

# Design to Resolve Case of Disqualification of Winning Candidates in Local Government Head Elections in Indonesia

Ahmad Siboy  
Sholahuddin Al-Fatih  
Abdul Kadir Jaelani

DOI: <https://doi.org/10.37178/ca-c.23.1.056>

---

**Ahmad Siboy**, Faculty of Law, University of Islam Malang, Indonesia

**Sholahuddin Al-Fatih**, Faculty of Law, University of Muhammadiyah Malang, Indonesia  
Email: [salfatih@umm.ac.id](mailto:salfatih@umm.ac.id)

**Abdul Kadir Jaelani**, Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia

---

## Abstract

*This research is focused on investigating what does the relevant design of the resolution of disqualification of the winning candidate in an election look like. This research employed normative method, case, conceptual, and statutory approaches. The research result reveals that there are several alternatives that can be taken as measures: (i) criminal administrative violation brought to court following election votes cannot be processed and is deemed null and void from the outset; (ii) this violation and the disputes over the voting results are investigated by the Supreme Court and Specific Judicial Body (BPK) concurrently; (iii) the proposed design implies that the administrative violation should be tried by Supreme Court and when the Supreme Court disqualifies a winning candidate pair with the major votes, the Constitutional Court should no longer continue the case. On the contrary, when the trial initially takes place in the Constitutional Court, the administrative violation cannot be resolved unless the Constitutional Court rejects the case or declares it invalid.*

**Keywords:** Disqualification, Winner, Local Government, Head Elections

## Introduction

Local government head elections (hereinafter Pilkada) in Indonesia have run dynamically, and they have experienced a change from direct to indirect elections, non-concurrent to concurrent, pandemic-free to elections during Covid-19[1]. Resolutions to settle issues in Pilkada through judicial processes are still overlapping across cases despite the existing regulations governing the resolutions [2]

The dispute resolutions required in Pilkada are adjusted to the qualifications of the disputes concerned[3, 4]. Cases like violation are governed in law Number 10 of 2016 concerning Local Government Head Elections (Pilkada) are categorized as administrative violation (Article 138), criminal administrative violation (Article 135 A), state administrative disputes in elections (Article 153), criminal violation, disputes following election results (Article 156), and violation of code of ethics (Article 136) (Esfandiari & Hidayah, 2021). The District Court is authorized to adjudicate on the election-related cases; different courts may handle different exiting cases. For example, state administrative disputes are tried by Administrative Court, criminal

violation is tried by Integrated Law Enforcement Centre (Gakumdu<sup>[5-7]</sup> involving General Election Supervisory Body (Bawaslu), police, General Prosecutors, District Court, and Supreme Court. For administrative violation that is structured, systematic, and massive (hereinafter SSM) is adjudicated by Bawaslu-General Election Commission (hereinafter KPU)-Supreme Court, and the disputes following the election results are handled by Specific Judicial Body (hereinafter BPK). Unless the BPK is established, this case is handled by Constitutional Court<sup>[8]</sup>.

Table 1

Qualification and process required to resolve disputes in Pilkada

No	Type	Resolution	Legal Basis
1	Administrative Violation	Bawaslu-Regional KPU	(Article 138 Law 8/2015)
2	Administrative Violation in Elections (SSM)	Provincial Bawaslu –Regional KPU-Supreme Court	(Article 135 A and Article 73 Law 10/2016)
3	Administrative Disputes in Elections	Bawaslu-Adm Court-Supreme Court	(Article 154 Law 10/2016)
4	Criminal Offenses in Elections	Provincial Bawaslu -Police – General Prosecutors-District Court-High Court	(Article 145 Law 1/2015)
5	Disputes following election results	Constitutional Court	(Article 156 Law 10/2016)
6	Violation of Ethics	Bawaslu-Election Organization Ethics Council (DKPP)	(Article 136 Law 1/2015)

However, dispute resolutions in Pilkada as mentioned in Table 1 seem to fail to settle issues following election results or after winning candidates for local government head and vice-head are announced. The two issues regarding criminal administrative violation (Article 135 A) and disputes arising following the election results (Article 156), however, are likely to arise. Charges over this criminal administrative violation are passed to Bawaslu in case of any offenses indicating unfair conducts committed by the winning candidates of the Pilkada<sup>[9]</sup>. Regional KPU would respond to this case, which further moves to Supreme Court. Charges over disputes over election results are processed to Constitutional Court, indicating unfair conducts in voting that benefit the winning candidates<sup>[10]</sup>.

The judicial process over the criminal administrative violation in Supreme Court takes place without any interruption from the disputes concerning election results going on in Constitutional Court. That is, the two courts are likely to give two different judgments<sup>[11]</sup>. The decision issued by Supreme Court concerning criminal administrative violation and the decision released by Constitutional Court concerning the disputes of the election results hold similar power before law, recalling these two courts have equal position in the administrative structure in Indonesia. The likelihood of the different decisions declared by the two courts leads further to uncertainty of law due to complexity in the execution system, sparking the quandary of whether to comply with the decision of the Supreme Court or to comply with that of Constitutional Court. The judicial process dealing with this criminal administrative violation, thus, requires redesigning especially when this violation is obvious, following the results of an election.

## Research Methods

This research investigates the disputes arising amid the disqualification of winning candidates in an election, based on normative method, case, conceptual, and statutory approaches[12]. The legal materials involve primary, secondary, and tertiary data, all analyzed based on descriptive and prescriptive techniques[13].

## Result and Discussion

### 1. Out-of-limitation Administrative Violation following election results

Criminal administrative violation which could lead further to the risk of disqualification of a winning candidate pair with major votes for the position of local government heads must be based on time limit for report and decision[14]. For example, if criminal administrative violation is reported before the final count of votes is announced, this report will be given follow-up. When this is the case, the greatest likelihood is that there will be no losing candidate pairs willing to report the winning candidate pairs indicating the violation, or when the reporting is made over this case, this report may be deemed unqualified due to expiration.

Setting the statute of limitations is allowed in this case since it is believed to provide legal certainty and to ensure that the process of Pilkada runs according to the stages structured[15]. On the other hand, these limitations for the violation can also set aside any SSM violation committed by the winning candidates with major votes. In other words, when law enforcement concerning criminal administrative violation is limited with time, it is unlikely to enforce the law that deals with the SSM violation. This is contrary to the legal principle suggesting that no one should benefit himself/herself from violation committed (*nemo commudus capere protest de injuria propria causa*). This principle is deemed acceptable recalling that violation can cause losses or take victims, and due to this consequence, those committing it are subject to court trial (Wijayanta, 2014). Moreover, the law enforcement against a candidate pair committing the violation is also part of legal protection for other losing candidate pairs that must take the consequences caused. This indicates that law must be enforced to the end of this civilization without any time limit for the sake of justice, as in line with an adagium *fiat justicia ruat Caellum*[7, 16].

However, the above principle can be put aside in the resolution of criminal administrative violation in Pilkada since the time limit given to the resolution cannot erase the substantial aspect in law enforcement against SSM violation, which may be committed by the winning candidate pairs in Pilkada. The law dealing with this violation can still be enforced but the report of this allegation regarding this violation must be reported, tried, and given verdict before the election results are announced. In a closer look, for example, if the election results are announced in December, the judicial process of the allegation of the SSM criminal administrative violation should be complete in November. Thus, a candidate pair that is evidently declared guilty of the violation will not make their way further to the election results. That is, the votes given for the candidate pair are not counted. The statute of limitations is also aimed to avert any political efforts or manipulation from the candidates that cannot take defeat since the defeated pair will probably take the chance of this administrative violation to impede the opposition candidates with major votes from winning[17]. These limitations for the petition for the case are in line with the vacuum of power.

The time limit required for the resolution to this violation is intended to prevent any irrelevance of the judicial process to any stages that follow. The resolution of the SSM criminal administrative violation that can still be processed although the election result announcement takes place will affect the appointment process for the elected candidate pairs as the local government heads or vice heads. The administrative violation dealt with by Supreme Court and the disputes following the election results that the Constitutional Court handles are time consuming, and this lengthy process usually causes the appointment of the elected candidates to pass the time limit. In

Pilkada 2020, for example, the inauguration of the elect candidates was postponed since the candidates were involved in litigation at Constitutional Court. This situation is usually worsened by the condition where the decisions of both the Supreme Court and Constitutional Court conflict, and it sparks uncertainty over which candidates should win the election[16]. This situation will affect the idle position of local government head and the vice head in a regional area, while office term of the head and vice head will not be extended[18]. When office term ends and the position of the head and the vice head is idle since there are no candidates appointed for this position, temporary officials (or known as Pjs) or Ad Interim (Plt) could be appointed although these temporary officials were restricted to certain authorities and could interrupt the running of the organization at local level.

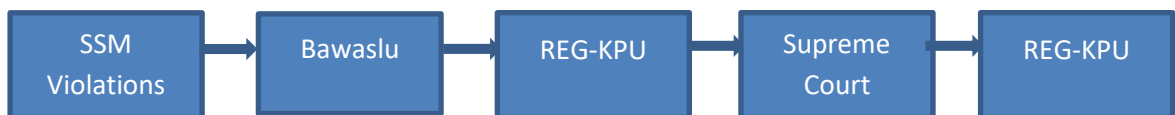
The lengthy process of the Pilkada and uncertainty over who will be the winning candidates in Pilkada will raise the political tension and spark conflict. Third, the time limit given in the stages and process of dispute resolution in Pilkada should be made clear and certain. The time limit is intended to give understanding to all parties about the process and stages in structured and systematic Pilkada. With this, it is expected that the political tension could be suppressed while the litigation process at Constitutional Court is in progress[2]. Fourth, time limit given is allowed by the constitution. The time limit aimed for the dispute resolution as in SSM administrative violation in Pilkada meets the requirement of restricting a person’s right as governed in Article 28J paragraph (2) of the 1945 Indonesian Constitution, suggesting that this limitation is intended to control the order to prevent chaos that may be triggered by uncertainty over who legally wins the election.

***Merger of Two Litigations involving Constitutional Court/BPK***

The SSM violation is found close to the counting process of votes held by the regional KPU, the law enforcement concerning this SSM violation is not categorized into criminal administrative violation whose process involves Bawaslu-regional KPU-Supreme Court, but this case is deemed to be the case of the disputes of election results at Constitutional Court[19] The litigation process that is facilitated following the election results only deals with the disputes of the election results, not other disputes because the process of Pilkada approaches to the last stage.

**Chart 1.**

**Criminal Administrative Violation Settlement prior to Election Results**



**Chart 2.**

**Criminal Administrative Violation Settlement following Election Results**



Transferring the settlement of the SSM criminal administrative violation to Constitutional Court seems to be an appropriate decision because the mechanism of this settlement was used for the first time to resolve the disputes of election results in the election of the Governor of East Java back in 2008 and the Regent of Pandeglang Regency[20]. The reinforcement of the settlement of the criminal administrative violation at Constitutional Court is in line with the following notions:

In terms of the settlement handled by Bawaslu-Supreme Court, the settlement of the criminal administrative violation by Constitutional Court is considered acceptable although this court is not designed to settle criminal administrative disputes. This

approach is based on the approach of administrative violation process as governed in Article 135A of Law 10 of 2016 concerning Pilkada, implying that the settlement should involve Bawaslu, further to the cassation submitted to Supreme Court. The settlement process by Bawaslu certainly is the resolution design not relevant to the principle of the establishment and the position of Bawaslu as a supervisory body, not as an adjudicating body. Similarly, the decision of the Regional KPU usually continues the decision of Bawaslu where the cassation can be proposed to Supreme Court. This contravenes to the principle where this case must be tried by the courts at *judex factie* level such as District Court and High Court before it is appealed to Supreme Court since this court is categorized into *judex juris*. The two judicial processes handled at *judex factie* and *judex juris* are not similar[21]. Therefore, Constitutional Court could have its power to adjudicate on the criminal administrative violation following the election results, or it could be merged with the authority of Constitutional Court to adjudicate on the disputes of the election results.

Secondly, in terms of the position of Constitutional Court as the first and the last instance court, the merger of the litigations of both SSM criminal administrative violation and the disputes in the election results handled by Constitutional Court could also be based on the position of Constitutional Court as an adjudicating body of the first instance and the last instance with its decisions that are final and binding. This merger is deemed appropriate and relevant to be implemented in the system and position of adjudicating body in Indonesia. With this, allegation of this criminal administrative violation can be directly submitted to and handled by Constitutional Court and there should be no more legal remedies required following a decision issued by the Constitutional Court. That is, candidate pairs who are allegedly declared to have violated SSM criminal administration can be brought further to the Constitutional Court or this case can be merged with the case of disputes of election results. The construction of law of this merging model is considered appropriate. When the cases are done separately, the decision issued by the Supreme Court is probably not relevant to the consideration the Constitutional Court has to make[22].

Thirdly, this merging model seems to fit the principle of efficiency, affordability, and simplicity in legal proceedings[23]. The concurrent litigations dealing with the violation of SSM criminal administration handled by Supreme Court and the disputes of election results by Constitutional Court may be complicated since it may not be easily understood by the logic of law, let alone by the members of public. This complexity arises from the fact that the Supreme Court adjudicates on SSM criminal administrative violation allegedly committed by candidate pairs in Pilkada while the Constitutional Court deals with allegation from the losing candidate pairs who allege the winning candidates of violation that affects collected votes.

On one hand, the distribution of authorities to the Supreme Court and Constitutional Court is acceptable since the Supreme Court only deals with criminal offenses while the Constitutional Court deals with disputes of election results that are general. However, the cases dealt with by these two courts are different, or this issue is known as to deal with *subjectum letis*[23]. On the other hand, the decision of the Constitutional Court is related with the object prosecuted. For instance, Constitutional court declares that a candidate pair with major votes has committed violation by mobilizing civil servants and has been found to be in conspiracy with the bodies in charge of general elections, and this makes the Constitutional Court to annul the victory of the candidate pair where this victory has been previously decided by the regional KPU. On the contrary, Supreme Court can decide that the violation committed by the candidate pair with the major votes is not categorized as SSM. This elaboration indicates that these concurrent processes are highly challenging since they may perplex the members of public.[4]

When these two different litigation processes concurrently take place, this concurrence does not seem to fit the principle of affordability since the amount spent on these cases by the parties involved may double. Certain parties have to allocate

the fund spent on these two processes. When the settlement of the administrative violation is transferred to the Constitutional Court and the prosecution at Supreme Court should no longer take place since it passes the time limit, this alternative can cut the cost spent on the prosecution. In this case, the Constitutional Court still has to allocate the fund for this prosecution, but not the Supreme Court.[6]

The design that requires transfer of prosecution of the SSM administrative violation to Constitutional Court or that merges the two cases to be processed in one court seems relevant to the principle of efficiency since the proceedings under one court only takes up to 45 days to settle the case. Unlike this principle, the separation of case as performed by Bawaslu-Supreme Court, criminal administrative violation, and the disputes following the election results handled at Constitutional Court require the parties to get involved in two cases adjudicated at both Supreme Court and Constitutional Court. This time split will certainly affect the time spent by certain parties. When these two litigation processes blend into a single process at one court, it is the BPK which is authorized to adjudicate on the case, since this body is specially designed to deal with Pilkada-related cases. Although BPK was initially aimed to handle the cases of disputes regarding election results (after the Pilkada was separated from the regime of general elections), it does not mean that the power of the BPK cannot stretch any further to deal with the criminal administrative cases found when the process of the Pilkada is approaching to the announcement of the winner. This merged cases in the BPK is also inextricable from the settlement of the criminal administrative violation that may involve the disqualification of the victory of candidate pairs. In other words, it will be fair enough to process the case only once and at one court if the decisions of the courts are to annul the victory of the candidates in the Pilkada. This is aimed to ensure that no overlapping decisions take place between the two courts and that the principle of efficiency, affordability, and simplicity is achieved.[1, 13, 22, 24, 25]

### ***Non-concurrent process of Dispute Resolution***

The disqualification of a winning candidate pair with major votes in Pilkada through the mechanism of resolutions of the SSM violation and the disputes regarding election results can be performed in a non-concurrent way. The pattern and process of this non-concurrent mechanism can be managed as follows: first, based on an area where candidates of the Pilkada are found to have committed criminal administrative violation; this criminal offense must be brought to court and when the prosecution is in progress, there should not be any more disputes of election results brought to court. If there is any, the disputes cannot be brought further to the Constitutional Court and all parties are encouraged to focus on the judicial process at Supreme Court. When the Decision declared by the Supreme Court annuls the victory of a candidate pair with the major votes and they are allegedly said to have committed the SSM administrative violation, the disputes triggered by election results cannot be submitted to Constitutional Court, recalling that the parties involved in the disputes of election results are disqualified by the Supreme Court.[26]

On the other hand, if Supreme Court does not disqualify the victory of a candidate pair gaining major votes, the process for the disputes of election results could be passed to Constitutional Court, and the losing candidate pairs in Pilkada can submit the case to Supreme Court, while the Constitutional Court must settle the disputes regarding election results although the winners in the Pilkada alleged to have committed the SSM administrative violation are not proven guilty by Supreme Court Decision. The Constitutional Court has the responsibility to settle the case concerning the disputes following election results since the court may disqualify the victory of the candidates with major votes by declaring that the candidates have committed the offense that affects the votes although this is not categorized as SSM violation. Some violations are said to significantly affect the votes despite the fact that they are not SSM violations. For example, violation that involves the conspiracy between a

candidate pair and the commission in charge of the general elections aimed to manipulate the votes in election results potentially takes place, but this offense is not included in the SSM violation that has to be prosecuted at Supreme Court since it does not meet the principle of 'massive'.<sup>[27]</sup>

When this design is used as a reference, the issue faced is related with the regulation of registration of disputes of election results as governed in Article 157 paragraph (5) of Law Number 10 of 2016 concerning Pilkada, implying that the disputes can be proposed to Constitutional Court three days before the voting results decided by the regional KPU. Thus, another paragraph of a clause needs to be added to this provision stating that the provision as in paragraph (5) Article 157 does not count as a legal reference for a regional area where legal proceedings that deal with criminal administrative violation are in progress, as intended in Article 135A and Article 73.<sup>[28]</sup>

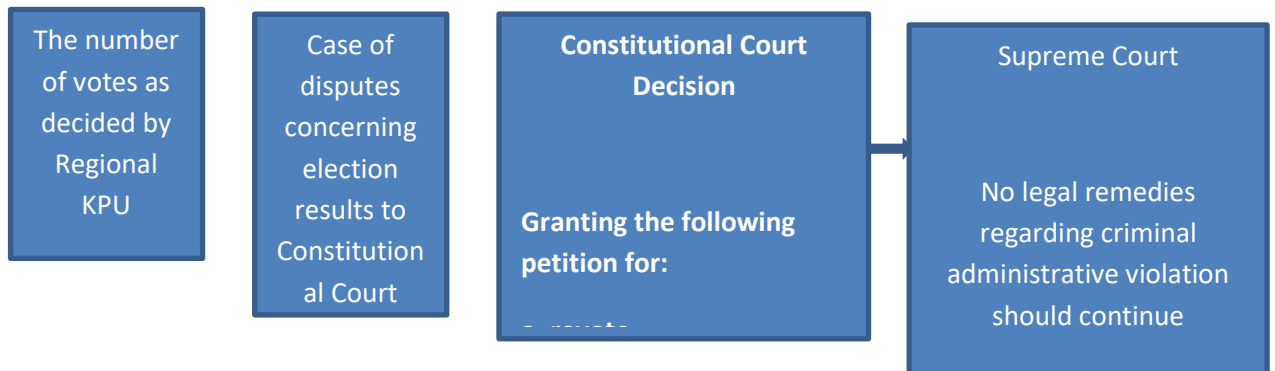
Secondly, the judicial process dealing with the criminal administrative violation after the winning candidates are decided in Pilkada can be performed after the disputes of election results are resolved. In such a design, it is necessary that the disputes of election results be resolved first before the SSM criminal administrative violation is settled first due to the following grounds: Disputes of election results in Pilkada arise after the final count of votes performed by regional KPU. Through the resolution of disputes of the election results at Constitutional Court, the decision made by the regional KPU will be reinforced or even disqualified. The disqualification of the victory declared by Constitutional Court can be presented in three decisions: revote, recount, and disqualification of the winning candidates in Pilkada. All these three models of decisions declared by Constitutional Court will surely affect the follow-up process or the process of the criminal administrative violation settlement; when Constitutional Court declares that recount must be taken, the litigation over the allegation of criminal administrative violation committed by a candidate pair is cancelled.<sup>[28]</sup>

The allegation of the violation processed in Bawaslu-Regional KPU-Supreme Court will also lose its object recalling that this allegation is considered non-existent because the Constitutional Court decision on revote will erase all that take place before the Constitutional Court decision (including the allegation of violation committed by candidates with major votes). It is uncommon for the legal proceedings dealing with the criminal administrative violation to stay in progress over the decision of revote declared by the Constitutional Court because the legal process of this violation should take place following a new law in which revote is conducted. This revote could give different major votes from the votes gained by the candidates with major votes prior to the Constitutional Court decision.

When Constitutional Court requires that revote be conducted, this order requires all ballots in some or in all ballot boxes be recounted. This recount is intended to ensure that there is no manipulation of the numbers of votes, which is potential to lead to errors of the final results. The Constitutional Court decision regarding this recount is surely related with the legal process that deals with the criminal administrative violation since the major votes can be held by another candidate pair or the candidate pair that is different from what has been decided by the Regional KPU. When this is the case, there is possibility that the losing candidates, who petitioned for the case to Constitutional Court and over administrative violation to Bawaslu-regional KPU-Supreme Court, will have major votes. When the candidates with major votes are proven to have committed violation, and this violation has affected the election results that benefit the candidates as the winners, this victory will be disqualified. This disqualification also ceases the litigation process of the allegation of administrative violation since disqualification is the final objective of the decision of the settlement of administrative violation in Pilkada, as in the administrative violation allegedly committed by a candidate pair with the major votes in Pilkada of Bandar Lampung city in 2020.

**Chart 3.**

**Criminal Administrative Violation Settlement following Constitutional Court Decision that disqualifies the decision of Regional KPU**



However, when the Constitutional Court decision supports the decision of regional KPU declaring that the candidates who allegedly commit the violation still win the election, the proceedings concerning the violation of Article 135A and 73 of Law 10 of 2016 concerning Pilkada can still proceed. The two decisions issued by Constitutional Court that support the victory of the candidate pair with major votes according to the decision of regional KPU constitute 'fully reject the petition' or 'petition cannot be accepted'. "Reject" implies that the allegation is not proven before the court of law. Thus, the victory falls on the candidate pair with the major votes according to the decision of the Regional KPU.

The decision of Constitutional Court that does not affect the decision of the Regional KPU regarding who wins the election is that when the Constitutional Court declares that petition for the litigation dealing with disputes of election results 'cannot be accepted'. This decision implies that the petition fails to meet formal requirement. This decision can be due to the fact that petitioners do not hold any legal standing. In the case of the dispute of election results, a petitioner can be deemed to have no legal standing since the petition conflicts with Article 158 concerning threshold of difference of votes between petitioners and winners, where the threshold must not exceed 0.5%-2%, or Constitutional Court cannot adjudicate on the disputes over election results despite serious violation.

The provision regarding the threshold will cause trouble that interrupts the legal proceedings dealing with violation committed by the winning candidates in Pilkada. This provision is even believed to serve as immunity behind which the candidates hide from the injustice they may cause. There have been several cases indicating that disputes of election results cannot be adjudicated by Constitutional Court. In Pilkada 2015, for example, there were 139 decisions declaring that the petition could not be accepted, and there were 43 decisions declaring the same in Pilkada 2017[9, 28].

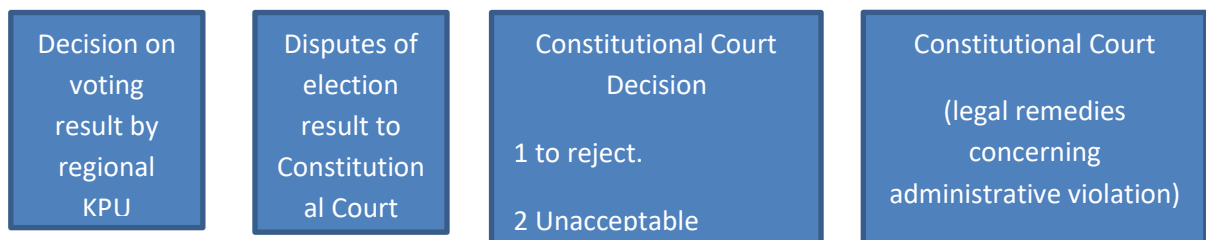
Based on the Constitutional Court decisions that rejected or that could not accept the case, the settlement of administrative violation can still be brought further to Bawaslu-Regional KPU- Supreme Court because rejecting decision of the Constitutional Court will not produce any new law. That is, it still sticks to the decision issued by the Regional KPU regarding the election vote result, or the winning candidate pair whose victory is declared by Constitutional Court can be those allegedly committing the SSM violation. The legal process required to settle the criminal administrative violation committed by a candidate pair with major votes can also trigger another decision different from that declared by Constitutional Court. A candidate pair whose victory is supported by Constitutional Court can be disqualified in the judicial process that follows. This disqualification can occur when Constitutional Court



declares that the candidate pair with major votes based on the decision issued by the Regional KPU and Constitutional Court is proven that they have committed criminal administrative violation as governed in Article 135 A and Article 73 of Law 10 of 2016 concerning Pilkada[9, 28].

The conflicting decisions issued by Constitutional Court and Supreme Court are the two decisions that refer to different objects. Thus, these two decisions are considered valid before law. However, when the processes of the resolutions provided by the two courts have been appropriately prepared in terms of their stages (regarding which should be executed first), principally it is the decision issued by Supreme Court that has to be implemented, recalling that the Supreme Court decision takes place after the legal process performed by Constitutional Court.

**Chart 4.**  
**Criminal Administrative Violation Settlement following Constitutional Court Decision supporting the Decision issued by Regional KPU**



However, the choice of design will be debatable due to equal position held by the two courts in the administrative system of Indonesia. This equal position breaks a notion suggesting that the judgment passed in higher court will weaken the judgment passed by lower court. Although the decision declared by Supreme Court comes before the Constitutional Court decision, it does not mean that “the new decision can push away the earlier decision” because *lex post priori deroget lex priori* does not apply for two courts holding the same position.

**Conclusion**

Disqualification of victory of a candidate pair can involve two legal remedies dealing with SSM criminal administrative violation (Article 135 A and Article 73 of Law concerning Pilkada) and disputes of election result of Pilkada (Article 156 of Law concerning Pilkada). However, the resolution given in two different courts will potentially bear conflicting decisions of the two courts, which are inextricable from the differences brought by the courts, where Supreme Court deals with criminal administrative violation and Constitutional Court with disputes concerning election results of Pilkada. As a consequence, to prevent any potential of these conflicting decisions, redesigning the mechanism of disqualification of the winning candidates in Pilkada is required, where the design comes in several options: First, administrative violation cannot be adjudicated when Pilkada has come to the counted votes representing the election results; second, the design involves merging administrative violation settlement with the process required to deal with disputes over election result at Constitutional Court/BPK; third, the resolution can be performed non-concurrently or in order between the administrative violation and the disputes regarding election results.

## Reference

1. Kavanagh, M.M. and R. Singh, *Democracy, capacity, and coercion in pandemic response: COVID-19 in comparative political perspective*. Journal of Health Politics, Policy and Law, 2020. **45**(6): p. 997-1012.DOI: <https://doi.org/10.1215/03616878-8641530>.
2. Kennedy, R. and B.P. Suhendarto, *Legal Discussion: Alternative Patterns for Filling Regional Head Positions during the Covid-19 Pandemic*. Jurnal Pembangunan Hukum Indonesia, 2020. **2**(2): p. 188-204.DOI: <https://doi.org/10.14710/jphi.v2i2.188-205>.
3. Al-Fatih, S., *The Urgency of Disseminating Healthy Pilkada Amid the Covid-19 Pandemic in the Greater Malang Region*. Jurnal Dedikasi Hukum, 2021. **1**(1): p. 45-57.
4. Prasetio, P., et al., *Problems of democratic and dignified election in Indonesian simultaneously electoral era*. International journal of Criminology and Sociology, 2020. **9**: p. 1701-1708.
5. Esfandiari, F. and S. Al-Fatih, *Initiating a Permanent Electoral Body To Resolve Dignified Election Disputes: Assessing the Effectiveness of Gakkumdu*. Yustisia Jurnal Hukum, 2020. **9**(3): p. 333-347.DOI: <https://doi.org/10.20961/yustisia.v9i3.44437>.
6. Najicha, F.U., *Oil and Natural Gas Management Policy in Realizing Equal Energy in Indonesia*. International Journal of Energy Economics and Policy, 2017. **7**(4): p. 193.
7. Subiharta, S., *Legal Morality in Practical Law as a Virtue*. Jurnal Hukum dan Peradilan, 2015. **4**(3): p. 385-398.DOI: <https://doi.org/10.25216/jhp.4.3.2015.385-398>.
8. Ghoffar, A., *Realizing the Constitutional Court as an Accountable and Reliable Court*. Pandecta Research Law Journal, 2018. **13**(2): p. 76-88.DOI: <https://doi.org/10.15294/pandecta.v13i2.16727>.
9. Sardini, N.H., *The Local Election Amidst the Oligarchs*. Humanities and Social Science Research, 2019. **2**(1): p. p21-p21.DOI: <https://doi.org/10.30560/hssr.v2n1p21>.
10. Bratton, M., *Second elections in Africa*. Journal of Democracy, 1998. **9**(3): p. 51-66.DOI: <https://doi.org/10.1353/jod.1998.0041>.
11. Al-Fatih, S., *One-stop model for testing laws and regulations through the Constitutional Court*. Legality, 2018. **25**(2): p. 247-260.DOI: <https://doi.org/10.22219/jihl.v25i2.6005>.
12. Irwansyah, I., *Legal Research: Choice of Article Writing Methods & Practices*. Yogyakarta: Mirra Buana Media, 2020.
13. Maier, C.B. and L.H. Aiken, *Task shifting from physicians to nurses in primary care in 39 countries: a cross-country comparative study*. European journal of public health, 2016. **26**(6): p. 927-934.DOI: <https://doi.org/10.1093/eurpub/ckw098>.
14. Chukwu, E.E., et al., *Antimicrobial resistance awareness and antibiotic prescribing behavior among healthcare workers in Nigeria: a national survey*. BMC infectious diseases, 2021. **21**(1): p. 1-12.DOI: <https://doi.org/10.1186/s12879-020-05689-x>.
15. Junaidi, M., *Election and Pilkada Crimes by the Integrated Law Enforcement Center*. Jurnal Ius Constituendum, 2020. **5**(2): p. 220-234.DOI: <https://doi.org/10.26623/jic.v5i2.2631>.
16. Saragih, A.D.A., *Juridical Overview The Importance of Establishing a Special Court in Simultaneous Elections According to the Regional Head Election Law*. Lex et Societatis, 2017. **5**(3).
17. Rizki, S.C. and Y.A. Hilman, *Measuring Differences of Opinion in the Simultaneous Regional Election Contest Implementation Agenda in the Middle of Covid-19*. Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik Dan Hummanioramaniora, 2020. **4**(2): p. 143-155.DOI: <https://doi.org/10.31604/jim.v4i2.2020.143-155>.
18. Wijayanta, T., *The principle of legal certainty, justice and expediency in relation to the bankruptcy decision of the commercial court*. Jurnal Dinamika Hukum, 2014. **14**(2): p. 216-226.
19. Ningtyas, N.A.C., *The application of standardization and supervision in the certification of establishment of business qualification and tax rates in construction services*. PalArch's Journal of Archaeology of Egypt/Egyptology, 2020. **17**(3): p. 1926-1935.
20. Brown, D.K., *The perverse effects of efficiency in criminal process*. Va. L. Rev., 2014. **100**: p. 183.
21. Ryandika, M.S. and J. Wirawan, *Penerapan Peran Hakim Agung Sebagai Judex Juris Dalam Perkara Pidana Studi Putusan Ma No. 2239 K/Pid. Sus/2012*. Jurnal Penelitian Hukum Gadjah Mada, 2015. **2**(2): p. 90-104.
22. Ruger, T.W., et al., *The supreme court forecasting project: Legal and political science approaches to predicting supreme court decisionmaking*. Columbia Law Review, 2004: p. 1150-1210.DOI: <https://doi.org/10.2307/4099370>.
23. Ilham, M.H., *A Study on the Principles of Fast, Simple, and Low Cost Justice on the Fulfillment of the Rights of Justice Seekers (Study of Supreme Court Decision Number 246 K/Pid/2017)*. 2018.

24. Jaelani, A.K., H. Igakr, and L. Karjoko, *Executability of the constitutional court decision regarding grace period in the formulation of legislation*. International Journal of Advanced Science and Technology, 2019. **28**(15): p. 816-823.
25. Esfandiari, F. and N.P. Hidayah, *General Elections in Indonesia: Between Human Rights and Constitutional Rights*. 2021.DOI: <https://doi.org/10.4108/eai.1-7-2020.2303622>.
26. Wijaya, M.P.H. and M.Z. Ali, *Legislation Impediments in Reorganising Government Bodies in Indonesia*. BESTUUR, 2021. **9**(1): p. 1-12.DOI: <https://doi.org/10.20961/bestuur.v9i1.51633>.
27. Yussoff, S.F.B.C. and R. Nordin, *Freedom of Expression in Malaysia: Compatibility with the International Human Rights Standard*. Bestuur, 2021. **9**(1): p. 34-42.DOI: <https://doi.org/10.20961/bestuur.v9i1.51637>.
28. Karjoko, L., et al., *Patent policy on the pharmaceutical sector in Indonesia*. Journal of Legal, Ethical and Regulatory Issues, 2020. **23**(5): p. 1-13.