on being direct, general, free, secret, honest, and fair.

As an organizer is Regional General Election Commission legislated in Constitution 22 in the year 2007 about General Election Organizer, having been changed with Constitution 15 in the year 2011. In the process, the regional head election is originally in the regime of Regional Government. Since the birth of Constitution 22 in the year 2007 it is categorized as a part of General Election.

The form of responsibility of Regional General Election Commission as an organizer, when the stipulation of vote calculation recapitulation result of the General Election of Regional Head is not accepted by the candidates of regional head, the solution is in Constitutional Court. The objecting side (regional head candidate) serves as the Petitioner, whereas Regional General Election Commission serves as the Petitioned Side.

Keywords: the Regional General Election Commission, Responsible, For the Result of the General Election of the Regional Head

1. INTRODUCTION

The Reformation Movement driven by the students is able to change political life and statesmanship having implications on the changing of the government design from centralization to decentralization followed by the application of the democracy values in organizing the government. In the context of Indonesia, the democracy in the local (regional) level serves as a consequence of implementing decentralization policy.⁵⁹

One of the forms of the process is the initiation of the Regional Head Election (Pilkada) to elect Governor/Vice, Regent/Vice, Mayor/Vice as the implementation of the mandate of Constitution 32 in the year 2004 about Regional Government.⁶⁰

The Election of Governor, Regent, and Mayor as the head of regional government of province, regency, and Municipality done democratically as organized in Article 18 in verse (4) of UUD 1945. The sentence “done democratically” creates many interpretations among the experts. Some understand that regional head is elected through a representative in legislative body, remembering that the member of Regional Parliament is the representation of the people. However, some think that the regional head is elected directly by the people, because Indonesia declares decisively as a democratic constitutional state. The legislators agree to interpret the word democratic as elected directly.⁶¹

The statement is in line with Mukti Fajar’s opinion,⁶² that concerning the regional head election (governor, regent, mayor) in Article 18 in verse (4) only mandates that it is compulsory to elect democratically,

⁵⁹ Gamawan Fauzi, *Sengketa PemiluKada, Putusan MK, dan Pelaksanaan Putusan MK. Demokrasi Lokal –Evaluasi PemiluKada di indonesia*, (Konstitusi Press/Konpress, Jakarta, Juli 2012), hlm. 31

⁶⁰ Ibid

⁶¹ Harjono, “PemiluKada Dan Kembalinya Demokrasi”. Makalah disampaikan pada acara Dialog Publik dengan tema “Mencegah dan Menyelesaikan Sengketa Pemilihan Kepala Daerah” yang diselenggarakan oleh Pusat Kajian Konstitusi Fakultas Hukum Universitas Jember, Sabtu, 13 Maret 2010, hlm. 5

⁶² A.Mukthie Fadjar, *Pemilu,Perselisihan Hasil Pemilu & Demokrasi*, Penerbit Setara Press, Malang 2013, hlm 123

so it creates a debate whether it is included in the regime of general election law or not. Nevertheless, based on constitution 22 in the year 2007 about the General Election Organizer, the election of regional head and regional head vice then is categorized as a part of the general election that must also be organized by General Election Commission and the like (Province General Election Commission and Regency/Municipality General Election Commission), so it is called the general election of regional head and regional head vice.⁶³

The existence of constitution 32 in the year 2004 is followed up with the Government Regulation 6 in the year 2005 about Election, Approval, Appointing and Firing of the Regional Head and the Regional Head Vice, including the Government Regulation of the Replacement of Constitution 3 in the year 2005 about the amendment on constitution 32 in the year 2004, and the Government Regulation 17 in the year 2005 about the amendment on Government Regulation 6 in the year 2005. This case indicates that because of constitution 32 in the year 2004 the regional head election directly is a part of the regime of Regional Government, so the executive has an authority to organize.

Since the implementation of Regional General Election directly on 1 June 2005, automatically the people are really independent in determining their leader in their region, and are not giving their authority to Regional Parliament but they move to Regional General Election Commission. According to Ni'matul Huda,⁶⁴ cancelling the authority of Regional Parliament is done because the practice of constitution 22 in the year 1999 indicates that the choice of Regional Parliament is often contrary to the wish of the majority of the people in the region.

Therefore, the existence of General Election Commission is very important to note in order that the goal of general election can be achieved fairly implemented by a credible, professional, and accountable organizing body. It means that Regional General Election Commissions based on Article 1 in verses (7 and 8) of constitution 15 in the year 2011 about General Election Organizers are the Province General Election Commission and the Regent/Municipality General Election Commission as the General Election Organizers that are in charge of implementing the General Election in Province and Regency/Municipality.

The working mechanism organizing the employment among the General Election Commission, the Provincial General Election Commission, and the General Election Commission in the Regency/Municipality as organized in Article 66 of the Regulation of the General Election Commission 05 in the year 2008 about the Working Method of the General Election Commission, the Provincial General Election Commission, and the General Election Commission in the Regency/Municipality, stating that, the General Election Commission has the obligation to do supervision, briefing, and coordination with the Provincial General Election Commission, and the General Election Commission in the Regency/Municipality step by step. The same thing done by the Provincial General Election Commission to the General Election Commission in the Regency/Municipality, and the General Election Commission in the Regency/Municipality also has the obligation to do supervision, briefing, and coordination with the Subdistrict Election Committee, the Voting Committee, and the Voting Organizing Group. In this way the Working Method between the superior and the underling runs well and harmoniously, and clarifies the authority and responsibility of each level.

When understood comprehensively that Regional General Election Commission as a part of the organ of General Election Commission in the organization structure of general election, so the responsibility absolutely should be under General Election Commission as in the mandate of Article 22E of UUD 1945, whether concerning the general election of the member Parliament, Body of Regional Representative, President and President Vice, or the general election of Regional Head and the general election of Regional Head Vice.

However, in the implementation empirically especially in organizing the Regional General Election for regional head, the responsibility moves from the hands of General Election Commission into the authorities of Regional General Election Commission, including anything related to the dispute of Regional General Election in Constitutional Court. When organizing the Regional General Election for regional head has decided the vote counting recapitulation result and decided the elected candidates for regional head and regional head vice, it proves that the other candidates have objections for the decision of Regional General Election Commission, therefore, the petitioners (the sides having objections) can beseech Constitutional Court as the beseeched of Regional General Election Commission.

⁶³ A. Mukthie Fadjar, *Beberapa Masalah Dalam Penyelesaian Perselisihan Hasil Pemilihan Umum*, Makalah disampaikan pada Rapat Koordinasi Dekan FH, Tim Pengelola Vide Conferance, dan Ketua Pusat Kajian Konstitusi se-Indonesia tanggal 20-22 Maret 2009 di Jakarta, hlm. 2

⁶⁴ Ni'matul Huda, *Dinamika Ketatanegaraan Indonesia dalam Putusan Mahkamah Konstitusi*, dalam Iwan Satriawan, dkk, hasil penelitian, *Studi Efektivitas Penyelesaian Sengketa Hasil Pemilukada oleh Mahkamah Konstitusi*, bekerjasama Mahkamah Konstitusi dengan Universitas Muhammadiyah Yogyakarta, Jakarta, 2012, hlm. 32

Seeing the condition above, there should be one regulation integrated in general election organizing body stated in The 1945 Constitutional of the Republic of Indonesia as “general election commission”. Through the regulation integrated, so General Election Commission can manage all the organizations of general election whether the general election of legislative member, the general election of President/President Vice, or the general election of governor, regent, and mayor.

Statement of problems; (1) How does the Regional General Election being the democracy manifestation become a burden for the Regional General Election Commission?; (2) What is the juridical implication for the Regional General Election Commission as the organizer of the Regional General Election?

2. Research Method

This research is a normative research, namely the research undertaken towards the law principles, the law rules meaning the value (norm) of the concrete law regulation and law system⁶⁵

In this writing the problem approach used is: statute approach namely an approach used by studying all kinds of law regulations formally such as law, Government Regula

tion, General Election Commission Regulation, and the Constitutional Court Law related to the problem discussed in this research.

Besides, the conceptual approach of law is used namely the approach towards the meaning of the concept of authority and responsibility of the Regional General Election Commission in organizing the General Election of the Regional Head. The historical law approach is also used, done by studying the legislation once applied, related to organizing the General Election of the Regional Head.

All the law materials obtained from the library research, furthermore, is analyzed in the descriptive-qualitative way by constructing an argument on the basis of deductive logic. By using the descriptive-qualitative method, the writer will present and describe and connect all the materials relevant to this research systematically, comprehensively, and accurately.

3. The Findings and Discussion

The writer is interested in posing a problem happening in the body of Regional General Election Commission because organizationally and hierarchically the Regional General Election Commission is under the General Election Commission, but in organizing the election of the regional head and regional head vice directly by the people, precisely Regional General Election Commission is given special authority by constitution 32 in the year 2004 to organize the election in the province and/or the regency/municipality.⁶⁶ Indeed, this is not separated from the character of constitution 32 in the year 2004 where the General Election of the Regional Head is categorized as the regional government regime, so the region that is given authority to organize all needs of the regional head organizing.

In the development after the regional head election organizing goes one lap since 1 July 2005 the stakeholders “criticize” the concept of the Regional Head Election directly by the people as categorized in the regional government law regime. The election of governor, regent, and mayor finally by the legislators (Parliament and President) is categorized as a part of the law regime of the General Election since the genesis of constitution 22 in the year 2007 at present has been amended with constitution 15 in the year 2011 about the General Election Organizer, so the regional head election abbreviated in Pilkada, changed into the general election for the regional head and the regional head vice abbreviated.

However, the question is how the General Election of the Regional Head that is a part of the law regime of the General Election still becomes a burden for the Regional General Election Commission ? Whereas in Article 1 in verse (5) of constitution 15 in the year 2011 it is decisively stated that, “The General Election Organizer is the body organizing the General Election consisting of the General Election Commission and the Supervising Body of the General Election as one unit of function organizing the General Election to elect a member of Parliament, Regional Parliament, Parliament for Regional People, President and Vice-President directly by the people, and to elect governor, regent and mayor democratically”.

On the basis of the stipulation above, as consequence of the existence of the law policy choice of legislator that the regional head election directly belongs to the law regime of the General Election, so the organizer of the Regional General Election is the same as the organizer of the General Election as meant by

⁶⁵ Sudikno Mertokusumo dalam Wayan Resmini, *Penemuan Hukum*, (Yogyakarta : Liberty, 2009), hlm. 29.

⁶⁶ Pasal 1 ayat (6) Peraturan Pemerintah No. 6 Tahun 2005 tentang Pemilihan, Pengesahan Pengangkatan, dan Pemberhentian Kepala Daerah dan Wakil Kepala Daerah, Departemen Komunikasi dan Informasi, Jakarta, Maret 2005, hlm4

Article 22E in verse (5) the 1945 Constitutional of the Republic of Indonesia namely a general election commission nationally, constantly, and independently.⁶⁷ Then in constitution 15 in the year 2011 it is structured as General Election Commission, Provincial General Election Commission, and General Election Commission in the regency/municipality in the hierarchical relation (Article 1 in verses 6, 7 and 8 *juncto* Article 5 in verse 1).⁶⁸

Does the Regional Head General Election become a part of the authorities of the organizer of the General Election as meant by Article 22E UUD 1945? This can be explained as follows:⁶⁹

1. Limitatively indeed it has been mentioned that the task of the general election organizer as meant by Article 22E the 1945 Constitutional of the Republic of Indonesia is organizing the Election of the Parliament member, the Body of Regional Representative, and the Regional Parliament, and organizing the General Election for President and Vice-President.
2. During the policy taking is not clarifying Article 18 in verse (4) into constitution as “elected directly by the people”, so the task of the General Election organizer is not included in organizing the regional head election. However, if the stakeholder states on the contrary (namely the democratic way is elected directly by the people), so the authority of the General Election organizer as meant in Article 22E the 1945 Constitutional of the Republic of Indonesia becomes not limitative anymore, but it can be added with the authority to organize the Regional Head General Election, because the principles of the election directly by the people must be the same as and must not be contrary with the principles of the general election (the independent organizer, direct, general, free, and secret principles, honest and fair).

In the development the legislator has agreed that the election for the regional head is a part of the law regime of the General Election. It means that the Regional Head General Election is parallel to the General Election of the legislative, President and Vice-President, originally the organizer for all the forms of the General Election is the General Election Commission as organized in Article 1 in verse (5) of constitution 15 in the year 2011.⁷⁰ Meanwhile, the Regional General Election Commission is the implementer of the election of the regional head in the province, and regency/municipality.⁷¹ This is organized in Article Pasal 8 in verse (3) of constitution 15 in the year 2011 related to the task and authority of the General Election Commission in organizing the election of governor, regent, and mayor covering:

- a. Arranging and deciding the technical guidelines for every phase of the election after consulting Parliament and the Government;
- b. Coordinating and monitoring the election phase;
- c. Doing the evaluation of the election organizing year;
- d. Receiving the report of the election result from the General Election Commission in the province and the General Election Commission in the regency/municipality;
- e. Imposing the administrative sanction and/or firing temporarily to the member of the General Election Commission in the province proven doing the action resulting in the disturbance of the phase of the election organizer on the basis of the recommendation of the General Election Supervising Body and/or the regulation applied; and
- f. Undertaking the other task and authority in accordance with the regulation applied.

On the basis of the stipulation above, so if in organizing the Regional General Election the dispute of the result of vote counting recapitulation happens in Constitutional Court for the petition the candidates feeling harmed by the decision of the Regional General Election Commission, so the General Election Commission as an organization mother becomes the Claimed Side, meanwhile the position of the Regional General Election Commission as the Participating in the Claimed Side, in which the legal standing is the same when the organizing of the General Election of legislative, President and Vice-President.

However, because constitution 32 in the year 2004 still becomes a reference for organizing the General Election of the Regional Head, automatically if the dispute of the result of vote counting recapitulation happens in Constitutional Court, so as the Claimed Side is Regional General Election Commission. When this condition is viewed from the juridical aspect, the disharmony exists in the norm of the

⁶⁷ A. Mukthie Fajar, *Pemilu*, Loc Cit, hlm 125

⁶⁸ *Ibid*

⁶⁹ Naskah Akadmis terhadap Rancangan Undang-Undang Tentang Penyelenggara Pemilihan Umum, Tim Penyusun Naskah Akademik Rancangan Undang-Undang Usul Inisiatif Dewan Perwakilan Rakyat Republik Indonesia dan Perubahan Materi Undang-Undang, Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia, Jakarta, 2005, hlm. 14

⁷⁰ UU No.15 Tahun 2011, *Op Cit*.

⁷¹ Mustofa Lutfi, *Hukum Sengketa Pemilu* di Indonesia, UII Press, Yogyakarta, 2010, hlm, 144

organizing regulation of the Regional General Election between constitution 32 in the year 2004 about the Regional Government and constitution 15 in the year 2011 about the General Election Organizer.

According to the theory of Organ Hans Kelsen, considering the General Election Commission as a state organ functioning and creating a law (*law creating function*) or applying a law (*law applying function*) is given responsibilities. In the dispute of the result of the Regional General Election (Pemilukada) the General Election Commission should also become pihak Turut Termohon (the Claimed Side).

In a juridical way, deciding the Regional General Election Commission as Termohon (the Claimed Side) in the dispute of the result of the Regional General Election in Constitutional Court, actually whether the Regulation of Constitutional Court, the Regulation of the General Election, or the Regulation of the Regional Government does not determine clearly and decisively the General Election Commission or the Regional General Election Commission as the Claimed Side, but the Regulation of Constitutional Court determining.⁷²

The Regulation of Constitutional Court is based on the law logic as organized in Article 1 in verse (21) of constitution 32 in the year 2004 stating that the Regional General Election Commission is a body that is given a special authority to organize the election of the regional head and the regional head vice in every province and/or regency/Municipality. The provision of Article 9 in verse (3) and Article 10 in verse (3) of constitution 15 in the year 2011 related to the duty and authority of the General Election Commission in the province, the General Election Commission in Regency/Municipality in organizing the election of governor, regent, and mayor. Here the responsibility of the Regional General Election Commission exists in deciding the result of the vote counting recapitulation of the Regional General Election.

However, it becomes contradictory when organizing the General Election of legislative, President and President Vice when the dispute happens in Constitutional Court based on Article 4 of the Regulation of Constitutional Court (PMK) 14 in the year 2008 about the Guideline of Having a program in the dispute of the result of the General Election of the members of Parliament, Body of Regional Representative and the Regional Parliament as Termohon (the Claimed Side) is the General Election Commission (KPU) while the General Election Commission in the province or the General Election Commission in the regency/Municipality becomes participating in the Claimed Side.

To answer the first research problem “How does the Regional General Election being the democracy manifestation become a burden for the Regional General Election Commission”, having a background of the second amendment of UUD 1945, Article 18 in verse (4) states, “Governor, Regent, and Mayor as the regional government head in the province, regency, and Municipality is elected democratically. The implementation of Article 18 in verse (4) OF UUD 1945, the legislators (Parliament and President) creates constitution 32 in the year 2004 about the Regional Government, organizing the election of the regional head and the regional head vice, as the organizer is the Regional General Election Commission.

Remembering when the Regional General Election (Pemilukada) lasts, it becomes the authority of the Regional General Election Commission, according to Ateng Syafrudin,⁷³ the meaning of authority (*gezag*) and competence (*bevoegheid*) is that authority is what is called as formal power, the power deriving from the power given by the constitution, while competence only knows a certain part “*onderdeel*” from the authority.

In the authorities there is a competence (*rechtsbevoegdheden*). Competence is the scope of public law action, the scope of the government competence, not only covers the competence to make the government decision (*bestuur*), but covering the competence in the frame of the duty implementation, and giving the authority and distributing the competence especially determined in the regulation.

According to H.D. Stout competence is:

“*Bevoegheid is een begrip uit het bestuurechtelijke organisatierecht, wat kan worden omschreven als het geheel van regels dat betrekking heeft op de verkrijging en uitoefening van bestuurechtelijke bevoegdheden door publiekrechtelijke rechtssubjecten in het bestuursrechtelijke rechtsverkeer.*

(Competence is the meaning deriving from the law of the government organization, that can be explained as the all of the rules relating the acquisition and the use of the government by a public law subject in public law relation)”⁷⁴

While the authority has an important position in law studies of Statesmanship and State Administration Law. The authority is so important that F.A.M. Stroink and J.G.Steenbeek state as a core concept in the

⁷² A.Mukthie Fajar, *Op Cit*, hlm .138.

⁷³ Ateng Syafrudin, “Menuju Penyelenggaraan, Loc Cit, hlm 22

⁷⁴ Stout HD, dalam Ridwan HR, *Hukum Administrasi Negara*, (Jakarta: PT. Raja Grafindo, Oktober 2011), hlm. 98

Statesmanship and State Administration Law⁷⁵. In the meanwhile, the authority has a right and responsibility, according to P. Nicolai “an ability to do a certain law action (namely the action meant to create a law result and to cover the result of the law)”⁷⁶.

The writer states that based on the explanation above, in organizing the Regional General Election (Pemilukada) the responsibilities are on the Regional General Election Commission, but the General Election Commission also has a share in it, because in this case the General Election Commission participates as a regulator and a supervisor. Although in constitution 15 in the year 2011, the Regional General Election Commission is given an attribution authority, because the Regional General Election exists after the general election regulation of the members of Parliament, Body of Regional Representative, Regional Parliament, President and Vice-President are elected directly by the people, organized by the General Election Commission, automatically the norm organization must be consistent because the Regional General Election is included in a part of the General Election, so the provision organizing who has a right to become an organizer, who becomes a contestant, of course, this must be the same as the provision organizing the election of legislative, and executive (President and Vice-President) namely the contestant must be through a political party or the combination bringing him/her, and/or through an individual lane.

From the analysis above, in setting the organization of the Regional General Election must be consistent, namely based on legality and law certainty, and a good legislating (*algemene beginselen van behoorlijkje regelgeving*).

Next, to answer the second research problem, What is the juridical implication for the Regional General Election Commission as the organizer of the Regional General Election ?, because the Regional General Election Commission is given an authority by the legislators in which at least there are three main problems in the process of organizing the Regional General Election namely the Regional General Election Commission : (i) deciding governor candidates, regent/mayor candidates having fulfilled the requirement; (ii) deciding and announcing the vote counting recapitulation result of the election governor, regent/mayor; and (iii) publishing the decision of the Regional General Election Commission to approve the election result of governor, regent/mayor and announcing it.

The choice of the law policy of the legislator gives the attribution authority to the Regional General Election Commission, makes this body responsible when the approving decision of the Regional General Election result disputed by the candidates or the Related Side in Constitutional Court, at the same time the Regional General Election Commission (KPUD) as Pihak Termohon (the Claimed Side). In the theory of Organ anyone who has a function determined by law system, sticking in it the responsibility.

The responsibility here is the responsibility of the official politically. According to Kranenburg and Vegtig, there are two theories underlying it, namely:⁷⁷

- a. The theory *fautes personnelles*, namely the theory stating that the loss to the third side is burdened to the official because of the action has created the loss. In this theory the burden of the responsibility is aimed at the human being as a person.
- b. The theory *fautes de services*, namely the theory stating that to the third side is burdened on the agency where the official works. According to this theory the responsibility is burdened to the official. In practice, the loss appearing adapted to whether the error done is the formidable error or the light error, in which being formidable or light of the error has implications on the responsibility that must be borne.⁷⁸

The same things happen when the government commits a bad thing. It is compulsory to account for it legally or politically. When the responsibility belongs to the law, the responsibility of the government like that is called the law responsibility. The government must be responsible to the people legally based on two theories namely:

1. The public law theory, stating that everyone, including the government must account for every action, whether because of the error or without error. From this theory the law responsibility appears in the form of crime responsibility, civil, and state administration. The law responsibility from the government like this is done before the court.

⁷⁵ Ibid, hlm. 99

⁷⁶ Ibid,

⁷⁷ Ridwan H.R., Ridwan, Juniarso, dan Achmad Sodik Sudrajat, *Hukum Administrasi Negara dan Kebijakan Publik*, cetakan I, Bandung: Nuansa, 2010, *Hukum*, hlm. 1

⁷⁸ Ibid.

2. The Democracy Theory, stating that every government must account for their action to the governed, because the power of the government derives from the governed (people). From this theory the political responsibility from the state organizers, including the responsibility causing impeachment. The government responsibility politically is done in front of the parliament with or without the participation other bodies.⁷⁹

One of the law state principles is on the basis of legality, meaning that every law action of the government must be based on the regulation applied or every law action of the government must be based on the authority given by the regulation. Based on the legality the government does various kinds of law actions. Because every law action means the use of the authority, so the responsibility is understood.

In the organization structure of the Regional General Election Commission (KPUD) as an underling of the General Election Commission by the legislator is given the attribution authority and delegation at the same time authority mandate, as organized in Article 9 in verse (3) *juncto* Article 10 in verse (3) of letter u of constitution 15 in the year 2011 stating, undertaking a duty and authority given by the General Election Commission, the General Election Commission in the province and the General Election Commission in the regency/Municipality and/or in accordance with the regulation applied.

4. Conclusion

Based on the result and analysis of the research undertaken by using the relevant theory, it is concluded as follows:

1. The Regional General Election Commission in the organization structure hierarchically under the Central General Election Commission, having the authority and responsibility in organizing the Regional General Election as meant in Article 66 of constitution 32 in the year 2004 about the Regional Government, although the disharmony happens to constitution 15 in the year 2011 about the General Election Organizer.
2. the juridical implication for the Regional General Election Commission as the organizer of the Regional General Election, because the Regional General Election Commission has an authority to decide and announce the result of the vote counting recapitulation of the Regional General Election. When the dispute happens on the result of the Regional General Election having been decided by the Regional General Election Commission in Constitutional Court, so as the Claimed Side is the Regional General Election Commission and the General Election Commission is responsible. Therefore, the General Election Commission can become participating in the Claimed Side.

5. Recommendation

On the basis of the conclusion above, it can be recommended as follows:

1. The legislator needs to study again the existence of the Regional General Election Commission as an organ of the General Election Commission permanently becoming the organizer of the Regional General Election. By considering the effectiveness and the efficiency of the budget, the organizer of the Regional General Election should be a steering committee in each area *ad hoc*.
2. The Bill of the Regional General Election separated from constitution 32 in the year 2004 about the Regional Government now being discussed in Parliament to be soon approved, with the hope that the Regional General Election beginning to apply in 2015 has used the new regulation that is more comprehensive.
3. The Regulation of Constitutional Court about the Guideline Having a Program In the Dispute of the General Election Result Numbers 14, 15, and 16) needs to be revised and codified, in order that it is not separated like what happening now.

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⁷⁹ Munir Fuady, *Teori Negara Hukum Modern*, PT Refika Aditama, Bandung, 2009, hlm. 147

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