



Perspective on Settlement of General Election Disputes Through Mediation, Adjudication and Legal Efforts: Settlement of State Administrative Judicial Disputes

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Abstract

General elections (*Pemilu* in Bahasa Indonesia) are an important instrument in every democratic country that adopts a system of representation. In general, there are 2 (two) dispute settlement paths, which are litigation (dispute settlement path through the judicial route) and non-litigation paths (peaceful settlement outside the court). The type of research used in this legal research is normative juridical type of research which is carried out by examining library material which is secondary data and also called library research. Dispute on election consist of disputes between election participants or between candidates, administrative disputes or State Administration of Elections, and disputes over election results. While crime in election is handled by the Election Supervisor, which is followed up by the General Election Commission (KPU), the regional KPU, and the regional KPU and KPU impose administrative sanctions. Whereas the violation of the code of ethics for the election organizers at the hearing was decided by the Election Organizer Honorary Board (DKPP). Furthermore, disputes between election participants or between candidates are settled by the Election Supervisor, Election administration disputes are settled by the Election Supervisory Body (Bawaslu) by mediation, adjudication and can be appealed to the State Administrative Court, while the election results are settled by the Constitutional Court.

Keywords: Perspective; Dispute on General Election (*Pemilu*); Mediation; Adjudication; Court

Introduction

Indonesia embraces the understanding of people's sovereignty or democracy. The Basic Law regulates the exercise of people's sovereignty which is channeled and held according to the constitutional procedures stipulated in the law and the constitution. According to Jimly Asshiddiqie (tahun) the principle of people's sovereignty (*democratie*) and legal sovereignty (*nomocratie*) should be held hand in hand. For this reason, the country's Constitution adheres to the notion that the Republic of Indonesia is a democratic law state (*democratische rechstaat*) and at the same time a democratic state based on law (constitutional democracy) that cannot be separated from each other (Huda, 2018, p. 191).

According to Jimly Asshiddiqie (2003), the understanding of people's sovereignty in the 1945 Constitution can be understood that the 1945 Constitution adheres to the teachings of the people's sovereignty, even though the constitutional law experts commonly state that in addition to the teachings of the popular sovereignty there are also other teachings of sovereignty in the 1945 Constitution, for example Ismail Sunny (as cited in Mulyosoedarmo, 2004, p. 3) which states that the 1945 Constitution adheres to 3 (three) teachings of sovereignty at the same time namely the teachings of God's sovereignty, popular sovereignty, and legal sovereignty. As formulated in Article 1 paragraph (2) of the 1945 Constitution after the amendment which states that "Sovereignty is in the hands of the people and implemented according to the Basic Law" (Republik Indonesia, 1945).

Thus, the theory of popular sovereignty views that the highest sovereignty is in the hands of the people, because basically in running the government, the government should follow the will of the people. The important substance of the theory of popular sovereignty is first, the highest sovereignty is in the hands of the people (the theory of the teachings of democracy) and secondly, there is a constitutional guarantee of human rights. This theory also views and interprets that power comes from the people, so in carrying out its duties, the government must hold to the will of the people which is commonly called democracy, and the people are the final determinant of the implementation of power in a country.

Election is an important instrument in every democratic country that adopts a representative system. Election is a tool that serve to filter out politicians who will represent and bring the voice of the people in representative institutions. So that those who are elected are considered as people or groups who have the ability or obligation to speak and act on behalf of a larger group through political parties. Therefore, the existence of political parties is a necessity in a modern democratic political life (Mahfud MD, 2014, p. 60). The existence of elections and political parties is an important component of a democratic country. Therefore, the discussion on electoral law cannot be separated from the discussion of the system that regulates the composition and position of representative institutions because elections are held with the aim of filling out representative institutions. Election is absolutely necessary for countries that embrace democracy.

One of the characteristics of a democratic state is the holding of free elections. Election is a political tool to realize the will of the people in terms of electing their representatives in the legislature and electing executive power holders be it president/vice president or regional head. Election is a means of implementing popular sovereignty based on representative democracy. Thus, elections can be interpreted as a mechanism for resolution and delegation or the transfer of sovereignty to a trusted person or parties.

Election is a means of implementing people's sovereignty which is carried out directly, publicly, freely, confidentially, honestly, and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. Elections in a democratic country are an inevitable necessity. Through general elections, the sovereign people choose their representatives who are expected to fight for their aspirations and interests in a ruling government. The ruling government itself is the result of elections and the formation of people's representatives to carry out state power. The task of the representatives of the government in power is to control or supervise the government. Thus, through elections the people will be able to always be involved in the political process and directly or indirectly assert sovereignty over the power of the state and the government through its representatives (Huda, 2018, p. 9). Furthermore, the election is one of the efforts to persuade people persuasively (not force) by carrying out rhetorical activities, public relations, mass communication, lobbying and other activities. Although agitation and propaganda in democracies are highly condemned, in election campaigns, agitation techniques and propaganda techniques are also widely used by candidates or politicians as political communicators (Arifin, 2006, p. 39).

In the context of election legal relations, disputes are circumstances or events that can occur to anyone and anywhere. Disputes can occur between individuals and individuals, between individuals and groups, individuals and countries, between groups and groups, groups and countries, between one country and another, and so on. In other words, disputes can be public or civil in nature and can occur both locally, nationally and internationally (Bagja, 2019, p. 22). Disputes are difficult to avoid in the social life of the community especially in the context of elections which regulate legal interaction / association with election participants, election organizers, political parties, campaign teams and all election stakeholders who have diverse interests, so there are opportunities for conflict and even conflicting interests between legal subjects one with another legal subject who can fight on settling disputes (Yulianto, 2019, p. 13).

According to Achmad Ali and Rochmat Soemitra (as cited in Bagja, 2019, p. 339), a dispute is a conflict between two or more parties that starts from different perceptions about an ownership or ownership right that can have legal consequences between the two. These disputes cause disruption in social life, and in order to resolve disputes there needs to be assistance from a neutral and impartial third party. With regard to the function of the law itself, one of which is as a means of resolving disputes that occur in society, so as to create order and peace of life of the community. So, in general there are 2 (two) lines of dispute resolution, namely litigation, namely dispute resolution through the judiciary and non-litigation, namely peaceful settlement outside the court (Bagja, 2019, p. 340). According to Article 1 number 10 of Law Number 10 of 1999 concerning Arbitration and Dispute Resolution Alternative, "Alternative Dispute Resolution is an Institution for dispute resolution or dissent through procedures agreed upon by the parties, namely outside the court by means of consultation, negotiation, mediation, conciliation, or expert judgment."

Research Method

Research is a basic tool in the development of science and technology. This is because research aims to reveal the truth systematically, methodologically, and consistently. Through the research process analysis and construction of the data has been collected. The type of research used in this legal research is normative juridical type of research, which is carried out by examining library material which is secondary data and called library research.

Analysis and Discussion

Mechanisms in Handling General Election Violations and General Election Administration Violations

The discussion about the legal aspects of an election always experiences legal dynamics. The dynamics of the law are inseparable from the change in legislation governing general elections along with the dynamics of the holding of elections at any given time period. For the 2019 general election, the House of Representatives (DPR), with the agreement of the President, has stipulated Law Number 7 of 2017 concerning General Elections. This Election Law is a codification of various laws relating to the Election, namely the Election Law of members of the House of Representatives (DPR), the Regional Representative Council (DPD), and the Regional People's Representative Council (DPRD), the Presidential Election Law and the Election Organizer Law. The legal construction of Law No. 7 of 2017 concerning General Elections shows the handling of violations and disputes (Huda, 2018, p. 271). Violations consist of election criminal offenses, election administration violations, and violations of the election code of conduct. While election disputes consist of disputes between election participants or between candidates, administrative disputes or State Administration of Elections, and disputes over election results. Election crime is handled by the Election Supervisor, which is followed up by the General Election Commission (KPU), the regional KPU, and the regional KPU and KPU impose

administrative sanctions. Whereas the violation of the code of ethics for the election organizers at the hearing was decided by the Election Organizer Honorary Board (DKPP). Furthermore, disputes between election participants or between candidates are settled by the election supervisors, election administration disputes are settled by the Election Supervisory Body (Bawaslu) and can be appealed to the State Administrative High Court (PTTUN), while the election results are settled by the Constitutional Court.

Specifically, Law Number 7 of 2017 concerning General Elections has regulated the law enforcement system for violations in the administration of elections. Violations can be defined as acts (cases) that violate established regulations. Violations can occur because of an element of intentionality or due to negligence. The Election Law that applies to the 2019 Election is Law Number 7 of 2017 concerning the Election Organization. In the fourth book the law distinguishes 4 (four) types of election legal problems namely violations, dispute proceedings, disputes over election results and election criminal offenses. With regard to administrative violations of Law Number 7 of 2017 concerning Election Administration does not explicitly define election administration violations, but only stipulated in Article 460 of Law Number 7 of 2017 concerning Election Administration, that election administrative violations include violations of procedures, procedures, or mechanisms relating to the administration of the implementation of elections in each stage of the organization of an election, meaning that election administrative violations do not include election criminal offenses and violations of the code of ethics. Article 456 of Law Number 7 Year 2017 concerning the Implementation of Elections defines a violation of the Election Organizers' code of ethics is a violation of the ethics of the Election Organizer based on oaths and / or promises before carrying out his duties as an Election Organizer. Based on this definition, it means that before assuming his position, the Election Organizer must take an oath and / or promise made at the time of his appointment as election organizer.

Article 466 of Law Number 7 of 2017 concerning General Elections defines disputes over the Election process as disputes that occur between election participants and dispute between election participants and the Election Organizer as a result of the issuance of KPU, Provincial, Regency / City KPU Decisions. Based on this definition, Election disputes can be divided into 2 (two) categories, first, Election disputes between election participants as a result of the issuance of KPU, Provincial KPU and Regency / City KPU Decisions, Second, Election dispute between Election participants and Election Organizers as a result of the issuance of Decision KPU, Provincial KPU, and Regency / City KPU.

In connection with the definition of Election Crime, it is not explained in detail what is meant by Election Crime, both in Law Number 8 of 2012 concerning General Elections of Members of the House of Representatives, Regional House of Representatives and Regional House of People's Representative Council and Law Number 7 of 2017 about General Elections. In drafting the law, matters relating to general provisions should be given a definition in the initial general provisions. To find out the definition of Election Crime, there are several expert opinions that define the election crime. Djoko Prakoso (1987, p. 148) defines election criminal offenses as any person or legal entity or organization that intentionally violates the law, disrupts, obstructs or interferes with the course of an election organized according to law.

While Topo Santoso (2006, p. 1) provides a definition of election crime in 3 (three) forms including:

1. All criminal offenses related to General Elections organizers which are regulated in the Election Law;
2. All criminal offenses related to the administration of elections which are regulated both inside and outside the Election Law (for example in Political Party Law or in the Criminal Code Act);
3. All criminal offenses that occur during elections (including traffic violations, ill-treatment, violence, destruction and etc.).

Elections conducted through several stages have the potential to cause disputes or violations that may occur in each stage of the election. This possibility can occur due to fraud, mistakes, as well as election winning strategies that do not violate the law but reduce public confidence (non-fraudulent misconduct) (Gaffar, 2013, p. 77). Regarding law enforcement, in the justice system in Indonesia law enforcement is carried out by judges, public prosecutors and investigators. Whereas in terms of law enforcement in Indonesia, there are known institutions that have the authority in carrying out legal efforts in the enforcement of criminal law, namely the Police, Attorney's Office, Judges and Judicial Bodies.

But in the context of regulating criminal acts, in fact the Election Law is a special law (*lex specialis*) because it regulates criminal acts regulated in the Election Law. Therefore, this specificity makes the offense violation in the Regional Head Election as a special offense regulated in the Regulation of the Election Law. Regulations regarding violations in the General Election are special (*lex specialis*) when compared to other regulations, including in this case regulations on criminal law. Even so, it does not rule out the possibility of a combination of election criminal offenses, with other criminal offenses outside of what has been regulated. Violation can occur because of an element of intentionality or because of negligence (Huda, 2018, p. 276). In general, Election criminal acts which are regulated in the Election Law, the procedure for resolution refers to the matching of the Criminal Procedure Code (KUHAP). Because it adheres to the principle of *lex specialist derogat lex generali*, the rules in the Election Law are more important.

Law Number 7 of 2017 concerning the Implementation of Elections has been established as a rule for the implementation of Elections. In the law, the provisions governing dispute resolution and election violations are handled by 3 (three) judicial institutions namely the General Court, the State Administrative Court, and the Constitutional Court (Huda, 2018, p 277). To speed up the process of alleged election crimes, Law Number 7 of 2017 regulates the Integrated Law Enforcement Center (Sentra Gakkumdu). The Gakkumdu Center is regulated in Article 486, that to equate the understanding and pattern of handling election, Bawaslu, Police, and Attorney General Attorney forms Gakkumdu. Gakkumdu is attacking Bawaslu, Provincial Bawaslu and Regency / City Bawaslu. Gakkumdu consists of investigators from the Police and prosecutors from the Attorney General's Office. Investigators and Prosecutors in Gakkumdu carry out their duties full-time in handling Election criminal offenses.

In order to understand the institutions related to the legal dispute on the Election of Hendrawan (2015, p. 154) explains the following:

1. Violation of the Election Ethics Code: Inspected and terminated by the Election Organizing Board (DKPP);
2. Administrative Violation: Inspected by Bawaslu for later handling by the Provincial / Regency / City KPU;
3. Election Disputes: Checked and decided by Provincial Bawaslu and Regency / City Panwaslu;
4. Election Crime: Handled by Bawaslu who is a member of the Gakkumdu Center which includes elements of the Police and Prosecutors. Investigated by the Police then the solution is forwarded to the District Court to be examined, tried and decided on the case. District court decisions can be appealed to the High Court;
5. State Administrative Dispute (TUN): Handling through administrative efforts at the Provincial Bawaslu and / or Supervisory Committee. In State Administrative disputes that have not been resolved, the filing of a lawsuit over State Administration disputes is made to the High Administrative State Court;
6. Election Results Dispute: Constitutional Court.

On the other hand, it relates to the classification of election administration violations as regulated in Article 460 of Law Number 7 of 2017 concerning General Elections, that administrative violations of the Election include violations of the procedures, procedures, or mechanisms relating to the

administration of the implementation of the General Elections in each stage of organizing the General Elections. This means that election administrative violations do not include election criminal offenses and violations of the ethics code.

Settlement of election administrative violations becomes the authority of Bawaslu and its instruments, as stipulated in Article 461 of Law Number 7 of 2017. Inspections by Bawaslu, Provincial Bawaslu, Regency / City Bawaslu must be conducted openly. Bawaslu, Provincial Bawaslu, Regency / City Bawaslu must decide the resolution of election administrative violations no later than 14 (fourteen) working days after they are received, and reports are received and registered. According to Huda (2018, p. 281), the decision is in the form of:

1. Administrative improvements to the procedures, procedures, or mechanisms in accordance with the provisions of the legislation;
2. Written warning;
3. Not submitted at certain stages in the holding of the General Election;
4. Other administrative sanctions in accordance with the provisions of this law.

After Bawaslu, Provincial Bawaslu, Regency / City Bawaslu issue decisions in accordance with Article 462 of Law Number 7 of 2017, KPU, Provincial KPU, Regency / City KPU must follow up no later than 3 (three) working days from the date the verdict is read. Furthermore, Article 463 regulates that in the event of an administrative violation in a structured, systematic and massive manner, the Election Supervisory Body receives, inspects and recommends violations of the administration of the General Election within no later than 14 (fourteen) working days. Furthermore, the KPU must follow up the Bawaslu Decision by issuing the KPU Decree within a maximum period of 3 (three) working days from the issuance of the Bawaslu Decision. The KPU's decision can be in the form of administrative sanctions for the cancellation of a candidate or candidate pair. Candidates and pairs of candidates who are subject to administrative sanctions for cancellation can submit legal remedies to the Supreme Court within no later than 3 (three) business days from the date the KPU decision is made. The Supreme Court decides the legal remedies for an administrative violation of the General Election within a maximum period of 14 (fourteen) working days from the case file received by the Supreme Court. In the case of the Supreme Court's Decision if canceling the KPU Decree, the KPU shall re-determine as a candidate either as a candidate for the DPR, DPD, Provincial DPRD, Regency / City DPRD, and the Candidate pair of President and Vice President. The decision of the Supreme Court is final and binding (Huda, 2018, p. 282).

Election Process Dispute Resolution

Election as a contest to win the people's mandate, the Election participants which included: Political Parties / a combination of Political Parties, Candidate Pairs, Candidates for members of the DPR, DPD, and DPRD who competed sometimes conflicting interests, both between election participants and between election participants with Election organizers which include the KPU and Bawaslu, so that the election dispute was born (Yulianto, 2019, p. 7). Election process dispute resolution is carried out by Bawaslu, firstly through mediation, which is the process of bringing together disputing parties by the Election Supervisor to reach an agreement. If no agreement is reached, Adjudication is carried out, namely the trial process for Election Process Dispute Settlement (Yulianto, 2019, p. 8).

Philosophically, the process of dispute resolution is carried out with the Mediation process and further if no adjudication is achieved. Mediation is carried out to reach agreement in line with the spirit of deliberation and consensus semi-achievement of an agreement. Mediation seeks to prevent the dominance of individuals or certain groups in decision making because mediation is always oriented to social justice and the public interest. Agreement in mediation is not in the sense of affiliating in negative terms, but

instead seeks to work together to resolve problems / disputes. That is the soul of the nation that had existed in the Indonesian community for a long time. But if in the case of mediation an agreement is not reached, adjudication is carried out, namely the trial process for Election Dispute Settlement in accordance with the provisions of the prevailing laws and regulations for the realization of a legal certainty.

Election process disputes as regulated in Article 466 of Law Number 7 of 2017 concerning General Elections, that Election disputes include disputes that occur between Election participants and Election participants' disputes with the Election organizer as a result of the issuance of Decisions from KPU, Provincial KPU, Regency / City KPU. Settlement of election process disputes in Bawaslu as regulated in Article 468 of Law Number 7 of 2017, that Bawaslu, Provincial Bawaslu, Regency / City Bawaslu have the authority to complete the Election process. Dispute resolution process in terms of examining and deciding a case no later than 12 (twelve) days from receipt of the application. Huda (2018, p. 283) explains that Bawaslu, Provincial Bawaslu, Regency / City Bawaslu carry out dispute resolution processes through stages:

1. Receive and review applications for dispute resolution in the election process.
2. Bringing together disputing Parties to achieve agreement through mediation or deliberation and consensus.

In the event that no agreement is reached between the disputing parties in bringing together the disputing parties to reach an agreement through mediation or deliberation and consensus, the Bawaslu, the Provincial Bawaslu, the Regency / City Bawaslu. Furthermore, Huda (2018, p. 183) explains that the nature of the Election Supervisory Body as stipulated in Article 469 of Law Number 7 of 2017, that the Election Supervisory Body's Decision on Election process disputes is a final and binding decision, except for decisions on Election process disputes. associated with:

1. Verification of political parties participating in the election;
2. Determination of the permanent list of candidates for members of the DPR, DPD, Provincial DPRD, and Regency / City DPRD;
3. Determination of candidate pairs.

In the event that a dispute resolution process related to the 3 (three) matters carried out by Bawaslu is not accepted by the parties, the parties may submit legal remedies to the State Administrative Court. The entire process of making Bawaslu Decisions must be done through an open and accountable process. Further provisions regarding the procedures for resolving disputes in the Election process are regulated in Bawaslu Regulations.

As revealed by Yahya Harahap (2009, p. 233) that the resolution of disputes through non-litigation is far more effective and efficient, because in the recent past, the development of various ways of settling disputes (settlement method) outside the court known as ADR in various forms such as arbitration, negotiation, mediation, and conciliation. Based on the provisions of Article 94 paragraph (3) of Law Number 7 of 2017 concerning Election Organizers, Bawaslu has the duty to:

1. Receiving requests for dispute resolution in the election process;
2. Formally and materially verify requests for resolution of the Election process;
3. Mediating between disputing parties;
4. Carry out the adjudication process of the election process dispute;
5. Deciding on the settlement of election process disputes.

Efforts to resolve the election process dispute in the first place are carried out by bringing the parties together for mediation. According to Supreme Court Regulation No. 1 of 2016 concerning

Mediation Procedures in the Court, that mediation is a way of resolving disputes through a negotiation process to obtain the agreement of the parties with the assistance of the mediator. Mediation through a system of compromise (between the parties, while the third party who acts as a mediator is only as a helper and facilitator (Harahap, 2009, p. 236).

If it continues to the State Administrative Court, the Election Process Dispute Settlement in the State Administrative Court, as stipulated in Article 470 of Law Number 7 of 2017, that disputes the Election process through the Election Administrative Court between candidates for members of the DPR, DPD, Provincial DPRD, DPRD Regency / City, or Political Parties participating in the General Election, or prospective pairs of candidates with KPU, Provincial KPU, and Regency / City KPU as a result of the issuance of KPU decisions, Provincial KPU decisions, and Regency / City KPU decisions. According to Huda (2018, p. 284), the election process disputes are disputes that arise between:

1. KPU and Political Parties Prospective Election Contestants who do not pass verification as a result of the issuance of KPU Decree concerning the determination of Election Contesting Political Parties as referred to in Article 173 of Law Number 7 of 2017;
2. KPU and Candidate Pairs that do not pass verification as a result of the issuance of KPU Decree on the Determination of Candidate Pairs as referred to in Article 235 of Law Number 7 of 2017;
3. KPU, Provincial KPU, and Regency / City KPU with candidates for members of DPR, DPD, Provincial DPRD, and Regency / City DPRD who are crossed from the list of permanent candidates as a result of the issuance of KPU Decree on the Determination of the Fixed Candidate List as referred to in Article 256 and Article 266 of Law Number 7 of 2017.

As for the Procedure for Election Process Dispute Settlement through the State Administrative Court, it has been regulated in Article 471, that the filing of a lawsuit on Election State Administrative Dispute as referred to in Article 470 to the State Administrative Court, is carried out with administrative efforts at Bawaslu as referred to in Article 467, Article 468, and Article 469 paragraph (2) of Law Number 7 of 2017 has been used. Filing a lawsuit over the Election Administration Administrative Dispute is conducted no later than 5 (five) working days after the reading of the Bawaslu Decision. In the event that the filing of the claim is incomplete, the Plaintiff may correct and complete the claim no later than 3 (three) working days from the receipt of the claim by the State Administrative Court. If within a maximum of 5 (five) working days of the Plaintiff has not completed the complaint, the judge gives the Decision that the claim cannot be accepted. Against the Decision that the lawsuit is not acceptable, cannot take legal action. In the event that the case is processed, the State Administrative Court checks and decides the claim no later than 21 working days after the claim is declared complete. The decision of the State Administrative Court is final, and binding and no other legal remedies can be made. KPU is obliged to follow up on the said State Administrative Court decision no later than 3 (three) working days.

To hasten the judicial process in the State Administrative Court, a Special Election State Administrative Council was formed. Article 472 of Law Number 7 Year 2017 stipulates that in examining, adjudicating and adjudicating disputes in the electoral process as referred to in Article 470 and Article 471 of Law Number 2017, a Special Assembly is composed of Special Judges who are Career Judges within the Court State Administration. The Special Judge was determined based on the Decree of the Chief Justice of the Republic of Indonesia the Special Judge is a judge who has performed his duties as a judge for a minimum of 3 (three) years, except if in a court there are no judges whose tenure has reached 3 (three) years. The Special Judge in handling Election State Administrative Disputes is exempted from his duty to examine, hear, and decide on other cases. The Special Judge must master the knowledge of elections. Further provisions regarding the Special Judge are regulated in the Supreme Court Regulations (Huda, 2018, p. 285).

Election Process Dispute Settlement in West Java

Election disputes as regulated in Law Number 7 of 2017 concerning General Elections are identified in 2 (two) categories of election process disputes, namely disputes between election participants (PSAP) and disputes between election participants and the Election Organizer (PSPP). In the 2019 General Election, the Provincial Bawaslu and Regency / City Bawaslu in West Java Province have received 24 (twenty four) requests for Election Process Dispute Settlement, all of which are disputes between election participants and election organizers, while there are no disputes between election participants (Bawaslu West Java Province, 2019).

Classification based on the subject category of the applicant in the dispute process, it is known that there are 22 (twenty two) Petitioners from the Election Contesting Political Parties and 2 (two) Individual Petitioners Participating in the Election of DPD Members from West Java Province. With the type of electing DPD members as many as 2 (two) Requests, 4 (four) Requests for Election of Provincial DPR Members, and 18 Requests for Election of Regency / City DPRD Members (Bawaslu West Java Province, 2019).

Mediation

Bawaslu, Provincial Bawaslu, Regency / City Bawaslu conduct Election Process Dispute Settlement through stages as regulated in Article 468 of Law Number 7 of 2017 concerning General Elections, which are:

1. Receive and review applications for Election Process Dispute Resolution.
2. Bringing the disputing parties together to reach an agreement through mediation or deliberation and consensus.

Then the initial stage taken in Election Process Dispute Settlement after the receipt and review of an application is to bring the disputing parties together to reach an agreement through mediation. As many as 24 Election Process Dispute Settlement Requests submitted to Provincial / district / City Bawaslu in West Java, in total mediation efforts have been made, including 14 Requests that can reach agreement in a mediation forum (Bawaslu West Java Province, 2019).

Adjudication

There are 10 Requests for Election Process Dispute Settlement which do not reach agreement between the parties to the dispute, so an Adjudication process is conducted at the Election Supervisory Body in accordance with the level of authority. According to Bawaslu (2017; 2019), the procedure for conducting the Election Dispute Settlement Adjudication session begins with the scheduling of Adjudication and the summons of the parties until the implementation of the Adjudication session which is carried out with the following stages:

- a. Submission of Application Request: The Chairperson of the Session Assembly gives the opportunity for the Petitioner to read the contents of the Petition for Election Process Dispute Settlement;
- b. Respondent's Answer: The Chairperson of the Session Assembly gave the Respondent the opportunity to submit and read the Respondent's Response to the Petition for Election Process Dispute Resolution submitted by the Petitioner;

- c. Related party response: in the event of a related party, the Session Assembly provides an opportunity for the related party to submit a response to the Petition for Election Process Dispute Resolution submitted by the Petitioner;
- d. Proof: the chairperson of the Session Assembly provides an opportunity for those who submit evidence. The parties can submit witnesses and experts in the Adjudication process after obtaining the approval of the Assembly. Witnesses are sworn in or promised in accordance with their religion before examining them. The Session Assembly may present institutions providing information relating to the disputed object based on the consideration of the Session Assembly;
- e. Conclusions of the parties; the Chairperson of the Session Assembly provides an opportunity for the parties to express their final opinion in the form of conclusions formulated in writing;
- f. Decision: The Session Assembly decides on Election Process Dispute Settlement.

In general, the Election Resolution Adjudication Court Decision Settlement of Election Process Dispute Settlement can be classified into 3 (three) patterns which are, first, the Application is rejected completely, there are 7 (seven) requests for Election Disputes Settlement which are terminated based on the Election Dispute Adjudication Session Resolution with a Decision rejected entirely (Bawaslu, West Java Province, 2019). Second, the Application was partially granted, there were 2 (two) Requests that were based on the Adjudication Process for the Dispute Resolution of the 2019 Election Process which received a Decision Received in Part (Bawaslu West Java Province, 2019). Third, the Application was granted in full, based on all the results of the Adjudication session in the Province of West Java, there was no decision which stated the Application was granted in its entirety (Bawaslu, West Java Province, 2019). In addition to the above three things, there are still found Decisions of Decision of Requests totaling 1 (one) Application that was declared to be canceled because the Petitioners revoked their application, and there was 1 (one) Application that was submitted for correction to the Bawaslu of the Republic of Indonesia (Bawaslu West Java Province, 2019).

Legal Effort for Election Process Dispute Settlement to State Administrative Court (PTUN)

Article 469 paragraph (2) of Law Number 7 of 2017 concerning General Elections states that in the event that Election Process Dispute Settlement conducted by Bawaslu is not accepted by the parties, the parties may submit legal remedies to the State Administrative Court. Results of corrections to the Election Supervisory Agency Number: 031/PS.REG. KOREKSI/BAWASLU/XI/2018 whose contents of the Decision Amendment Refuse the Petitioner's Correction Request. The applicant does not accept the Bawaslu Decision by submitting a complaint to the State Administrative Court.

Bandung State Administrative Court (as cited in Yulianto, 2019, p. 111), based on Decision Number: 111 / G / SPPU / 2018 / PTUN.BDG tried in the subject matter of the dispute:

1. Refuse the plaintiff's claim for whole;
2. Punishing the Plaintiff to pay a case fee of Rp. 557,000 (five hundred fifty-seven thousand rupiah).

Conclusion

In the discussion of law on the context of election, disputes are circumstances or events that can occur to anyone and anywhere. Disputes can occur between individuals and individuals, between individuals and groups, individuals, and countries, between groups and groups, groups and countries, between one country and another. So, in general there are 2 (two) lines of dispute resolution, namely litigation, namely dispute resolution through the judiciary and non-litigation, namely peaceful settlement

outside the court. According to Article 1 number 10 of Law Number 10 of 1999 concerning Arbitration and Dispute Resolution Alternative, "Alternative Dispute Resolution is a dispute resolution agency or dissent through a procedure agreed upon by the parties, namely outside the court by means of consultation, negotiation, mediation, conciliation, or expert judgment.

Violations consist of election criminal acts, violations of the election administration, and violations of the election code of conduct. While election disputes consist of disputes between election participants or between candidates, administrative or administrative disputes in the state of elections, and disputes over election results. Election crime is handled by the Election Supervisor, which is followed up by the General Election Commission (KPU), the regional KPU, and the regional KPU and KPU impose administrative sanctions. Whereas the violation of the code of ethics for the election organizers at the hearing was decided by the Election Organizer Honorary Board (DKPP). Furthermore, disputes between election participants or between candidates are settled by the Election Supervisor, Election administration disputes are settled by the Election Supervisory Body (Bawaslu) and can be appealed to the State Administrative High Court, while the election results are settled by the Constitutional Court.

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