REGIONAL HEAD ELECTION IN INDONESIA AND ITS ELECTORAL DISPUTE RESOLUTION PROCESS

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ABSTRACT

A Direct Regional Head Election (Pilkada Langsung) system has a number of advantages compared to the political recruitment system provided by the centralized model in the Act No.5 of 1974 or the representative democracy model in the Act No.22 of 1990 in conjunction with the Act No.32 of 2014 concerning Regional Administration.

A democratic, honest and fair general election (free and fair elections) can be accomplished if there is some legal instrument that regulates all the election process works as well as to safeguard the election administrators, participants, candidates, voters, observers, and state citizens against fear, intimidation, violence, bribery, fraud and other various deceptive practices to affect the election results.

However, an interesting situation to study more is that the Constitutional Court (Mahkamah Konstitusi) is given very short time by law to resolve a Regional-Head Election dispute and the verdict is eagerly awaited by the regional head candidates declared won the election by the Constitutional Court in which previously the suit was already filed in the first place by the candidates who was lost in competing in the regional head election. Moreover, other candidates, who also have the same interest in the process for nominating in the regional head election, still have legal remedy namely failing a lawsuit at State Administrative Court (PTUN), then an appeal until cassation at the Supreme Court. The interesting thing is that there is one pair of candidates who has not completed in making the legal remedy and has not obtained the Inkrach (final and binding) verdict from the related court, but the National Election Commission (KPU) has declared the winner of the regional head candidates, and worse yet, the decision is until at the phase of inauguration. Consequently, how the legal certainty can be obtained by the parties who make the legal remedy in the court of general jurisdiction (peradilan umum) if the Constitutional Court has ordered the National Election Commission to make inauguration to the pair of candidates that has been declared winning by the Constitutional Court.

Hence, the author would like to review more deeply regarding the legal resolution for the head regional election. Subsequently, what the author would like to deliver is how to conduct the dispute resolution process of Regional Head Election in Indonesia.

Keynote: Regional Head Election, Dispute, Resolution.
INTRODUCTION

A. Background

In Indonesia, democracy is not only in the form of Formal Democracy, but also in the form of Material Democracy based on Belief in One Supreme God. Apart from that, it is not merely the democracy based on majority rule (kekuasaan mayoritas), because Indonesia consists of various regions, tribes and religions characterized in Unity in Diversity (Bhinneka Tunggal Ika). Minority needs also to be protected; hence in history the minority power (kekuatan minoritas) involves true words.¹

As a consequence for a Nation of Laws, the transition of political format and government system has to be followed up on the transition of legislation in the field of politics and government, by amending the law that regulates the structure and status of the People’s Consultative Assembly (MPR), the House of Representatives (DPR), the House of Regional Representatives (DPD), House of Representatives of the Regional (DPRD) by reducing the roles and authority of the House of Representatives of the Regional (DPRD) in terms of the Regional Head recruitments.²

In the decentralization perspective and procedural democracy, the Direct Regional Head Election (Pilkada Langsung) is a meaningful innovation in the democracy consolidation process at the regional level. At least, the direct Regional Head Election has a number of advantages compared to the political recruitment system provided by the centralized model “according to” the Act No.5 of 1974 or the representative democracy model hijacked by the Act No.22 of 1990 in conjunction with the Act No.32.³

Normatively, based on the standards of minimalist democracy, the Direct Regional Head Election offers a number of benefits and also hopes for the development, deepening and widening of local democracy. First, a direct democracy system on the direct Regional Head Election will open a wider participatory scope for the society in the democratic process and define a political leadership in the regional level compared to the representative democracy system whereas the authority power is more determined for the political recruitment by small number of members in the House of Representative of the Regional (DPRD).

Second, at the political competition aspect, the direct Regional Head Election enables more preferences for candidates to be competitive and enables every candidate to compete for in more open scope compared to the closedness that frequently occurs in the representative democracy. Direct Regional Head Election may give some hope in an effort for reversing "syndrome" in the representative democracy designated by an unfair competition model, such as pork barrel politics (‘politik dagang sapi’) and money politics.

Third, a direct election system will give the society more opportunities to actualize their political rights far better without being reduced by the interests of political elites that visually appear in the representative democracy system. At least, by direct democratic concept, people in the regional level will have opportunities to obtain some political education, political leadership and also have the equal positions to be involved in the political decision making.

Fourth, the direct Regional Head Election broadens hope for procuring an aspiring, competent, and legitimate leader figure because, by direct Regional Head Election, the elect regional head will be oriented for the people compared to a small number of elites in the House of Representative of the Regional. Hence, a Regional Head Election has several benefits, with regard to the improvement for the quality of regional government’s

² See Elucidation of the Government Regulation No.6 of 2005 on the Election, Appointment, and Dismissal of Head of Region and its Deputy Head, page. 100.
³ Sudaryanto, Law Enforcement on the Legislation with regard to Regional Head Election according to the sociology of law’s aspect, http/www.google.com.
responsibility to its people and eventually will make the regional government head closer to its people.

Fifth, the elect Regional Government Head from the Regional Head Election will have a strong political legitimacy so that it will build a parity of authority (check and balances) in the region between the regional head and the House of Representatives of the Regional. This parity of authority will minimize the abuse of power like the one in the monolithic political system.

However, all those goals and hopes will not come into reality without a joint commitment for all elements of the nation in interests in the process of Head Regional Election to comply with all the legislations related to the Regional Head Election. In view of Regional Head Election as one of the Processes of Democratization, it is an occasion sociologically implicates many people’s lives in a territory. And furthermore, the law with its legal products cannot be waived from the sociological aspect in which constitutes a background for it.

In order to develop a democratic life and to improve people’s welfare, figures of Regional Head and its Deputy Head are necessary for developing innovations, with a broad outlook forward and being ready to implement the changes for the better futures. And for its implementation, the Act No.32 of 2004 concerning Regional Government provides that the Regional Head and its Deputy Head are elected directly by the people and democratically implemented based on the Principles of General Election: Direct, General, Free, Confidential, Honest, and Fair, by polling conducted by General Elections Commission.

A General Elections Commission is a General Election organizing committee whereas in organizing the elections, the committee needs to be supervised in order to ensure that the elections are truly organized based on the Principles of General Election and Legislation. To supervise the implementation of general elections, this act regulates about a binding board called General Elections Supervisory Board (Bawaslu). The internal supervisory function of General Elections Commission is complemented by the external supervisory functions conducted by the General Elections Supervisory Board as well as the Provincial General Elections Supervisory Committee (Panwaslu Provinsi), the District/Municipal General Elections Supervisory Committee (Panwaslu Kabupaten/Kota), the Sub-District General Elections Supervisory Committee (Panwaslu Kecamatan), the General Elections Supervisory Committee at the village level (Pengawas Lapangan), and the Foreign General Elections Supervisory Committee (Pengawas Pemilu Luar Negeri). The establishment for the General Election Supervisory Committees is not intended to reduce the independence and authority of the General Elections Commission as the organizing committee for General Elections.

Article 5 of the Government Regulation of the Republic of Indonesia No 6 of 2005 concerning Regional Head Election Pilkada as an implementing regulation for the Act No.15 of 2011 provides that roles and authority of the Regional General Elections Commission (Komisi Pemilihan Umum Daerah) namely are:  

1. To plan for the conduct of elections.
2. To stipulate the procedures for conducting the elections in accordance with the phases regulated in the legislation.
3. To recommend, to conduct, and to manage all the phases of conducting elections.
4. To stipulate the date and procedures of implementing campaign, as well as the elections polling.
5. To look into the requirements for the political party or the assembled political parties to propose a candidate.

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5 See Article 5 of the Government Regulation of the Republic of Indonesia No. 6 of 2005 concerning Regional Head Election.
6. To look into the requirements the proposed Regional Head and its Deputy Head candidates.
7. To stipulate the qualified pairs of candidates.
8. To accept and announce the campaign teams.
9. To announce the campaign contribution reports.
10. To stipulate the results of vote count recapitulation and to announce the election result.
11. To establish the Sub-District Election Committee (PKP), the Polling Committee (PPS), and the Polling Station Working Committee (KPPS) in its working area, and
12. To determine a public accountant office to audit the campaign contribution and to announce the audit result.

At the Act No.32 of 2004, roles, authority, and responsibilities of the General Elections Commission do not appear firm and clear so that the structural relation between the General Elections Commission and the Regional General Elections Commission seems deducted. The unavailable clarity for the roles and authority of General Elections Committee makes the General Elections Commission apathetic to the Regional Head Election. The Regional General Elections Commission itself is bewildered to conduct a Regional Head Election, particularly because there is not any main standards for the Regional Head Election that comply with the terms of honest and fair and democratic, and there is not any function for supervising and any instruction from the higher authority than the General Elections Commission and the Regional General Elections Commission itself does not have any experience in formulating a general election technical regulation, not to mention the government regulation is potential to open a loophole for any intervention from any parties.

A democratic, honest and fair general election (free and fair elections) can be accomplished if there is some legal instrument that regulates all the election process works as well as to safeguard the election administrators, participants, candidates, voters, observers, and state citizens against fear, intimidation, violence, bribery, fraud and other various deceptive practices to affect the election results.6

Generally, people have a conception that the General Elections Commissions is a structural-formed committee. A District/Municipal General Elections Commission constitutes the subordinate of the Provincial General Elections Commission. A Provincial General Elections Commission constitutes the subordinate of the the Central General Elections Commission, this conception is not completely wrong because all the regulations related to conducting elections are truly implemented by the General Elections Commission in levels. Indeed, there are technical performances entrusted to the Regional General Elections Commission as the part and accommodation for the election momentum differences, especially when the regional head elections are conducted differently. Whatsoever, the fundamental regulation regarding the technical performances has become the authority of the Central General Elections Commission that should be complied by the Regional General Elections Commission.7

More dominating regional head election conflicts in its conducts recently have to be immediately responded with anticipatory measures. First, it is desirable for the Regional General Elections Commission and General Elections Supervisory Board in earnest to put themselves in positions as the independent parties and to be able to give the objective treatment to all the candidates. The recent non-neutrality of the General Elections Commission and Regional General Elections Commission has become one of triggers for the conflicts in the regional head election. Second, it is imperative to evaluate and to improve the working system immediately in every phase of regional head elections whereas the implementation is vulnerable to

instigate the conflicts. For instance, regarding the voters registration, it is time that the issue of voters’ registration system should be totally revised by re-functioning the performance of the Population and Civil Registration Agency (Disdukcapil) maximally. Third, it is necessary to revitalize the functions of the General Elections Supervisory Board and the General Elections Supervisory Committee in responding the violation reports. Generally, the regional head election conflicts start in the minimum and time-consuming from the General Elections Supervisory Board in responding the occurring of violations. Since the General Elections Supervisory Board do not respond so quickly, then people are taking the law into their own hands (main hakim sendiri) that causes into conflicts. Fourth, if the candidates who have already been determined as official ones, it is desirable seriously that they make commitments ‘to prepare themselves for the consequences of either winning or losing’ (‘siap menang dan siap kalah’). Nowadays, that jargon is just a symbolic statement to gain the sympathy of the voters. In reality, most candidates on the contrary prepare themselves for winning and do not prepare themselves for losing. Besides that, all the regional head elections’ stakeholders have to get the joint commitment to put themselves in a situation where a regional head election as a starting strength for consolidating democracy in the region.

As regulated in the Article 94 of the Government Regulation No 6 of 2005 provides that:

1) Objections to the election result can only be filed by a pair of candidates to the Supreme Court the latest 3 (three) days after the determination of election result.

2) Objections as referred at verse (1), is just related to the vote count result that implicates the electability of the candidates’ pair.

3) Filing objections to the Supreme Court as referred in verse (1), can be delivered through the High Court for the election of Governor and Deputy Governor and through District Court for the elections of District Head/its Deputy Head and Mayor/Deputy Mayor.

4) The Supreme Court declares the dispute of vote count result as referred in verse (1) and verse (2), the latest 14 (fourteen) days since the acceptance of filling objection by the District Court/High Court/ Supreme Court.

5) The Supreme Court’s Verdict as referred in verse (4) is final and binding.

6) The Supreme Court in implementing provision as referred in verse (1) can delegate its authority to the High Court to declare the disputes of vote count result for the elections of District Head/its Deputy Head and Mayor/Deputy Mayor.

7) The High Court Verdict as referred in verse (6) is final and binding.

The Supreme Court has an authority to resolve the objection filed the parties or one of the pairs of candidates related to the vote count recapitulation result based on Article 106, Act No.32 of 2004 where it provides that “Objections to the determination of regional head and its deputy head election result can only be filed by a pair of candidates to the Supreme Court the latest 3 (three) days after the determination of Regional Head and its Deputy Head. Moreover, the more interesting thing is that there is another judicial agency established to resolve the regional head election disputes namely Constitutional Court.

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8) Saiful Quluh, Regional Head Election Disputes in Indonesia, Article, Http/www.google.com. 13 October 2010.

9) See Article 94 of the Government Regulation No.6 of 2005 concerning Regional Head Election.

10) See Article 106 of the Act No.32 of 2004 concerning Regional Government.
However, an interesting situation to study more is that the Constitutional Court (Mahkamah Konstitusi) is given very short time by law to resolve a Regional-Head Election dispute and the verdict is eagerly awaited by the regional head candidates declared won the election by the Constitutional Court in which previously the suit was already filed in the first place by the candidates who was lost in competing in the regional head election. Moreover, other candidates, who also have the same interest in the process for nominating in the regional head election, still have legal remedy namely failing a lawsuit at State Administrative Court (PTUN), then an appeal until cassation at the Supreme Court. The interesting thing is that there is one pair of candidates who has not completed in making the legal remedy and has not obtained the Inkrach (final and binding) verdict from the related court, but the National Election Commission (KPU) has declared the winner of the regional head candidates, and worse yet, the decision is until at the phase of inauguration. Consequently, how the legal certainty can be obtained by the parties who make the legal remedy in the court of general jurisdiction (peradilan umum) if the Constitutional Court has ordered the National Election Commission to make inauguration to the pair of candidates that has been declared winning by the Constitutional Court.
Discussion

1. State and Democracy

The term “democracy” is derived from what stated in Ancient Greece on the period of 5th Century BC. That state usually is considered as the preliminary example of a system related to the modern democracy law. However, the meaning of this term has changed as the time goes by and the modern definition has evolved since 18th Century in compliance with the development of “democracy” system in many countries.11

The word “democracy” derives from two words, namely, demos which means people, and kratos/cratein which means government, so that it can be elucidated as people’s government or as more well-known as the government of the people, by the people, and for the people. The democracy concept has become a keyword all its own in political science. It is reasonable since the recent democracy is mentioned as a political development indicator for a state.12

Democracy has a vital position with regard to the distribution of power in a state which generally based on trias politica concept and principle whereas a state’s power obtained from the people should be used for the people’s welfare and prosperity.13

One of the democracy pillars is the trias politica principle which divides three political power namely executive, legislative, and judicative in the form of three kinds of State institutions unbounded one another (independent) and the three are one another on the same level. The equality and independency of these three State institutions are so required that these three can mutual watch and control based on the checks and balances principles.

Those three kinds of State institutions are the government institutions that have authority to present and to implement the executive authority, the judicial institutions that have the authority to implement the judicative power and people’s representative institutions like House of Representative in Indonesia have the authority to implement the legislative power. Under this system, the legislative decisions are made by the people or the representatives who are obliged to work and to act according to the represented people’s aspiration and the people who choose them in the legislative election process, besides commensuration with law and regulation.

Apart from the legislative elections, there are many decisions or important results, for instance the presidential election in a nation; it is acquired by the general election. General election is not compulsory or is not obliged for all the citizens to participate, but for some citizens who have rights and are willingly to participate in the general election. In addition, not every citizen has the right to vote (right to vote).

The intended People’s Sovereignty here is not only in the sense of the sovereignty to vote for president or parliament members directly, but also in broader sense. An election for president or parliament members directly does not guarantee the nation as a democratic country because people’s sovereignty to vote for the president directly by themselves is just a few of many people’s sovereignty. Although its role in democracy system is not broad, a general election is frequently so-called a democracy party. It becomes so because of the old mindset from most society who still put their idol figure in a very-high position, instead of the good governance system, as a messianic leader (ratu adil) dreamed figure. However, no matter how good a nation leader is, his/her life span will be much shorter than the life span of a system that has already tested capable of developing a country. Many democratic countries just give the right to vote for the people who have passed certain ages, for instance 18

12Ibid, page. 23
years old, and do not have any criminal record (like, prisoner or ex prisoner).

Apart from the above sovereignty, in the democracy concept, it also puts the people in the order that obtain the services, empowerment from the government as a caretaker mandated by the people at the time a state establishes. In order to put the services closer to the people, the government hands over some of its authority to the regional level in the autonomy concept with decentralized principle.

2. Regional Government

A Regional Government consists of A Regional Head and A House of Representatives of the Regional. In conducting a regional government, there should be established a Regional Secretariat and Regional Agencies. A region is a part that cannot be separated from the nation and the Unitary State of the Republic of Indonesia (NKRI), in conducting the election for regional head and its deputy head, should be synchronized with the election for president and vice president, namely direct election. Besides the above reason, there are several other reasons that oblige us to conduct a direct regional head and its deputy head, namely as follows:

1. To restore Sovereignty back to the Hands of the People.
2. The equal legitimacy between the Regional Head and its Deputy Head and the House of Representatives of the Regional.
3. The equal position between the Regional Head and its Deputy Head and the House of Representatives of the Regional.
5. To prevent money politics.

The regional government in order to improve efficiency and effectiveness in implementing the regional autonomy, needs to pay attention to the relations among the structures of the government and among the regional governments, regional potentials and. The authoritative relation aspect considers the regional specificity and diversity in the system of the Unitary State of the Republic of Indonesia. The relation aspect for financial, public services, use of natural resources and other resources is implemented in fair and harmony. Besides that, it is also necessary to take note of opportunities and challenges in the global competition by taking advantage of the development of science and technology. In order to be capable of conducting such a role, the region is handed over the authority as broad as possible in compliance with the hand-over of rights and obligations in implementing the regional autonomy in the unitary of state governance system.

The regional autonomy principle uses an autonomy principle as broad as possible in which the region is handed over the authority to manage and to handle all governance matters apart from the ones belong to the Central Government stipulated in this Act.

Basically with the autonomy principle, the Region hence has the authority to make local wisdom by giving services, participation improvement, initiatives, and society empowerment with the aim at improving the people’s welfare. In compliance with the principle, a real and responsible autonomy principle can also be implemented. The real autonomy principle is a principle that in order to manage the governance matters, it is implemented based on role, authority, and obligation as real exist as possible and potential to grow, live

16 Rozali Abdullah, Implementing Broad Autonomy by the direct Regional Head Election, RajaGrafindo Persada, Jakarta, 2005, page. 53.
17 See Elucidation of the Act No.32 of 2004.
and develop according to the regional potentials and peculiarity.

Therefore, the content and kind of autonomy for every region is not always the same with the one in other regions. And what the intended responsible autonomy is the autonomy whereas in its implementation must be truly in accordance with the aim and objective of the autonomy mandate, which basically to empower the region including to increase people’s welfare in which it constitutes the main part and national objective.

In comply with that principle, the implementation for regional autonomy has always to be oriented in improving people’s welfare by always taking note of interests and aspiration developed in society. Apart from that, the implementation for regional autonomy has also to ensure the reconciliation between one Region and other Regions, means capable of collaborating among Regions in order to improve mutual welfare and to prevent inequality among Regions.

The matter equally important is that the regional autonomy has also to be able to ensure the harmonious relation between the Regional and Central Governments, means has to be able to maintain and be responsible for the integrity of national territory and the standing of the Unitary State of the Republic of Indonesia in order to present the objective of the nation. In order that the regional autonomy can be implemented in comply with the intended objective, the Government is obliged to make advancement by giving guidance such as in research, development, planning and supervision. Apart from that, the standard, direction, guidance, training, supervision, controlling, coordination, monitoring, and evaluation should be provided. Along with that, the Government is obliged to give facilities by providing easiness opportunities, assistance, and support for the regional head in order that implementing the autonomy can be conducted efficiently and effectively according to the legislation.

3. Regional Head Election

Direct Regional Head Election brings fundamental change in the governmental administration aspect and furthermore in the governance aspect as a consequence and alteration in the power transition system peacefully at the national level namely the President being elected directly by the people. The Regional Head Substance also brings the alteration for the administrative system as well as the cultural pattern in the regional society. This is because how strategic the status of the Regional Head in the Regional governance system which should have a guarantee for the strong emotional relation with the people. Apart from administratively, as a consequence, the Unitary State should be kept and the relation between Central and Regional Governments should be maintained in the Unitary State system.18

The judicial basis for direct Regional Head Election is starting from the amandement of the Act No 4 of 1999 concerning Structure and Status of of the People’s Consultative Assembly, House of Representatives, Regional House of Representatives, and House of Representatives of the Regions becomes the Act No.23 of 2003 and finally into the Act No.27 of 2009 whereas the authority for the House of Representatives of the Regional electing the Regional Head is not listed. The direct Regional Head should be animated by Article 1 Verse 2 of the 1945 Constitution”the Sovereignty is in the hands of the people and implemented according to the Constitution” and Article 18 ayat 4 of the 1945 Constitution “Governor and Regent/Mayor respectively as the Head of Provincial Government, Regent and Head of District and Head of Municipality elected democratically”. This provision is the one that becomes the general legal framework for conducting the direct Regional Head Election.19

In order to be able to implement the general election and regional head election democratically, the legal framework should be able to guarantee it. The legal framework

18 Samsul Wahidin. Op Cit.page. 159.
must regulate the effective mechanism and legal resolution for upholding the voting right because the right to vote constitutes a human right (HAM).

Basically, General Election is the continuing process, always altering in the endless long term period. At least, Indonesia is looking for the form in the establishment of democracy as an objective to conduct general election.20

In certain several countries, Regional Head is elected in the general election. More than 70 % of the mayors in USA is elected generally, as well as all the mayors in the model of Municipal Government – the Municipal Council is also elected generally in Iran, Japan, Philippines and several Latin America States.21

Since the implementation for Regional Head and its Deputy Head (Pilkada) that has been conducted in Indonesia, there are 169 Regional Head Election cases filed at the court, consisting of 7 cases for Governor/Deputy Governor Election, 132 cases for District Head/Deputy Head Election and 21 cases for Mayor/Deputy Mayor Election.22

In Indonesia, the electoral disputes are resolved in the Constitutional Court (MK), whereas for the Regional Head Election, the disputes are resolved in the Supreme Court. This process is in accordance with the Act No.32 of 2004 concerning Regional Government, particularly to resolve the Regional Head Election for District/Municipality disputes, the Supreme Court can delegate to High Court. Referring to the Supreme Court’s Regulation (Perma) No.2 of 2005, Supreme Court may resolve the Governor Election disputes, whereas High Court (PT) may resolve the Regent/Mayor Election disputes as referred in the Act No.32 of 2004 concerning Regional Government at the Article 106 verse 6:

“Supreme Court in implementing its authority as referred in verse (1) may delegate to High Court to settle the disputes of vote count result for the regional head and its deputy head election of District/Municipality”

The Electoral Disputes can be divided into two, First namely the dispute in the process of general election/regional head election in which up till now the authority is still in the hand of general elections supervisory committee and Second, the dispute of the general election/regional head election result. The resolution for the dispute of regional head election result is stipulated in several legislations, namely Act No.32 of 2004 concerning Regional Government, Government Regulation (PP) No.6 of 2005 in conjunction with the Government Regulation No.17 of 2005, and also Supreme Court Regulation No.02 of 2005.

The objections because of the Regional Head Election’s fraud or violation (such as invalid registration, money politics, intimidation, etc) are included in the objections that can be filed as the electoral objections. The disputes resolved by the Supreme Court (or High Court) as referred in the Article 106 verse (2) of the Act No.32 of 2004 is only related to the vote count result that implicates to the electability of the pair of candidates.

If we take note of all the verdicts from High Court and Supreme Court in the electoral dispute cases including the disputes for election result declared by the Constitutional Court, the matters that have become the basis of occurring the parity of vote counting in the general election/regional head election are merely because there is a miscalculating in recapitulating by the General Elections Commission/Regional General Elections Commission. The basis of suit in this regional head election dispute is as same as the one in the general election (legislative and president).

In accordance with Article 75 of the Act No 24 of 2003 that nowadays amended with the Act No.8 of 2011 and Supreme Court Regulation No.4/PMK/2004, the basis to file objection for General Election result is because there is a wrongful verdict

20 Samsul Wahidin Op Cit. hal. 181.
22 www. google.com highlighting the regional head election disputes in Indonesia.
regarding the general election result produced by the General Elections Commission. In those various verdicts, the one that becomes the recapitulation object is merely the suited provided votes, neither the assumption of vote nor the potential of vote. If the election is won by the frauds, then it is difficult to say that the elect leader constitutes the representatives of people’s interpretation.\(^{23}\)

CLOSING

Three resolution process for the disputes in the Regional Head Election. The First Process can be using the General Elections Commission, the General Elections Supervisory Board and the Law Enforcement. A resolution path by means of the General Elections Commission takes place if there is a administrative violation. The example of this violation is like the lack of requirements for the candidates and any other administrative matters in the general election. The Second Process, can be taken by means of the General Elections Supervisory Committee if the dispute or the violation found in the conflict among the regional head election candidates such as the campaign violation and clashes among campaigners and etc. The Third Process can be taken by means of Law Enforcement such as Police, Judges and others at the same level. This process can proceed if the dispute contains the criminal act.

In order to ensure an honest and fair regional head election, it is necessary to give protections for both voters, parties involved in the regional head election, and people in general from any fear, intimidation, bribery, fraud and other various deceptive practices that can affect the genuineness of regional head election result.
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