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Resolution of Election Disputes for DPD Members Through Administrative Court Decisions Based on Law No. 7 of 2017 on General Elections (A Case Study of the DPD in West Sumatera Province)

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Abstract: This research aims to analyze the Jakarta Administrative Court Decision No. 600/G/SPPU/2023/PTUN.JKT related to the election dispute of DPD (Regional Representative Council) members in 2023, from the perspective of Law No. 7 of 2017 on General Elections and fiqh siyasah (Islamic political jurisprudence). The focus of the dispute is the alleged violations by the General Election Commission (KPU) in the process of establishing the permanent voter list and determining the election results. This study employs a normative approach with a case study to address how election disputes for DPD members are resolved through Administrative Court decisions. The analysis reveals that the Jakarta Administrative Court Decision has integrated principles of justice and transparency as outlined in fiqh siyasah, and complies with the legal provisions of Law No. 7 of 2017. However, the study also highlights some challenges in enforcing accountability and transparency by the election organizers. This decision has strategic implications for governance and strengthening democracy in Indonesia, particularly within the context of Islamic constitutional law.

Keyword: Fiqih Siyasah, Law No. 7 of 2017, Administrative Court, KPU

INTRODUCTION

General elections in Indonesia often become a battleground of intense competition, frequently leading to various disputes. In some cases, dissatisfaction with the election results or processes deemed not in accordance with procedures can result in legal challenges, as seen in the Jakarta Administrative Court Decision No. 600/G/SPPU/2023/PTUN.JKT. This dispute involves Drs. H. Irman Gusman, MBA, as the plaintiff against the General Election Commission (KPU) of the Republic of Indonesia as the defendant, related to the Permanent Candidate List (DCT) of Regional Representative Council (DPD) members in the 2024 election for West Sumatra Province.

Administrative disputes, as defined in Article 1, paragraph 10 of Law No. 51 of 2009, are disputes arising in the field of administrative law between individuals or legal entities and State Administrative Bodies or Officials. In this context, the subjects in the Administrative Court (PTUN) are individuals or legal entities as plaintiffs and State Administrative Bodies or Officials as defendants, with the object of the lawsuit being decisions issued by the KPU. Law No. 7 of 2017 on General Elections (Election Law) is the primary legal foundation for the conduct of elections in Indonesia. This law regulates various aspects, from election participants, election organizers, the voting process, to the resolution of election disputes. One important issue regulated in the Election Law is the mechanism for resolving election disputes through the Administrative Court. Therefore, Jakarta Administrative Court Decision 600/G/SPPU/2023/PTUN.JKT must refer to the provisions outlined in the Election Law, particularly concerning the determination of voter lists, the voting process, and the announcement of election results.

The Election Law grants authority to the Administrative Court to handle election disputes filed by election participants. In this case, the plaintiff (Drs. H. Irman Gusman, MBA) filed a lawsuit related to alleged violations by the KPU in the process of determining the permanent voter list (DPT) and the results of the 2023 election. Therefore, Jakarta Administrative Court has the competence to examine and adjudicate the case. The Election Law emphasizes the rights of election participants, such as fairness, equality, and accountability of organizers. Jakarta Administrative Court's decision must consider whether the plaintiff's rights as an election participant have been protected and fulfilled in accordance with the Election Law.

Additionally, the Election Law mandates the principles of democracy and transparency in the conduct of elections, so the Jakarta Administrative Court must assess whether the KPU has applied these principles in the process of determining the DPT and election results. Jakarta Administrative Court decisions can have implications for the implementation of future elections, both in terms of regulations and practices. Therefore, Jakarta Administrative Court decisions must be based on a comprehensive and meticulous interpretation of the provisions in the Election Law. In this case, the lawsuit was filed based on alleged administrative legal violations by the KPU in issuing KPU Decision No. 1563 of 2023 on the Permanent Candidate List for DPD Members for the 2024 Election. This lawsuit was filed by a former corruption convict who felt aggrieved by the decision, the dispute is interesting as it involves important issues regarding the validity of election procedures and the application of legal principles within the context of constitutional law.

In "Resolution of Election Disputes in the Administrative Court," it is stated that the Administrative Court (PTUN) has a strategic role in resolving election disputes. This is because the PTUN is authorized to examine and adjudicate disputes related to decisions/actions of the KPU as the election organizer. "Resolution of Election Disputes in the Administrative Court" states that the PTUN has a strategic role in resolving election disputes. This is because the PTUN is authorized to examine and adjudicate disputes related to decisions/actions of the KPU as the election organizer. Furthermore, it explains that the PTUN can annul KPU decisions if it is proven that they violate the applicable laws and regulations, including the Election Law. Therefore, Jakarta Administrative Court Decision must consider whether the KPU has fulfilled its obligations in accordance with the Election Law in the process of determining the DPT and announcing the election results.

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On the other hand, the resolution of election disputes also has significant relevance in Fiqh Siyasaah or Islamic political jurisprudence. Fiqh Siyasaah emphasizes the importance of justice and honesty in governance and politics. Therefore, an analysis of this PTUN decision from the perspective of Fiqh Siyasaah is expected to provide additional insights into the application of Islamic values in the context of resolving election disputes in Indonesia. Fiqh Siyasaah emphasizes the importance of justice ('adl) and honesty (sidq) in governance and politics. These principles are not only crucial in the everyday life of Muslims but also in the execution of political and governmental processes. Therefore, analyzing the PTUN decision from the perspective of Fiqh Siyasaah can provide additional insights into the application of Islamic values in a modern context, particularly in the resolution of election disputes. In this context, the perspective of Fiqh Siyasaah (Islamic Constitutional Law) can offer a comprehensive view. Fiqh Siyasaah regulates concepts of the state, the relationship between rulers and the people, and the principles of ideal governance.

In the discussion of the Theory of Al-Mashlahah Al-Khassah, it is crucial to distinguish and prioritize between public interest and personal interest. Islam prioritizes public interest when it conflicts with personal interest, as practiced by Malik bin Anas, a prominent scholar who vigorously applied the concept of mashlahah as a basis for Islamic law formation. Malik bin Anas did not write his own steps for *istimbath al-ahkam*; rather, his students compiled and collected his jurisprudence. Public interest often relates to the majority's needs, while personal interest occurs less frequently and is usually associated with emergency situations. For example, a former corruption convict running for DPD leadership before the five-year hiatus is completed should be disqualified based on the principle of mashlahah. In Islam, public interest is always prioritized over personal interest if a conflict arises between the two.

In this context, the constitution is viewed as a single interpretation of the Administrative Court (PTUN) decision. This research aims to examine the principles of justice and honesty in Fiqh Siyasaah and how these principles are applied in the resolution of election disputes. This research will also assess the extent to which Jakarta Administrative Court Decision No. 600/G/SPPU/2023/PTUN.JKT aligns with these principles and its implications for governance and strengthening democracy in Indonesia. This research is expected to contribute significantly to the development of constitutional law, particularly in the context of elections in Muslim countries. Thus, this research is important not only from the perspective of Indonesian positive law but also from the perspective of Fiqh Siyasaah, which offers a comprehensive view on the fair and transparent resolution of election disputes.

METHOD

Research Methods

This research uses both the statutory approach and the case approach. The statutory approach involves examining all laws and regulations related to the legal issues being addressed. Meanwhile, the case approach entails reviewing cases related to the legal issues faced and which have resulted in court decisions.

The specification of this research is descriptive-analytical, meaning it describes the applicable regulations in relation to legal theories and the practice of positive law concerning the issues.

Data collection in this research is conducted through library research, which involves studying and analyzing primary, secondary, and tertiary legal materials, including:

1. Primary legal materials, such as laws related to the subject, including Law No. 7 of 2017 on General Elections, Supreme Court Regulation No. 5 of 2017 on Guidelines for Adjudicating Election Dispute Settlement in the Administrative Court, and relevant court decisions.
2. Secondary legal materials, including books, journals, and other literature related to the issues being researched.
3. Tertiary legal materials, such as legal dictionaries and encyclopedias.

Data analysis in this research is carried out qualitatively, meaning by understanding and interpreting the obtained data to produce useful information. Interpretative methods are used to analyze the data, including interpreting laws, court decisions, and legal literature related to the legal issues under investigation.

RESULTS AND DISCUSSION

Analysis of Jakarta Administrative Court Decision No. 600/G/SPPU/2023/PTUN.JKT

The Jakarta Administrative Court (PTUN) Decision No. 600/G/SPPU/2023/PTUN.JKT has become a central point in resolving disputes related to the 2023 General Election process, specifically concerning the Permanent Candidate List (DCT) for the Regional Representative Council (DPD) for West Sumatra Province. The plaintiff in this case, Drs. H. Irman Gusman MBA, alleged administrative law violations by the General Election Commission (KPU) of the Republic of Indonesia, particularly related to the DCT determination procedures.

In this analysis, it is evident that the PTUN decision carefully considered aspects of justice and legality based on the provisions outlined in Law No. 7 of 2017 on General Elections (Election Law). However, there are important notes regarding the application of *fiqh siyasah* principles which emphasize justice, transparency, and accountability in political and governmental processes. The Jakarta PTUN decided to reject the plaintiff's lawsuit, on the grounds that the KPU had acted in accordance with the procedures stipulated in the Election Law and there was no strong evidence indicating significant violations that could annul the KPU's decision regarding the DCT.

Implications of the Decision on the Principle of *Maslahah*

From the perspective of *fiqh siyasah*, this decision can be assessed as an effort to prioritize public benefit over private benefit. This principle aligns with the theory of *Al-Mashlahah Al-Khassah*, which emphasizes that in the case of a conflict between public interest and private interest, Islam prioritizes public benefit. This PTUN decision reinforces the principle that integrity and justice in the administration of elections are primary priorities that must be maintained, even if it may disadvantage certain individuals.

Evaluation of Transparency and Accountability

Although this decision generally aligns with Islamic legal principles, there are some criticisms that can be directed towards aspects of transparency and accountability. Some may view that while formal procedures have been followed, other aspects such as information openness and public participation still need improvement. This is important to ensure that all parties involved feel satisfied with the process and outcome of the election, and to strengthen the legitimacy of the decisions made by the election administration bodies.

Thus, this decision has strategic implications for governance and the strengthening of democracy in Indonesia, particularly in the context of applying Islamic constitutional law principles.

CONCLUSION

The Jakarta Administrative Court Decision No. 600/G/SPPU/2023/PTUN.JKT, related to the 2023 General Election process dispute, demonstrates that the implementation of elections in Indonesia still faces various administrative and procedural challenges that may disadvantage election participants. From the perspective of Fiqih Siyasah, this decision reflects the need for the application of principles of justice, honesty, and transparency in the administration of government and elections. Although this decision generally aligns with these principles, there are some critical notes regarding the enforcement of accountability and transparency by election organizers. This indicates that while progress has been made, further improvements are necessary in the future election system to ensure a fairer and more transparent process. Therefore, the analysis of this decision not only provides relevant legal insights for the development of constitutional law in Indonesia but also contributes to a deeper understanding of how Fiqih Siyasah principles can be applied in the context of modern governance. The results of this analysis are expected to serve as a foundation for improving the quality of future election administration and reinforcing the application of justice principles in Indonesia's legal and governmental systems.

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