

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

A. Conclusion

Based on discussion in the previous chapter it can be concluded as follows:

First, the institution is provided to settle the result of local election dispute before the issuance of Law Number 8 of 2015 namely: i) based on Law Number 32 Year 2004, it gives the authority to the Supreme Court to resolve the dispute over the result of local election, ii) Article 236C of Law Number 12 Year 2008 mentions that authority of the Supreme Court in settling the dispute on result of direct local election is transferred to the authority of the Constitutional Court, iii) Article 157 of Law Number 1 Year 2015 regulates the direct election of regional head held simultaneously throughout Indonesia, and also includes the regulation of election disputes by the High Court and filing of objection to Supreme Court. After the issuance of Law Number 8 Year 2015 in the provision of Article 157, the competent authority is a Special Judicial Body. Before the special justice body is formed, the Constitutional Court is still authorized to resolve the dispute over the results of direct regional head election as stipulated in dictum number 2 of the Constitutional Court Decision Number 97 / PUU-XI / 2013 and Article 157 paragraph 3 of Law Number 8 Year 2015.

Second, the procedures of local election dispute settlement by the institution is provided before the enactment of Law Number 8 of 2015 namely: i) based on Law Number 32 Year 2004 the procedures regulate on Article 106, ii) Law Number 12 Year 2008 for the procedure starts from the deadline for the petition, that is 3 days after the determination of the result of the local election and deputy by Local General Election Commission. Then the deadline of the trial is 14 working days, iii) Law Number 1 Year 2015 regulates that the procedure as stipulated in Law Number 1 Year 2015 for the deadline of the case petition is 3 x 24 hours since the announcement of the vote acquisition by the Election Commission. Then, the trial time limit is 14 days from the receipt of the application either in the High Court or Supreme Court, and the deadline for filing an objection to the Supreme Court is 3 days after the decision of the High Court, and after the enactment namely on Law Number 8 Year 2015 the procedure for settling the disputes in local election regulate the limitation of the case petition, that is 3 x 24 hours since the announcement of the vote acquisition by the Local General Election Commission. Then the deadline of court case is 45 days from the receipt of the petition. Further deadline to objection is not specified in this Law because the Constitutional Court Decision is the first and final court whose decision is final and binding. However, based on these provisions, there is a transfer of authorized institutions to resolve the results of direct local election disputes, in which the dispute over the results of the elections is finalized by the special courts.

B. Recommendation

Responding the problems that has been discussed, the proposed recommendation is that the volume of disputes election results submitted to the Constitutional Court is very high. It makes the Constitutional Court not optimal to settle local election dispute, so it is necessary to establish a new court or special court as mention in Law Number 8 Year 2015. Therefore, the legislator must immediately establish a special court which has the authority to resolve the dispute over the results of direct local election.