

STRENGTHENING DEMOCRACY: THE ROLE OF ELECTORAL JUSTICE AND THE ELECTION SUPERVISORY BOARD IN ENSURING FREE AND FAIR ELECTIONS IN INDONESIA

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Abstract

The general election is an essential manifestation of constitutional democracy practised in many countries, including Indonesia. Democracy, originating from the Greek term “rule by the people,” is understood in modern thought as a representative system in which representatives are chosen through free, competitive elections. A democratic election must adhere to universally accepted principles, such as being direct, universal, free, secret, honest, and fair. The electoral justice system, a key instrument of the rule of law, ensures the proper enforcement of these principles by resolving disputes fairly and promptly. Its design is integral to the legitimacy and credibility of elections, reflecting the socio-cultural and political context in which it operates. The system must be guided by values and norms, ensuring the independence and impartiality of election administration, transparency, accessibility, inclusivity, and the right to an effective remedy for violations. Election law enforcement is crucial for maintaining the credibility of elections, providing legal certainty, and fostering trust in the election process. This research explores the Election Supervisory Board’s role in resolving electoral disputes through quasi-judicial mechanisms. It examines the legal framework for resolving election-related disputes, emphasising the importance of an effective electoral justice system in maintaining free and fair elections. The research method involves doctrinal legal analysis, focusing on laws and regulations, particularly Law No. 7 of 2017 on General Elections. By examining adjudication processes and administrative efforts in electoral disputes, the study highlights the evolving role of the Election Supervisory Board in strengthening Indonesia’s democratic processes. It concludes that a well-designed electoral justice system is fundamental to ensuring democratic integrity and public trust in election outcomes.

Keywords: *Electoral Justice; Election Disputes; Election Supervisory Board; Democracy; Legal Framework.*

A. Introduction

The general election is a manifestation of constitutional democracy practised by many democratic countries worldwide, including Indonesia.¹ The word “democracy” originates from the

¹ Simon Butt, *The Constitutional Court and Democracy in Indonesia* (Brill | Nijhoff, 2015); Herbert Feith, *The Decline of Constitutional Democracy in Indonesia*, An Equinox Classic Indonesia Book (Equinox Publishing, 2006); Arend Lijphart, ‘Democracies: Forms, Performance, and Constitutional Engineering’, *European Journal of Political Research* 25, no. 1 (1994): 1–17, <https://doi.org/10.1111/j.1475-6765.1994.tb01198.x>; Matt Golder, ‘Democratic Electoral Systems Around the World, 1946–2000’, *Electoral Studies* 24, no. 1 (2005): 103–21, <https://doi.org/10.1016/j.electstud.2004.02.008>.

Greek term “rule by the people”.² In modern thought since the 19th century, democracy is understood as “a system of representative government in which the representatives are chosen by free competitive elections and most male citizens are entitled to vote”.³

The substance of democracy today lies in the general elections held in accordance with universally accepted principles: direct, universal, free, secret, honest, and fair. For the election process to be considered democratic, there must be laws and regulations that guarantee democratic principles and legal certainty, as well as the enforcement of the law and the resolution of electoral process disputes in a fair and timely manner, referred to as electoral justice.⁴

The electoral justice system is a key instrument of the rule of law and a guarantee of adherence to democratic principles in the administration of free, fair, and genuine elections. The purpose of the electoral justice system is to prevent and identify irregularities in the administration of general elections and to resolve electoral process disputes. The design of the electoral justice system is fundamental to the legitimacy and credibility of the election process and its results. The electoral justice system is influenced by the socio-cultural context and the political history of the place where it operates, and therefore exhibits diversity in its practice.⁵

The electoral justice system should follow a set of values and norms to create a more credible and legitimate electoral process.⁶ These values and norms can be found in a society’s culture, a country’s legal framework, and international legal instruments. An electoral justice system must

² Cameron D. Anderson and Laura Beth Stephenson, *What Is Democracy and How Do We Study It?* (University of Toronto Press, 2021), <https://doi.org/10.3138/9781487588571>; Harry Collins et al., ‘What Is Democracy?’, in *Experts and the Will of the People: Society, Populism and Science*, ed. Harry Collins et al. (Springer International Publishing, 2020), https://doi.org/10.1007/978-3-030-26983-8_3; Benjamin Isakhan and Stephen Stockwell, ‘Introduction: Democracy and History’, in *The Secret History of Democracy*, ed. Benjamin Isakhan and Stephen Stockwell (Palgrave Macmillan UK, 2011), https://doi.org/10.1057/9780230299467_1.

³ Nadia Urbinati and Mark E. Warren, ‘The Concept of Representation in Contemporary Democratic Theory’, in *Annual Review of Political Science*, vol. 11, Annual Reviews, 2008, <https://doi.org/10.1146/annurev.polisci.11.053006.190533>; Yavuz Selim Alkan, ‘Representative Democracy and the Concept of Representation: Do They Have a Legitimizing or Checking Function?’, *Stratejik ve Sosyal Araştırmalar Dergisi* 5, no. 3 (2021): 441–53, <https://doi.org/10.30692/sisad.992529>.

⁴ Bilveer Singh, ‘The Indonesian Electoral System’, in *The Indonesian Presidency*, vol. 3, World Scientific Series on International Relations and Comparative Politics in Southeast Asia (World Scientific, 2024), https://doi.org/10.1142/9789811296901_0003; Simon Butt, ‘Provincial Asymmetry in Indonesia: What Is so “Special” About It? A Country Study of Constitutional Asymmetry in Indonesia’, in *Constitutional Asymmetry in Multinational Federalism: Managing Multinationalism in Multi-Tiered Systems*, ed. Patricia Popelier and Maja Sahadžić (Springer International Publishing, 2019), https://doi.org/10.1007/978-3-030-11701-6_9.

⁵ Ali Umar Harahap et al., ‘Legal Framework for Resolving Election Violations in Indonesia: Towards Electoral Justice’, *Indonesian Journal of Criminal Law Studies* 10, no. 2 (2025): 985–1014, <https://doi.org/10.15294/ijcls.v10i2.24541>.

⁶ Dennis F. Thompson, *Just Elections: Creating a Fair Electoral Process in the United States* (University of Chicago Press, 2004); Samuel Issacharoff and Laura Miller, ‘Democracy and Electoral Processes’, in *Research Handbook on Public Choice and Public Law* (Edward Elgar Publishing, 2010), <https://doi.org/10.4337/9781849804899.00013>.

effectively demonstrate the independence and impartiality of the election administration bodies in achieving justice, ensuring transparency, accessibility, inclusivity, guaranteeing equality, and ensuring the right of any party whose rights have been violated to obtain an effective remedy (the right to effective remedy) in the enforcement of election law.⁷

Enforcing election laws and regulations is a fundamental element of free, fair, and credible elections.⁸ Enforcing election law and regulations not only provides the legal framework for conducting elections but also assures voters of the legitimacy of the electoral process. Enforcing election law will create accountability, deter fraud, improve transparency, and foster trust in election results.⁹

The effectiveness of the enforcement of election law in resolving electoral process disputes is as follows: first, the type of dispute resolution is clearly formulated, unambiguous, and not in conflict with the regulations; second, there is an open opportunity with procedures and requirements that are easy for citizens to submit a dispute petition; third, there are clear and objective criteria for deciding when a petition has met formal and material requirements.¹⁰

The resolution of electoral process disputes at the Election Supervisory Board is part of electoral justice, which is regulated in the Election Law to ensure the conduct of just elections by realising the values of justice in the enforcement of electoral justice at the Election Supervisory Board.¹¹

This research adopts doctrinal legal research, referring to laws and regulations.¹² The approaches used are the statutory and conceptual approaches. The legal materials utilised include primary, secondary, and tertiary sources. The technique for collecting legal materials involves

⁷ Sahran Raden, 'The Theory of Fairness with Integrity in Indonesia's Electoral Justice System', *Fiat Justitia: Jurnal Ilmu Hukum* 18, no. 2 (2024): 185–202, <https://doi.org/10.25041/fiatjustisia.v18no2.3432>; Harahap et al., 'Legal Framework for Resolving Election Violations in Indonesia: Towards Electoral Justice'.

⁸ Guy S. Goodwin-Gill, *Free and Fair Elections* (Inter-Parliamentary Union, 2006); Md. Abu Bakar Siddiq and Md. Shamim Ahmed, 'Revisiting the Constitutional and Human Rights Law Mandates for Fair Elections in Bangladesh: A Quest for Democratization', *Social Sciences & Humanities Open* 13 (June 2026): 102393, <https://doi.org/10.1016/j.ssaho.2025.102393>.

⁹ Firdaus Arifin et al., 'Reforming Indonesia's Electoral System: Legal and Policy Considerations', *Jambe Law Journal* 8, no. 1 (2025): 61–99.

¹⁰ Rayendra Erwin Moeslimin Singaraju, 'Establishment of a General Election Court System in Indonesia', *Prophetic Law Review* 4, no. 1 (2022): 48–69, <https://doi.org/10.20885/PLR.vol4.iss1.art3>; Firdaus Arifin et al., 'Institutional Configuration and Competence of the Special Judiciary for Regional Election Disputes: A Comparative Study and Prospects for Implementation', *Jambura Law Review* 7, no. 2 (2025): 493–520, <https://doi.org/10.33756/jlr.v7i2.30949>.

¹¹ Fritz Siregar, 'Election Supervision in Indonesia: Options for Reforming the General Election Supervisory Agency', in *Constitutional Democracy in Indonesia*, ed. Melissa Crouch (Oxford University Press, 2022), <https://doi.org/10.1093/oso/9780192870681.003.0008>; Budi Purwanto et al., 'Unmasking Electoral Turmoil: The General Election Supervisory Agency's Battle Against Disputes in Indonesia's Democracy', *Indonesian State Law Review* 6, no. 1 (2023): 23–52, <https://doi.org/10.15294/islrev.v6i1.68228>.

¹² P. Ishwara Bhat, *Idea and Methods of Legal Research* (Oxford University Press, 2019).

reviewing secondary sources, such as legal books, particularly those on general elections, and legal journals, as well as gathering primary sources, such as Law No. 7 of 2017 on General Elections. The method used to analyse the legal materials is the prescriptive-deductive method.

B. Ensuring Fairness in Elections: The Role of the Election Supervisory Body in Upholding Electoral Justice and Resolving Disputes in Indonesia

Conducting general elections without electoral supervision is akin to allowing violations and errors to infiltrate a country's democratic system.¹³ In Indonesia, election supervision is delegated to a formal institution now known as the Election Supervisory Body.¹⁴ The establishment of this electoral supervisory body is inherently tied to the desires of the Indonesian people, who seek a formal institution to oversee the conduct of elections to ensure they are carried out effectively. Effective administration is accompanied by authority, which is a form of power acquired constitutionally or through valid legal rules. Authority represents institutionalised power, or formal, legitimised power.¹⁵

Lon L. Fuller¹⁶, in his book *The Morality of the Law*, states that the ideal of legal power demands that rules be fair. The principles guiding lawmaking must ensure that the fairness of legal rules is promoted, which includes the necessity of clarity in law. Laws must not be altered frequently, as this would prevent people from orienting their activities around them.

Equality of rights, according to Aristotle, is indeed a concept of justice.¹⁷ In this context, justice does not always mean equal rights for all, but also the unequal treatment of individuals where necessary. Justice will be achieved if some parties are treated the same, or conversely, if

¹³ James D. Long, 'Protecting Electoral Integrity in Emerging Democracies', in *Introduction to Development Engineering: A Framework with Applications from the Field*, ed. Temina Madon et al. (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-030-86065-3_18; Pippa Norris, 'Challenges in Electoral Integrity', in *Routledge Handbook of Election Law* (Routledge, 2022).

¹⁴ Eny Kusdarini et al., 'Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia', *Heliyon* 8, no. 12 (2022), <https://doi.org/10.1016/j.heliyon.2022.e11932>; Simon Butt and Fritz Siregar, 'Multilayered Oversight: Electoral Administration in Indonesia', *Asian Journal of Comparative Law* 16, no. S1 (2021): S121–35, Cambridge Core, <https://doi.org/10.1017/asjcl.2021.32>.

¹⁵ Stewart Clegg, 'Power, Legitimacy, and Authority', in *Routledge International Handbook of Contemporary Social and Political Theory* (Routledge, 2011); Mark Haugaard, 'What Is Authority?', *Journal of Classical Sociology* 18, no. 2 (2018): 104–32, <https://doi.org/10.1177/1468795X17723737>; Andrew J. I. Jones and Marek Sergot, 'A Formal Characterisation of Institutionalised Power', *Logic Journal of the IGPL* 4, no. 3 (1996): 427–43, <https://doi.org/10.1093/jigpal/4.3.427>; Philip A. Woods, 'Authority, Power and Distributed Leadership', *Management in Education* 30, no. 4 (2016): 155–60, <https://doi.org/10.1177/0892020616665779>.

¹⁶ Lon L. Fuller, *The Morality of Law* (Yale University Press, 1969), JSTOR, <http://www.jstor.org/stable/j.ctt1cc2mds>.

¹⁷ Bernard Yack, 'Natural Right and Aristotle's Understanding of Justice', *Political Theory* 18, no. 2 (1990): 216–37, <https://doi.org/10.1177/0090591790018002002>; Allan Beever, 'Aristotle on Equity, Law, and Justice', *Legal Theory* 10, no. 1 (2004): 33–50, Cambridge Core, <https://doi.org/10.1017/S1352325204000163>.

some are not treated equally. Explaining Aristotle's concept of justice, he differentiates between distributive justice, which demands that each party receive what they are entitled to proportionally.¹⁸ Ramlan Surbakti¹⁹, though not providing a precise definition of electoral justice, outlines seven criteria that must be met to realise fair and integrity-driven elections. One of these is free and fair competition, defined as a contest in which all participants start from the same point. This is an important aspect of electoral justice, ensuring equality among citizens and the conduct of a free and fair contest.

The adjudicative characteristics of the Election Supervisory Body can be seen in its authority to accept petitions, conduct hearings by presenting evidence to the parties, follow trial procedures, present conclusions, and issue decisions and outcomes based on the examination's results.²⁰ Based on the output of these institutions, one can observe a classification that distinguishes functions. There are several classifications of institutional functions corresponding to its quasi-judicial characteristics, as reflected in the outcomes of task execution, functions, and authority, including decisions to accept or reject petitions. Decisions made by the Election Supervisory Body in its quasi-judicial capacity may still be subject to administrative legal action by parties with legal standing. Philipus M. Hadjon et al.²¹ emphasises that the instruments of administrative law enforcement include both supervision and decisions. Supervision serves as a preventive measure to enforce compliance, while the execution of decisions serves as a repressive measure to uphold justice.

The position of the adjudicative body within the Election Supervisory Body as the executor of quasi-judicial authority in the realm of general elections is regulated by Articles 93 and 95 of Law No. 7 of 2017 on General Elections.²² These articles outline Election Supervisory Body responsibilities in preventing and addressing violations of electoral law, as well as resolving disputes arising from the electoral process. In essence, the Election Supervisory Body performs a semi-judicial or quasi-judicial function, playing a crucial role in ensuring that elections are

¹⁸ William Mathie, 'Political and Distributive Justice in the Political Science of Aristotle', *The Review of Politics* 49, no. 1 (1987): 59–84, Cambridge Core, <https://doi.org/10.1017/S0034670500044302>; Anton-Hermann Chroust and David L. Osborn, 'Aristotle's Conception of Justice', *Notre Dame Law Review* 17, no. 2 (1942): 129–43, <https://scholarship.law.nd.edu/ndlr/vol17/iss2/2/>; Ernest J. Weinrib, 'Aristotle's Forms of Justice', *Ratio Juris* 2, no. 3 (1989): 211–26, <https://doi.org/10.1111/j.1467-9337.1989.tb00039.x>.

¹⁹ Ramlan Surbakti, 'Partisipasi Masyarakat Di Pemilu', *Kompas.Com*, 30 July 2014, <https://nasional.kompas.com/read/2014/07/30/14413851/Partisipasi.Masyarakat.di.Pemilu>.

²⁰ A. Zarkasi et al., 'Indonesia's 2024 Election: Constitutional Court Perspectives on Electoral Violations', *Sriwijaya Law Review*, 2025, 372–98, <https://doi.org/10.28946/slrev.v9i2.4584>.

²¹ Philipus M. Hadjon et al., *Pengantar Hukum Administrasi Indonesia* (Gadjah Mada University Press, 2005).

²² Sumardi Efendi et al., 'Absolute Authority Of Bawaslu In Handling Election Violations Post The Determination Of The National Results', *Istifham: Journal Of Islamic Studies*, 2023, 121–31, <https://doi.org/10.71039/istifham.v1i2.20>.

conducted fairly and transparently, in accordance with established legal frameworks.²³ This quasi-judicial role is integral to the functioning of the Indonesian electoral system, as it allows the body to address and resolve electoral violations and disputes in a manner that upholds the principles of justice and fairness within the electoral process.²⁴

The implementation of this quasi-judicial power cannot be separated from the integration and harmonisation of the adjudicatory system and the regulatory framework under what is often referred to as a “one roof system.” This system centralises the legal, procedural, and institutional aspects of electoral dispute resolution, facilitating the resolution of violations and disputes cohesively and effectively. Under this system, the Election Supervisory Body performs its quasi-judicial functions in two main areas: handling administrative violations of electoral law and resolving electoral process-related disputes.²⁵

For administrative violations, the Election Supervisory Body has a dedicated division responsible for monitoring, investigating, and adjudicating administrative breaches of election laws. This division handles cases such as violations of campaign regulations, improper voter registration, or electoral procedures that do not comply with legal requirements. The division's role is pivotal in ensuring that election law is adhered to by all parties involved, including political parties, candidates, and election organisers. Enforcing administrative rules is vital to maintaining the integrity of the electoral process, and the division's work is critical to addressing and correcting any irregularities that may arise during the election cycle.

On the other hand, the resolution of electoral process disputes falls under the responsibility of the Election Supervisory Body's division dedicated to their settlement. These disputes typically involve conflicts between election participants, such as political parties or candidates, and the election organisers, including the General Election Commission and the Election Organising Body. Such disputes may arise from decisions made by the General Election Commission or local election bodies regarding candidate registration, voting procedures, or the final election results. These conflicts need to be resolved swiftly and fairly to ensure that the electoral process remains credible and legitimate. The division's role is crucial in providing a transparent, accessible, and impartial forum for resolving these disputes, thereby safeguarding the integrity of the democratic

²³ Dwi Prasetyo, ‘Empowering the Election Supervisory Agency: Enforcement of Law Number 7 of 2017 on General Elections’, *Constitutionale* 3, no. 2 (2022): 103–18, <https://doi.org/10.25041/constitutionale.v3i2.2745>.

²⁴ Rahmat Bagja et al., ‘Towards Electoral Justice: Redesigning an Ideal System for Enforcing Electoral Administrative Law in Indonesia?’, *Jambe Law Journal* 8, no. 2 (2025): 781–814, <https://doi.org/10.22437/9et5k513>.

²⁵ Oce Madril, ‘The Authority of Administrative Court in Settling the Disputes Over Election Process in Indonesia’, *Yustisia* 8, no. 3 (2020): 365–88, <https://jurnal.uns.ac.id/yustisia/article/view/35553>.

process.

To manage these two key areas, the Election Supervisory Body utilises a range of mechanisms, most notably mediation and adjudication. Mediation serves as a tool for facilitating dialogue between disputing parties, aiming to reach an amicable resolution before the matter escalates to formal adjudication. It provides a less formal, more collaborative approach to dispute resolution, encouraging cooperation and compromise. However, when mediation fails or the dispute requires more in-depth legal intervention, adjudication becomes necessary. The adjudication process involves a more formal examination of the dispute, with the Election Supervisory Body making binding decisions based on the law, the facts presented, and the applicable regulations.²⁶ The adjudicative body within the Election Supervisory Body operates similarly to a court, empowered to issue decisions that carry legal consequences, including sanctions, penalties, and corrective actions. This quasi-judicial function is vital to ensuring that breaches of election law are addressed in a timely and fair manner, thereby maintaining public confidence in the electoral system.

The structure and procedures of the Election Supervisory Body reflect a strong commitment to fairness, transparency, and accountability, ensuring that all election-related disputes are resolved in accordance with due process and the rule of law.²⁷ By performing both preventive and corrective functions, the Election Supervisory Body plays a pivotal role in upholding the integrity of Indonesia's electoral system, ensuring that election outcomes are not only legally sound but also perceived as legitimate by all stakeholders. As Indonesia continues to strengthen its democratic processes, the Election Supervisory Body's role in overseeing and resolving electoral disputes will remain a cornerstone of the country's commitment to free and fair elections.

²⁶ Sahran Raden, 'The Adjudication Function of the Election Supervisory Body (ESB) in Realizing Election Justice', *International Journal Papier Public Review* 2, no. 4 (2021): 9–19, <https://doi.org/10.47667/ijppr.v2i4.105>.

²⁷ Burhan Niode et al., 'The Role of the General Election Supervisory Agency (Bawaslu) in Handling Vote Shifts in the 2024 General Elections', *Journal of Law, Politic and Humanities* 6, no. 2 (2026): 1315–22, <https://doi.org/10.38035/jlph.v6i2.2850>.

C. Electoral Justice and Dispute Resolution in Indonesia: The Role of the Election Supervisory Body in Ensuring Fair Elections

General elections are a key mechanism in a country's government system, aimed at realising popular sovereignty.²⁸ This concept is also articulated by Hans Kelsen²⁹, who defines representative democracy as a system in which the function of government is transferred from citizens to state organs through a democratic nomination process, namely through general elections. In Indonesia, the provisions for holding general elections are regulated by Article 22 E, paragraph (1) of the 1945 Constitution, which states that general elections must be held directly, publicly, freely, secretly, honestly, and fairly every five years.

At the same time, the International Commission of Jurists, during its conference in Bangkok, stated that the conduct of general elections is also part of the implementation of the rule of law. According to the principle of the rule of law, general elections should not be seen merely as a mechanism for transferring power from the people to state authorities. Rather, they are also a means of implementing the constitution by electing representatives of the people.

This understanding is further reflected in our constitution, specifically in Article 1, paragraphs (2) and (3) of the 1945 Constitution, which states that Indonesia is a democratic state based on the rule of law.³⁰ The 1945 Constitution mandates that sovereignty rests with the people and is exercised in accordance with the Constitution. It asserts that anything related to the people must be communicated to and approved by them to implement popular sovereignty, meaning that all state actions, including general elections, must be conducted in accordance with applicable laws. As a result, all actions of state officials, including the conduct of general elections, must comply with the law and be in accordance with the principles of a state governed by the rule of law.

For general elections to be conducted in accordance with the rule of law and the established electoral principles, an electoral justice system is required.³¹ This system serves as an instrument to enforce the law, ensure the full application of the principles of election organisation, and

²⁸ Nelson Kasfir, 'Popular Sovereignty and Popular Participation: Mixed Constitutional Democracy in the Third World', *Third World Quarterly* 13, no. 4 (1992): 587–605, <https://doi.org/10.1080/01436599208420299>; Simone Chambers, 'Democracy, Popular Sovereignty, and Constitutional Legitimacy', *Constellations* 11, no. 2 (2004): 153–73, <https://doi.org/10.1111/j.1351-0487.2004.0370.x>; Michael Collyer, 'Inside Out? Directly Elected "Special Representation" of Emigrants in National Legislatures and the Role of Popular Sovereignty', *Political Geography* 41 (July 2014): 64–73, <https://doi.org/10.1016/j.polgeo.2014.01.002>.

²⁹ Hans Kelsen, 'Foundations of Democracy', *Ethics* 66, nos 1, Part 2 (1955): 1–101, <https://doi.org/10.1086/291036>.

³⁰ Simon Butt and Tim Lindsey, *The Constitution of Indonesia: A Contextual Analysis* (Bloomsbury Publishing, 2012); Denny Indrayana, *Indonesian Constitutional Reform, 1999-2002: An Evaluation of Constitution-Making in Transition* (Penerbit Buku Kompas, 2008).

³¹ Harahap et al., 'Legal Framework for Resolving Election Violations in Indonesia: Towards Electoral Justice'.

guarantee that every action, procedure, and decision related to the electoral process aligns with the applicable legal framework. Moreover, it aims to prevent and identify irregularities in elections that could lead to disputes. According to International IDEA, the concept of electoral justice encompasses enforcing the electoral legal framework and establishing credible mechanisms for resolving electoral disputes.³²

In countries like Indonesia, which are influenced by the civil law legal system, legislation (statutory law) is the primary source of formal law. This system is derived from the ancient Roman legal system and has been adopted by many countries, including Germany, France, and the Netherlands. In contrast, countries following the Common Law legal system rely on judicial decisions (case law) as the primary source of law.³³

In the Indonesian legal system, legislation is known as *Undang-Undang* (Laws). This consists of a collection of legal norms contained in various types of written regulations, arranged in a hierarchical structure that determines their legal position and strength. These norms are designed to provide a legal basis for specific actions, ensuring that the norms within the law enforcement system are consistent and aligned.³⁴

Within the general election law enforcement system, Law No. 7 of 2017 on General Elections outlines the authority of the General Election Supervisory Body to exercise a quasi-judicial function in resolving general election process disputes. Article 466 of the General Election Law defines general election process disputes as those that arise between general election participants, as well as between election participants and election organisers, due to decisions issued by the General Election Commission, Provincial General Election Commission, or Regency/City General Election Commission.³⁵

This definition can be clarified by examining the *subjectum litis* (parties involved) in election process disputes. These parties include conflicts between election participants themselves and disputes between election participants and election organisers. The *objectum litis* (subject matter)

³² Jesús Orozco-Henríquez et al., *Electoral Justice: The International IDEA Handbook* (International IDEA, 2010), <https://www.idea.int/publications/catalogue/electoral-justice-international-idea-handbook>.

³³ Lita Tyesta Addy Listya Wardhani et al., 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems', *Cogent Social Sciences* 8, no. 1 (2022): 2104710, <https://doi.org/10.1080/23311886.2022.2104710>.

³⁴ Hesti Setyowati and M. Harris S. Toengkagie, 'Introduction to The Indonesian Legal System: Major Developments in the Past Decade', *Yearbook of Islamic and Middle Eastern Law Online* (Leiden, The Netherlands) 13, no. 1 (2006): 57–72, <https://doi.org/10.1163/22112987-91000163>; Martitah et al., 'Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation', *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 545–94, <https://doi.org/10.15294/jils.v8i2.69262>; Moh Mahfud MD, *Politik Hukum Di Indonesia*, Cetakan ke-10 (Raja Grafindo Persada, 2020).

³⁵ Prasetyo, 'Empowering the Election Supervisory Agency: Enforcement of Law Number 7 of 2017 on General Elections'.

of the dispute is solely the decisions made by the General Election Commission, Provincial General Election Commission, and Regency/City General Election Commission.³⁶ Indeed, when the object of the dispute is a decree issued by the General Election Commission or a Regional General Election Commission, one of the parties must be the body that issued the decree, namely the General Election Commission, Provincial General Election Commission, or Regency/City General Election Commission. In this case, the General Election Commission acts as a state administrative official. According to Article 466 of the Election Law, the disputing parties are, first, election participants, and second, election participants versus election organisers.

Thus, in disputes concerning the General Election Commission's decisions, the object of the dispute pertains only to the second group of parties: election participants and election organisers. The first group—disputes among election participants—does not have an object of dispute in the context of the General Election Commission's decrees.

The mechanism for submitting requests in the resolution of electoral process disputes is regulated by the General Election Law, which grants the Election Supervisory Body the authority to accept petitions to resolve disputes arising from decisions of the General Election Commission. The body is responsible for examining and resolving these disputes through several stages, including receiving and reviewing the petition, meeting with the parties to settle through mediation or consensus-building, and, ultimately, resolving the dispute through adjudication.

This model of authority clearly indicates that the Election Supervisory Body performs a quasi-judicial function, enabling it to issue decisions in resolving electoral process disputes. However, it is important to note that decisions related to the verification of political parties, the establishment of candidate lists, and the determination of candidate pairs do not yet have permanent legal force. These decisions, while significant in the electoral process, are not considered legally final and may still be subject to further legal scrutiny or appeals.

By implementing mediation and adjudication as part of the dispute resolution process, the Election Supervisory Body plays a crucial role in ensuring that electoral disputes are handled fairly and efficiently. Mediation, as an alternative dispute resolution mechanism, allows the parties involved to negotiate and potentially resolve their differences amicably before resorting to more formal legal procedures. If mediation is unsuccessful or the dispute requires a more formal

³⁶ Anna Triningsih and Nuzul Qur'aini Mardiyah, 'An Analysis of Subjectum Litis and Objectum Litis on Dispute about the Authority of State Institution from the Verdicts of the Constitutional Court', *Constitutional Review* 3, no. 2 (2017): 232–61, <https://doi.org/10.31078/consrev325>.

resolution, adjudication comes into play, in which the Election Supervisory Body renders a binding decision based on the law, facts, and applicable regulations.

This quasi-judicial function is integral to the integrity of the electoral process, as it provides a formalised mechanism for addressing issues that may arise during the election cycle. The role of the Election Supervisory Body in adjudicating electoral process disputes helps ensure that the election process remains transparent, just, and consistent with the principles of democratic governance. However, the fact that certain decisions, such as those related to candidate verification and list determination, do not yet have permanent legal force raises questions about the overall efficacy of the electoral dispute resolution system. It suggests that further legal clarity and reforms may be necessary to ensure that all decisions made by the Election Supervisory Body, the General Election Commission, and other relevant authorities are legally binding and carry the full weight of the law, particularly in cases involving the verification of political entities and candidates.

Pure judicial and administrative legal remedies are known in constitutional law as quasi-administrative judicial efforts.³⁷ According to Rochmat Soemitro³⁸, the characteristics of pure judiciary are as follows: decisions are made by judges, the decisions focus on the *rechtmatigheid* (legality) of administrative decisions, and they can only annul administrative decisions or, if necessary, impose monetary fines, but cannot issue decisions that replace the original administrative decision. The concept of *rechtmatigheid* involves considering the facts and circumstances at the time the administrative decision was made and assessing its legality.³⁹ This reflects the core idea that judicial review is intended to ensure the correct application of the law in administrative actions, rather than to substitute administrative discretion with judicial decisions.

In understanding what constitutes a decision in administrative law, the definition in Article 1, Paragraph 3, of Law No. 5 of 1986, as amended by Law No. 51 of 2009 concerning State Administrative Courts, is important.⁴⁰ A decision, as defined in this context, is a written determination issued by a state administrative body or official that contains legal actions based on applicable laws and regulations. The decision is concrete, individual, final, and produces legal consequences for an individual or a legal entity. The law provides that these decisions have binding

³⁷ Syahrudin Fahmi Marbun, *Peradilan Administrasi Negara Dan Upaya Administratif Di Indonesia* (FH UII Press, 2011).

³⁸ Rochmat Soemitro, *Naskah Singkat Tentang Peradilan Administrasi Di Indonesia* (Bina Cipta, 1997).

³⁹ Yulius and Yos Johan Utama, 'Optimizing the Role of State Administrative Court Decisions in State Financial Recovery', *Law Reform* 20, no. 1 (n.d.): 34–53, <https://doi.org/10.14710/lr.v20i1.61779>.

⁴⁰ David Pasaribu et al., 'Cumulation of Lawsuits Between Administrative Decisions and Factual Actions in Administrative Court Decisions', *Jurnal Hukum Dan Peradilan* 14, no. 2 (2025): 459–94, <https://doi.org/10.25216/jhp.14.2.2025.459-494>.

force and carry consequences for those subject to them, making them not merely recommendations but enforceable legal obligations.

In relation to administrative efforts, the term has been standardised in Law No. 5 of 1986, as amended by Law No. 51 of 2009 concerning State Administrative Courts, particularly in Article 48.⁴¹ This article states that the court is authorised to examine, decide, and resolve state administrative disputes only after all related administrative remedies have been exhausted. According to positive law, administrative remedies are a process an individual or legal entity can pursue if they are dissatisfied with a state administrative decision. This process occurs within the administrative environment itself and consists of two forms: objections and administrative appeals.

Administrative appeals are a form of dispute resolution conducted by a superior agency or another agency that issued the initial decision. This process is intended to provide higher authorities with an opportunity to review the decision, ensuring it is consistent with the law and proper procedural conduct. If the original decision is found to be flawed, the higher authority can modify or annul the decision. This process enhances the accountability of administrative bodies by providing a check on their decisions, ensuring that their actions are lawful and just.

On the other hand, the objection procedure is a resolution process carried out by the administrative body or official who issued the decision. In this case, the administrative authority is responsible for reviewing its own decision, often through an internal review or re-examination. The objection procedure enables the body to correct any mistakes or inconsistencies without involving external parties. This process highlights the self-regulating nature of administrative law, allowing administrative bodies to rectify their actions within their internal framework before the matter is escalated to the courts.

In both cases, these administrative efforts play a crucial role in providing legal protection to individuals and entities affected by state administrative decisions.⁴² They ensure a fair and transparent process for challenging decisions, without necessarily resorting to judicial proceedings. This helps preserve the balance between the need for administrative efficiency and the protection of individual rights, ensuring that the rule of law is upheld within the administrative system.

Moreover, the distinction between objections and administrative appeals highlights the layered nature of the administrative dispute resolution process. Objections offer an internal remedy

⁴¹ Aju Putrijanti, 'The Competence of the Administrative Court and Administrative Justice', *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 2 (2020): 97–112, <https://doi.org/10.25041/fiatjustisia.v14no2.1890>.

⁴² Adiaan Bedner, *Administrative Courts in Indonesia: A Socio-Legal Study* (Brill | Nijhoff, 2021), <https://doi.org/10.1163/9789004481992>.

within the administrative system itself, while appeals provide an external review by a higher authority. Together, these mechanisms create a comprehensive framework that enables effective legal recourse in administrative law, ensuring that administrative decisions comply with legal standards and are subject to review and correction when necessary.

When administrative efforts are examined within the framework of administrative courts or quasi-administrative judicial systems, as defined by Rochmat Soemitro⁴³, these efforts fall under the broader concept of administrative law. According to Soemitro, administrative efforts, or quasi-administrative judiciary, are not purely judicial actions but rather a specific category within administrative law. To determine whether administrative efforts fit within this broader understanding of administrative law, it is necessary to examine several key elements that define them. The first of these elements is the existence of a dispute initiated by an individual or a legal entity. This dispute typically arises from a written decision issued by an administrative body or, in some cases, from the body's failure to issue a decision when required. In such cases, the individual or legal entity affected by the decision—or the lack thereof—has the right to raise the dispute. This initial criterion highlights that the dispute must be rooted in the administrative body's legal actions or omissions, and emphasises the administrative body's responsibility to issue timely, legally sound decisions. The dispute must also be based on the authority granted to the administrative body or official to issue the decision in question. In this way, the dispute becomes a reflection of the administrative body's exercise of its legal powers, and the affected party is responsible for seeking redress through the available legal channels.

The second element involves resolving the dispute within the administrative environment itself. This means that the dispute must be addressed by the administrative body or official who issued the decision, or by the one who failed to issue it. The process for resolving these disputes follows established internal procedures, including objections and administrative appeals. Objections allow the affected party to directly challenge the decision made by the administrative body or official. In this case, the same body that issued the decision is responsible for reviewing and, if necessary, revising it.

On the other hand, administrative appeals involve a higher administrative authority reviewing the decision of a lower body. The appeal process provides an additional layer of oversight, ensuring that decisions are not made arbitrarily and that higher authorities review those made by lower officials. These processes of objection and appeal form part of the “administrative

⁴³ Rochmat Soemitro, *Masalah Peradilan Administrasi Dalam Hukum Pajak Di Indonesia* (Eresco, 1976).

effort” mechanism, in which the dispute is resolved within the administrative framework before any judicial intervention is necessary.⁴⁴ By allowing administrative bodies to review their own decisions or have them reviewed by higher authorities, the administrative system seeks to ensure that decisions are correct, just, and in accordance with legal principles.

The third element of administrative efforts is the presence of law, specifically state administrative law, which governs the process of dispute resolution. The dispute must be resolved within the legal framework that regulates administrative actions and decisions. This ensures that the resolution process is not arbitrary and that the rights of the parties involved are protected. State administrative law provides the legal framework for addressing disputes, ensuring that the procedures followed are lawful and that the decision-making process complies with the established rules and principles of fairness and justice. This aspect of administrative efforts emphasises the importance of legal oversight to ensure that the actions taken are not only lawful but also consistent with the principles of justice, fairness, and transparency.

The fourth element is the involvement of at least two parties in the dispute, with one of the parties being an administrative body or official. This requirement establishes that administrative efforts are not just internal government matters but involve a relationship between the administrative authority and the individual or entity affected by its decisions. These disputes often arise from actions taken by public authorities that directly affect the rights, interests, or obligations of private individuals or legal entities. The participation of an administrative body or official in the dispute is essential because it ensures that the administrative authority is held accountable for its actions. The presence of at least two parties ensures that the dispute is contested and that the decision-making process is scrutinised by those affected. This also highlights the dynamic between the public sector and private individuals or entities, where the former’s actions have significant consequences for the latter.

Finally, the fifth element involves the presence of formal law to apply and enforce the substantive law. This refers to the legal procedures that must be followed during the dispute resolution process to ensure that decisions are not only legally valid but also in accordance with the substantive laws governing the issue at hand. Formal law guarantees that the dispute resolution process is structured and predictable, and that it leads to decisions that are grounded in the principles of justice and fairness. The application of formal law is essential in ensuring that administrative decisions comply with the broader legal framework and that any remedies or

⁴⁴ Ahmad Siboy et al., ‘The Effectiveness of Administrative Efforts in Reducing State Administration Disputes’, *Journal of Human Rights, Culture and Legal System* 2, no. 1 (2022): 14–30, <https://doi.org/10.53955/jhcls.v2i1.23>.

corrections applied to the dispute are legally sound. This process upholds the rule of law and ensures that individuals and entities affected by administrative decisions are treated fairly and consistently.

D. Administrative Efforts in Electoral Justice: Enhancing Dispute Resolution and Legal Protection in Indonesia's Election Process

Prior to the amendment of the 1945 Constitution, the Constitution recognised the People's Consultative Assembly as the sole mandate holder; after the amendment, the People's Consultative Assembly is no longer the sole and highest mandate holder.⁴⁵ This change shows a fundamental change in the idea of popular sovereignty in the 1945 Constitution. It is also a hallmark of constitutional democracy: a democratic government limited in power and not allowed to act arbitrarily towards its citizens. State power is divided in such a way as to minimise opportunities for abuse, namely by distributing it among several people or bodies rather than concentrating it in one hand or body. The juridical formulation of these principles is known as the *rectstaat* (state of law).⁴⁶

According to the theory of popular sovereignty, state power must be limited and controlled by the people democratically through elections.⁴⁷ A country that claims to be a state of law can easily slip into a dictatorship or a state of officials, because although the law applies and the government is organised by law, the applicable law is made by and for the benefit of the state authorities. The main similarity between *Rechtsstaat* and the *rule of law* is the desire to protect and respect human rights. The main factor that causes oppression and violation of human rights is the absolute centralisation of state power. The main difference between *Rechtsstaat* and the *rule of law* lies in the element of administrative justice. In *Anglo-Saxon* countries, the principle of equality before the law is more emphasised, so there is no need to provide an administrative court for state administrative officials.⁴⁸

⁴⁵ Melissa Crouch, 'The Limits of Transformational Authoritarian Constitutions: The Indonesian Experience', in *Constitutional Democracy in Indonesia*, ed. Melissa Crouch (Oxford University Press, 2022), <https://doi.org/10.1093/oso/9780192870681.003.0001>; Fajar L. Suroso, 'The Possibility of Vice-Presidents' Authority Arrangement in the 1945 Constitution through Constitutional Amendment', *Hasanuddin Law Review* 1, no. 1 (2015): 130–51, <https://doi.org/10.20956/halrev.v1i1.220>.

⁴⁶ Wardhani et al., 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems'.

⁴⁷ Filimon Peonidis, *Democracy as Popular Sovereignty* (Bloomsbury Publishing, 2013); Paulina Ochoa Espejo, *The Time of Popular Sovereignty: Process and the Democratic State* (Penn State Press, 2011).

⁴⁸ Wardhani et al., 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems'; MD, *Politik Hukum Di Indonesia*.

In a state of law like Indonesia, the availability of legal protection is fundamental and requires serious attention.⁴⁹ In law enforcement, the provision of legal protection is a condition sine qua non.⁵⁰ Legal protection provided by the judicial power through administrative courts, based on the law of procedure, is provided by administrative judges. In contrast, legal protection by government agencies is called administrative action, carried out through objection procedures and administrative appeals under their respective procedural laws.

Administrative efforts in the state administrative justice system can be interpreted to mean that administrative efforts made must be seen as part of the overall administrative justice structure, in accordance with Satjipto Rahardjo⁵¹ definition of ‘system’ as an arrangement or unity of interdependent parts. The system is a single unit consisting of various parts or subsystems; these subsystems are interrelated and must not conflict; if a conflict arises, there is always a way to resolve it. Thus, the administrative efforts of the General Election Supervisory Board, seen from the perspective of the administrative justice system, can be interpreted as a subsystem within the overall administrative justice structure or unity.

The meaning of administrative justice, according to Soemitro⁵², can be interpreted broadly and narrowly. Administrative justice, in a broad sense, concerns state administrative officials and agencies, including criminal, civil, religious, customary, and pure state administrative cases. Administrative justice, in a broad sense, includes administrative justice in a narrow sense, as well as pure and impure justice. Meanwhile, administrative justice in the narrow sense refers only to pure administrative justice.

In its implementation, the procedural law of administrative remedies provides a series of ways for justice seekers to file administrative remedies, both through the administrative appeal process and by submitting objections to the administrative body, official, or panel appointed to examine and decide the application for administrative remedies. Procedural law must describe a truly effective examination process and, at the same time, guarantee and provide legal protection for justice seekers. For this reason, the pattern of administrative remedies to be formulated must contain provisions for institutions and examination procedures. The institutions established to

⁴⁹ Ridwan Arifin, ‘Legal Protection and Law Enforcement: The Unfinished Works’, *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 1–4, <https://doi.org/10.15294/ijals.v2i1.22862>.

⁵⁰ Cyrille J. C. F. Fijnaut and Leo Huberts, *Corruption, Integrity and Law Enforcement* (Brill | Nijhoff, 2021), <https://doi.org/10.1163/9789004481213>.

⁵¹ Satjipto Rahardjo, *Ilmu Hukum* (PT. Citra Aditya Bakti, 2000).

⁵² Soemitro, *Masalah Peradilan Administrasi Dalam Hukum Pajak Di Indonesia*.

handle administrative remedies must be able to guarantee objectivity, reflected at every stage of the examination conducted in both the administrative appeal and objection processes.

Thus, administrative efforts can indeed be considered part of the administrative judiciary system because they constitute a specific component of administrative courts, which similarly serve to maintain balance, harmony, and alignment between individual interests and the broader interests of society or the public. Administrative efforts, as outlined in positive law, are set out in Article 48 of Law No. 5 of 1986, as amended by Law No. 51 of 2009, concerning State Administrative Courts.⁵³ The article states that, first, when a state administrative body or official is granted authority under the law to resolve a specific state administrative dispute administratively, the decision is deemed void or invalid, with or without the possibility of compensation and available administrative remedies. Second, the court is only authorised to examine, decide, and resolve state administrative disputes, as referred to in paragraph (1), after all the relevant administrative efforts have been exhausted.

This framework highlights the role of administrative efforts as a preliminary stage before disputes can reach the judicial level. It is an essential step that provides an internal mechanism for resolving disputes within the administrative system. By requiring that all administrative remedies be exhausted before judicial intervention, the law aims to reduce the burden on the courts and encourage the resolution of conflicts within the administrative body. It ensures that only unresolved disputes, after being addressed through administrative processes, are brought before the judiciary, thus upholding the principle of efficiency in the legal system.

Including administrative efforts within the administrative judiciary system is crucial to ensuring that disputes are handled appropriately and within the proper legal framework. It fosters accountability within state administrative bodies, as they are responsible for resolving disputes before involving the courts. This helps preserve the integrity of the judicial system by ensuring that courts are only engaged when necessary, after all attempts to settle the issue administratively have been exhausted.

Moreover, administrative efforts are designed to balance the needs of individuals with the interests of the public or society as a whole. By allowing administrative bodies to resolve disputes internally, the system promotes fairness and ensures that administrative decisions are made in accordance with legal procedures. This also provides individuals with an opportunity to have their

⁵³ Lintang Ario Pambudi et al., 'The Contrarius Actus Principle: Legal Challenges and Prospects for Reform in Executing Administrative Court Decisions', *Journal of Law and Legal Reform* 6, no. 2 (2025): 783–812, <https://doi.org/10.15294/jllr.v6i2.19655>.

grievances addressed before seeking further legal action, enhancing the accessibility of the legal system.

This aligns with the concept outlined in Article 471, paragraph (1) of the General Election Law, which states: “A lawsuit regarding a state administrative dispute related to the General Election as referred to in Article 470 may be filed to the State Administrative Court after administrative efforts in the General Election Supervisory Body as referred to in Articles 467, 468, and 469 paragraph (2) have been utilised.” In essence, the General Election Law is consistent with the concept and theory in state administrative law, which recognises administrative efforts as a form of quasi-judicial action. The meaning of this article explains that any lawsuit concerning a state administrative dispute, which offers administrative legal remedies, can only be submitted to the State Administrative Court after being resolved through administrative efforts within the General Election Supervisory Body for applicants who object to the decisions made by the Election Supervisory Body in the electoral process dispute.⁵⁴

The concept of administrative efforts as a quasi-judicial function under the General Election Law is critical to the electoral justice system. Administrative efforts are designed to address disputes and irregularities before they escalate to formal judicial proceedings. This process ensures that issues are resolved internally within the system, improving efficiency and avoiding unnecessary delays or burdens on the courts. The General Election Supervisory Body performs a quasi-judicial function, exercising authority to address electoral disputes at the administrative level and providing a structured procedure for conflict resolution without immediately resorting to the State Administrative Court.

This quasi-judicial role serves several purposes. First, it allows for faster, more accessible resolution of electoral process-related disputes. For example, in cases where political parties or candidates challenge decisions made by the General Election Commission or General Election Supervisory Body, the administrative dispute resolution process allows them to file objections or administrative appeals within the administrative framework. These procedures, such as mediation or adjudication, ensure that the parties involved have an opportunity to settle their differences without going to court. If a satisfactory resolution is not achieved, the case can then be escalated to the State Administrative Court, ensuring that any disputes are dealt with promptly and in accordance with the law.

⁵⁴ Azzahra Fitrada, ‘Absolute Competence of the State Administrative Court over Onrechtmatige Overheidsdaad Disputes in Indonesia’s 2024 Election’, *Law Research Review Quarterly* 12, no. 2 (2026), <https://doi.org/10.15294/lrrq.v12i2.42450>.

Furthermore, by requiring exhaustion of administrative remedies before a dispute can be brought to court, the General Election Law upholds the principle of legal certainty and prevents unnecessary litigation. This legal framework provides a clear process that parties must follow before involving the judicial system, helping to streamline proceedings and ensure that the courts deal only with matters that have not been resolved through administrative channels. It also reinforces the authority of the Election Supervisory Body in its quasi-judicial role, enabling it to act as a gatekeeper in the electoral dispute resolution process.

The requirement that disputes be resolved through administrative efforts within the Election Supervisory Body also ensures an avenue for correction at the administrative level. If an electoral decision is found to be flawed or unjust, the General Election Supervisory Body can address these concerns directly before they reach the court. This allows for a more nuanced and context-specific approach to resolving electoral disputes, as the Election Supervisory Body has specialised knowledge and experience in the electoral process. By resolving issues within the administrative system, the law provides a mechanism for accountability, ensuring that election-related decisions are made in accordance with due process and the law.

However, while the administrative dispute resolution process plays a crucial role, the fact that parties can only take their disputes to the State Administrative Court after exhausting these efforts raises concerns about the process's efficiency and effectiveness. In some cases, the administrative process may not provide a swift or comprehensive resolution, leading to frustration among those involved. Moreover, there may be situations where the administrative body, despite its quasi-judicial powers, fails to deliver a fair or impartial resolution. In such cases, the State Administrative Court plays a vital role in ensuring that final decisions are subject to independent judicial review, thereby upholding the rule of law.

Given the important and strategic position of administrative remedies in the administrative justice system, it is time and appropriate to improve the administrative remedy mechanism. If those who seek justice are satisfied and feel their sense of justice is fulfilled by pursuing administrative remedies, administrative disputes may be stopped and resolved at the administrative remedy level. In the process of examining administrative remedies, the principle of harmony and the principle of kinship through deliberation must always be put forward. To promote this function, the main function of administrative remedies must be placed on the advisory and peacekeeping functions. By applying the principle of balance appropriately, it is hoped that harmony between the government and citizens will be created. The strategic position of administrative efforts to resolve election disputes at the Election Supervisory Agency through mediation and adjudication must be

maximised to achieve a sense of justice for election participants, so that election disputes will proceed only to the state administrative court as a last resort.

As an independent institution, the General Election Supervisory Board is actually sufficient to carry out what is mandated by the Law, the General Election Supervisory Board has strategic authority, one of which is the authority to establish a regulation of the General Election Supervisory Board in the field of dispute resolution of the general election process, the General Election Supervisory Board is given the authority to formulate a regulation of the General Election Supervisory Board on dispute resolution of the general election process as an effort to control the community to the Government, there is a legal effort known as Judicial Review. This legal remedy may be invoked when the General Election Supervisory Board, in making regulations for the general election supervisory body, is deemed to deviate from the provisions of higher laws and regulations.

So far, the General Election Supervisory Board is quite capable of playing its role as a supervisor, law enforcement of elections, a quasi-judicial body, and a lawmaker in the preparation of election supervisory regulations.

The efforts of the General Election Supervisory Agency in resolving election disputes are outlined in its regulations on dispute resolution for the general election process, in accordance with the law, such as the General Election Supervisory Agency Regulation Number 9 of 2022 concerning Procedures for Dispute Resolution of the General Election Process. Under the regulation, the General Election Supervisory Agency conducts a stage of bringing the disputing parties together to reach an agreement through mediation. If they do not reach an agreement, the adjudication stage continues.

The author analogises the General Election Commission Regulation, as the organiser of the general election, to the material law that will be enforced. Regulations of the Election Supervisory Body for Dispute Resolution of the Election Process are formal law (procedural law) to enforce material law. The dispute submitted to the General Election Supervisory Board is an administrative effort in the form of an Administrative appeal; therefore, the procedural law of the General Election Supervisory Board, as an administrative body, should include, among others, principles such as simplicity, speed, and adherence to the principles of democracy and legal certainty.

E. Conclusion

The potential for disputes or conflicts in the electoral process is very likely. The resolution of election disputes is closely tied to the electoral justice system, a crucial instrument for enforcing

the law and ensuring the full application of democratic principles through free, fair, and honest elections. A well-designed electoral justice system is vital in ensuring the legitimacy of democracy and the credibility of the electoral process, ensuring that all actions and decisions taken throughout the electoral cycle comply with the mandates of the law.

Electoral justice in the resolution of electoral process disputes at the Election Supervisory Board serves as an important indicator of whether the election process is conducted democratically. The electoral justice system, particularly in resolving election process disputes, is a key instrument of the rule of law and a guarantee of adherence to democratic principles in the administration of free, honest, fair, and legally certain elections. The quasi-judicial institution of the Election Supervisory Board is a supporting body within the judicial system, established to address the need for resolving electoral process disputes. The legal system has provided for specific administrative matters to be resolved outside the court system, thus ensuring the principles of democracy and legal certainty in the enforcement of election law at the Election Supervisory Board.

In its institutional spirit, the authority of the election supervisory body is continuously strengthened to address the various challenges that arise in every democratic event in Indonesia. Each year presents distinct issues from previous elections, which necessitate the Election Supervisory Board's continued existence to enforce the law and ensure effective electoral justice. The role of the Election Supervisory Board becomes increasingly significant as it adapts to the evolving challenges of each election cycle.

Moreover, it is crucial to expand the Election Supervisory Board's duties, functions, and authority in the relevant legislation, particularly with respect to quasi-judicial mechanisms for resolving electoral process disputes. The technical aspects of mediation and adjudication, as outlined in Article 468 of the Election Law, must be further developed and clarified. The quasi-judicial body should be empowered to resolve disputes efficiently, ensuring that the mechanisms in place are transparent, impartial, and in line with international standards of justice.

The Election Supervisory Board must also continue to provide comprehensive training and guidance on the quasi-judicial practices within its structure. This training should be delivered to all levels of the Election Supervisory Board, from provincial to regional offices, to ensure the quasi-judicial functions of the Election Supervisory Board are carried out effectively. This will ensure that the election disputes are resolved with the necessary expertise and that the election process maintains its integrity. Additionally, enhancing the professional capacity of those within the Election Supervisory Board will strengthen the overall election dispute resolution process.

One of the core aspects of the electoral justice system is ensuring that any disputes or irregularities arising during the election process are addressed in a timely and transparent manner. This helps build public trust in the system and guarantees that all stakeholders, including voters, candidates, and political parties, feel that their rights are protected. The Election Supervisory Board plays a pivotal role in safeguarding these principles, ensuring that the electoral process remains free from undue influence or corruption.

The continuous development of the electoral justice system is essential to adapt to the dynamic nature of democratic processes. The framework should be flexible enough to address emerging challenges while remaining rooted in the principles of fairness, equality, and justice. Strengthening the capacity of the Election Supervisory Board and other related institutions to address these challenges is paramount to upholding the democratic values that underpin the electoral system.

As elections are integral to democracy, electoral disputes must be resolved with the utmost integrity and fairness. A strong and effective electoral justice system, with well-trained personnel and clear guidelines for dispute resolution, will ensure that elections are not only free and fair but also perceived as legitimate by all participants. The presence of a robust and reliable mechanism for resolving electoral disputes enhances the overall credibility of the election process and contributes to the consolidation of democracy in Indonesia.

Furthermore, the legal framework surrounding the resolution of electoral process disputes must be consistently reviewed and updated to keep pace with changes in the political landscape. This includes ensuring that the quasi-judicial mechanisms in place are adequately supported and that the law provides for sufficient safeguards to prevent abuse or manipulation of the electoral system. The goal should always be to create a fair and transparent environment where all parties have confidence in the process and its outcomes.

The Election Supervisory Board, as a quasi-judicial institution, must continue to evolve in its role and function, ensuring that it can meet the ever-changing demands of Indonesia's democratic processes. By equipping the Election Supervisory Board with the right tools, resources, and training, Indonesia can ensure that its elections are conducted with fairness and transparency and that any disputes are resolved in a just and timely manner. This will not only enhance the credibility of the election process but also strengthen the foundation of democracy itself.

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