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## **Dispute Over Vote Count in the Election of The Head of Huta Julu Village, Mandailing Natal Regency From the Perspective of Fiqh Siyasah (Analysis Study of Decision Number: 73/G/2023/PTUN.MDN)**

**Nisyatu Zahra Azharani<sup>1</sup>, Ramadani<sup>2</sup>.**

<sup>1</sup>Universitas Islam Negeri Sumatera Utara, Medan, Indonesia, [nisyatuzahraazharani@gmail.com](mailto:nisyatuzahraazharani@gmail.com).

<sup>2</sup>Universitas Islam Negeri Sumatera Utara, Medan, Indonesia, [ramadani@uinsu.ac.id](mailto:ramadani@uinsu.ac.id).

Corresponding Author: [nisyatuzahraazharani@gmail.com](mailto:nisyatuzahraazharani@gmail.com)<sup>1</sup>

**Abstract:** Law Number 6 of 2014 outlines the authority, responsibilities, and processes related to the election and dismissal of village heads. This study examines the mechanisms applied by Indonesian law to resolve disputes related to village head elections. The relevant decision is 73/G/2023/PTUN.MDN. This study uses normative legal research, which involves the analysis of laws and regulations as legal documents. Research findings indicate a discussion regarding the selection of village heads in Huta Julu, a community in Mandailing Natal Regency. Village leaders are appointed directly, bypassing the resolution of existing issues, while disputes regarding fair vote distribution by the election committee are handled unfairly. This study explains the strategies used by judges in resolving disputes that occurred during the village head election in Huta Julu.

**Keyword:** Decision of Administrative Court, Political Jurisprudence, Dispute Over Vote Count..

### **INTRODUCTION**

Within the framework of the Unitary State of the Republic of Indonesia, a village is fundamentally and primarily characterized as a traditional village. This unit is a legal community with clear boundaries, having the authority to oversee and regulate governmental affairs, as well as recognized and respected customary and traditional rights. The village government operates under the jurisdiction of the village head and local officials. Soetardjo demonstrates that the term "village" originates from Indian language, specifically from the word "swadesi," which indicates a community of life governed by established norms and boundaries. A village has authority granted by the local government, functioning as a legal entity or recognized community. The village has the authority to supervise, manage, and be responsible for the affairs of government and the welfare of the local community. The execution of their duties must comply with the relevant legal framework. The Village Law Number 6 of 2014 comprehensively explains various powers, responsibilities, and procedural

frameworks, One important characteristic of an effective leader is skill in operational management. Leadership is a form of influence that stems from an individual's competence or talent, which facilitates the involvement of others in pursuing common goals. Human efforts always require guidance. Therefore, leadership plays an important role.

The main authority in the village government structure is the village head, an individual who is directly elected by the residents. The individual was assigned to oversee village operations and carry out the responsibilities assigned by federal and local authorities.

The election of village heads is a crucial component of the democratic process, especially at the local level. The village community holds a direct election called "village head election" to choose the village head. The village head election demonstrates the potential for an increase in political rights and the strengthening of sovereignty. The community has the authority to elect the village head who is appointed to lead the village during the election process.

The Mandailing Natal Regency Government held simultaneous village head elections in all villages on December 19, 2022, in accordance with the Mandailing Natal Regent Regulation Number 62 of 2022, which regulates the formation of committees for this election at the regency level.

The facts and evidence presented by the court are:

1. The defendants have issued a mandailing Christmas decree No.141/0767/K/2023 dated March 27, 2023, regarding the dismissal of the village head/village head official and ratification and appointment of elected village heads for the simultaneous election of village heads of Mandailing Natal Regency in 2022 Attachment Number 7 a.n. Nasiruddin as the head of Huta Julu Village (vide evidence P-2=T-1);
2. The plaintiff has submitted a letter from Diris dated April 12, 2023 regarding the rebuttal of the Decree of the Regent of Mandailing Natal head. The Regent of Mandailing Natal on the spot (vide evidence P-3);
3. The Decree of the Regent of Mandailing Natal Number 141/1020/K/2022 dated September 28, 2022 concerning the Determination of the Schedule and Stages of the Implementation of the Simultaneous Village Head Election (PILKADES) in the 2022 Mandailing Natal Regency area has been issued (vide evidence P-5 = T-2);
4. The permanent voter list has been published in the 2022 Huta Julu Village Head Election, South Panyabungan District, polling place 001, sheet 1 (one) (vide evidence P-6);
5. The Decree of the Huta Julu Village Head Election Committee Number 141/01/K/2022 concerning the Determination of Village Head Candidates, dated November 27, 2022 (vide evidence P-7);
6. The Decree of the Huta Julu Village Head Election Committee Number 141/02/K/2022 concerning the Determination of Village Head Candidates Based on Serial Numbers in the Election of the Head of Huta Julu Village, South Panyabungan District, dated November 28, 2022 (vide evidence P-8);
7. The ballot for the village head election has been issued, Huta Julu Village, South Panyabungan District, in 2022 (vide evidence P-9);
8. Ballots for the village head election have been issued, Huta Julu Village, Panyabungan District.
9. A letter has been issued from diris on December 20, 2022 regarding the rebuttal of the village head huta julu kec. Panyabungan south to the electoral committee head of the village of huta julu kec. Southern panyungan (vide exhibit p-11);
10. The committee of the pilkades village of huta julu in the name of riswan, asen, April coal, ahmad bustami, gundur, siti hajar, nikmah, January 06, 2023 (proof p-12);
11. Release of letter number 08/ huta julu /2023 in the name of riswan, February 13, 2023 (proof p-13);
12. Has issued a decree in the name of ahmad bustami, February 15, 2023 (proof p-14);

13. Release has been issued in the name of siti, February 15, 2023 (vide exhibit p-15);
14. News has been published on the vote of the vote for the village head, huta julu district district panyouth, December 19, 2022 (vide evidence t-7);
15. News has been published on the vote of the vote for the village head, huta julu district district panyouth, December 19, 2022 (vide evidence t-8);
16. There has been an issue of the file study for the similarly voting of village heads or the series of village huta julu panydistrict mandailing 2022, January 18, 2023 (vide proof t-9).

## **METHOD**

Research techniques, commonly known as research designs or strategies, are systematic methodologies to carry out the studies. The proposal outlined topics and materials for tests, as well as approaches to data collection and analysis. Research methods refer to the systematic approaches used by researchers to design studies, implement procedures, analyze data, and draw conclusions that are relevant to specific research questions. Nana s. sukmadinata (2016). The study USES normative-law methodology to review laws and regulations as the main source of normative law authority. In the normative law context, library materials are regarded as primary data; However, in this study, they are classified as secondary data.

To address the legal problems outlined in this examination, authors use legislative methods together with case study approaches, or rather, a statute approach integrated with the case approach. Statute methods include all relevant laws related to the legal issues analysed by the author. The method of images was used to make an extensive analysis of the legal standards that applied to the system of things. Peter mahmud marzuki (2016).

## **RESULTS AND DISCUSSION**

### **Dispute Resolution of Disputes over the Number of Votes in the Election of the Head of Huta Julu Village, Mandailing Natal Regency.**

The chief is the government official in charge of the oversight of the household, the administration of government functions, and the local administration in the village. The chief served six years. Extensions may be given up to three (3) times, either in a row or in a row. The regulations are entirely the responsibility of the head of the district, which is irresponsible to the village head. The village head is responsible for the development, empowerment, and governance of the village.

Village heads must have been local residents, at least twenty-five years of age, and had finished high school first. An election committee was established by the village council (BPD) to manage the village's elections. A committee was formed, consisting of representatives of village officials, prominent community figures, and leaders of local organizations. The methods used by various villages to select their leaders can vary significantly. Selection procedures and the tenure of a village head are regulated by local tribal laws, in addition to traditional rights that have been established.

Randy and sarpin stated that rural communities could get involved and express their political opinion about the transfer of power at the village level by selecting village leaders.

The process for running village heads is often complicated. After the elections ended, conflicts were common. The conflict is aggravated by the enthusiasm of the supporters of prospective village heads, who explicitly promote their own agenda. National law system research and development center, 2011.

Four types of issues identified in elective procedures based on the 2017 statute of no. 7 on elections :

1. Election violation

The electoral monitoring agency (bawaslu), the bawaslu district/city, the subdistrict committee (panwaslu), the village watch committee (panwaslu), the international watch committee

(panwaslu in), and the polling station overseer (poll overseer) consistently supervise the voting process. It's a process in which the findings and reports of election violations are generated. The election violation report is an official complaint filed by qualified Indonesian citizens (wni) and have the right to vote.

## 2. The disputed election process

The electoral issues arose from the difference between the electorate and the election coordinator over decisions made by the district/city election commission, the provincial election commission, and the election commission. (election commission).

## 3. Election results disputes (phpu)

Electoral quarrels include conflicts between the election commission and the electorate over national electoral votes.

## 4. Criminal election act

Any action done by an individual, institution, business, or organization with the intent to change, interfere with, or interfere with the legitimate elections is viewed as election crime.

The legal framework for the settling of issues arising from the elections of the village head is not governed explicitly by any law or regulation of the government. The regent or mayor is required to resolve all disputes related to the election of the village head within thirty days of the elections, in accordance with the 2014 statute on village 6, especially chapter 37 verse. (6) therefore, there is no regulation established that regulates the procedure to be followed in order to settle the dispute regarding the election results of village headmen at the legislative level. Currently, institutions and timetables are being prepared for the implementation of village laws. Here is a summary of article 471 of the 2017 constitution number 7 on elections, which regulates the settling of election issues in the state governance court:

1. Administrative courts accept litigation issues for election administration under article 470 after bawaslu's administrative efforts in 476, 468, and 469 verses.

2. After reading the verdict of the bawaslu, the lawsuit for the state administration issue in the elections mentioned in the paragraph (1) should be filed within five weekdays.

3. If the suit on the paragraph (1) is not complete, the plaintiff has three days of work since the receipt by the administrative court.

4. The judge denies the suit if the plaintiff fails to resolve it within a period specified in the clause.(2)

5. Decisions in the paragraph (4) cannot be legally challenged.

6. The administrative court reviews and decides the matter in paragraph (1) within 21 days of its completion.

7. The administrative court's decisions in the paragraphs (6) are final and binding and inviolable.

8. The election commission must act according to the administrative court ruling in the paragraph (6) within three days of work.

The sum total of votes given in the election of village head in huta julu, mandailing county of Christmas, has been controversial. In accordance with the second amendment of 2020, article 72 of 2020, and article 40 of the 2014 government's no. 43 regulation on the 2014 law no. 6 of villages, as well as article 4 of interior minister no. 112 of 2014 on policy change, on Monday, December. The decision of the huta julu village committee vote no. 141/01/ k /2022 was announced by the chairman of the village elections committee on November 27, 2022, in huta julu, the southern saboment district. The plaintiff is the second candidate for the village chief, while the defendant is the first. The voting count began at 2:00 p.m. wib, after a vote that went from 8:00 a.m. to 12:00 on December 19, 2022. During the vote count, two of the two letters suspended by number 02 were declared invalid. One of the zero-one witnesses claimed that the voice was invalid, while the second two thought it was valid. The committee could not determine preliminary results, resulting in a two-vote release.

The results of the election indicate that, in addition to other offences, prejudice, and fraud, the village headman's election commission was involved in unethical, abusive, and illegal behavior. After completing vote counts, the committee immediately sent a ballot box to the village people's empowerment office (PMD) without preparing a summary report or getting a signature from the village's electoral committee. The electoral committee informed the chief of the village administration (BPD) about their concerns regarding the validity of sound. BPD believes that the ballot is valid.

Huta julu village received the same number of votes in the village chief's election, as the PMD office reported to the media that night. (series). The defendant nasiruddin took the lead in appointing a village chief on Wednesday, March 29, 2023, without discussing the matter. The defendant, nasiruddin, unlegally and indiscriminately expressed his disapproval without reviewing the plaintiff's letters and supporting documents.

The elected village head is the individual who has gained the most votes in the village chief's election, as arranged in article 1, section 15 of the mandailing mandate Christmas number 62 of 2022 on the guidelines for running the village's elections.

### **Judge's judgement in ptun number: 73/ g /2023/ ptun. MDN in a siyasah fiqh prefecture.**

Fiqh siyasah, a branch of islamic law, examined the governance of human life in a country, with the aim of promoting the welfare of the whole community. This contrasts with the era of government that began after the death of the prophet muhammad (may peace be upon him), for there are no explicit verses in the qur 'an that require muslims to establish a country. Moreover, although it covers important aspects of society, nations, and countries, the qur 'an does not use the term "country" or "nation" at all. At the heart of its basic principles lies in the reasoned idea of equality, justice, and dysfunction. (mujar ibn sharif, 2003).

It is essential for those in positions of power to implement political policies that are consistent with sharia principles. This political doctrine is known as vah 'iyah politics. Elements of islamic jurisprudence do not originate in the qur 'an. However, this political policy cannot be categorized as shibah 'iyah and will fail unless shiyasah 'iyah is chosen and evaluated within the framework of divine revelation. On the other hand, it is vital that policies and laws adopted by authorities be obeyed, as long as they accord with the principles of common good and ethical standards. It harmonizes with god's teaching expressed in qs an nisa verse 59, which affirms:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ط فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

It means: "o men of faith, to god, to his apostles, and to lil amri among you. Then if you disagree on something, then return it to god (the qur 'an) and the apostle (the sun), if you really do have faith in god and in the next day. That is more important (to you) and better the result. "(qs an nisa 59th verse).

To ensure legal clarity and a fair outcome, the judge's judgment is crucial. (ex aequo et bono). The judge's judgment also helped every side in the case. Thus, when making a decision, judges must use extreme caution, sensitivity, and knowledge. In the case of the judge's decision of a review not met the prescribed criteria, the high court or the Supreme Court could overturn the decision.

On May 10, 2023, the plaintiff initiated legal action, providing evidence that the defendants illegally produced objects in question contrary to current laws and good governance common principles (aaupb), as arranged in chapter 53, section 2 of 2004 act number 9 on administrative proceedings. Plaintiff supplied written evidence marked t-1 to t-9 and called three witnesses; However, no expert testimony was provided. The accused offered documentation labeled p-1 to p-22 and presented three witnesses to strengthen their testimony; However, no expert testimony was presented. Therefore, the defendant included documentary evidence designated t-1 to t-9 in his response to support the claim.

The court determines that the number and substance of the defendant's letter are comparable, leading to the conclusion that the defendant's decision is essentially consistent with a court ruling. The plaintiff claims that all content written is accurate and intended, in accordance with the 2018 rule of Supreme Court number 6, article 2, verse 1, regarding the solution of the administrative issue. Before starting litigation at the state enterprises court, the plaintiff has taken administrative measures and filed administrative appeals with the defendant. Therefore, this administrative matter can be judged, decided, and resolved by the med state administration courts.

## CONCLUSION

According to the book of, the mandailing of Christmas number 141/0767/ k / 2023, in connection with the village's termination and appointment of the village chief, with the approval and appointment of the village head, was elected during the 2022 elections of the village chief, appendix 1, revealed that nasiruddin, likely number 1, was declared the winner in the 2022 elections of huta julu, village chief.

The judge's verdict in the last session thoroughly supports the plaintiff's appeal. The proposal is to revoke the mandailing decree of Christmas number: 141/0767/ k /2023, March 27, 2023, which pertains to the removal of the village head/village chief officer and the inauguration and appointment of a new elected village head after the elemental, one carried out in mandailing Christmas in 2022. Additionally, the defendant is obliged to cancel the mandailing district number of Christmas: related to the removal of the village chief or the officials, please refer to document 141/0767/ k /2023. In the deliberations of the panel of judges at the state enterprises court on Monday, September 4, 2023, an agreement was reached to impose financial sanctions on the defendants and the second-man intervention, requiring them to be held accountable for the cost of the case, with a total of idr 601,500. (six hundred one thousand five hundred rupiah).

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