

SETTLEMENT OF DISPUTE RESULTS OF REGIONAL HEAD OF REGENCY/CITY ELECTION THROUGH THE CONSTITUTIONAL COURT DURING THE COVID-19 PANDEMIC

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ABSTRACT

This study aims to describe and evaluate the resolution of disputes over the results of the Regional Heads of Regencies/Cities in Indonesia in 2020 through the Constitutional Court which will take place in 2021. This election was held during the Covid 19 Pandemic that swept the world.

This research is a descriptive research and is a type of social humanities research research, especially legal research with a case study approach. Data is collected through documentation of Constitutional Court decisions which have permanent legal force in 2021. Initially 10 samples of dispute cases were selected, then 2 cases were selected which were won by each applicant for Regency and City elections in Indonesia. The data is then analyzed by ratio decidendi or reasoing or court considerations used in making the decision of the Constitutional Court by examining the case inductively.

The results of the study show that during the Covid 19 pandemic in 2020, Indonesia carried out the follow-up simultaneous local elections with several cases of disputed election results being brought to the Constitutional Court. The results of the study of two (2) examples of cases that were brought to the Constitutional Court are as follows: 1) Settlement of disputes over the results of the elections for the Head of Districts in Indonesia to elect the Regent/Deputy Regent in 2020 by analyzing the Constitutional Court Decision Number 93/PHP.BUP-XIX/2021 which partially grant the petition of the Petitioner/Plaintiff by stating that the Constitutional Court has the authority to hear cases; declares the cancellation of the Decision Letter of the General Election Commission of Indragiri Hulu Regency Number 712/PL.02.6-Kpt/1420/KPU.Kab/XII/2020 concerning the Determination of the Recapitulation of Vote Count Results in the 2020 Election of Regent and Deputy Regent of Indragiri Hulu, and orders a vote to be held re-election of the Regent and Deputy Regent of Indragiri Hulu Regency in 2020 at TPS 03 within a maximum of 30 working days from the pronouncement of this Court Decision and instructs the KPU of Indragiri Hulu Regency to replace and appoint the Chairperson and Members of KPPS TPS 03 Ringin Village, Batang Gangsal District who accompanied by other decisions related to the implementation of re-voting. 2) Settlement of disputes over the results of the election of regional heads of cities in Indonesia to elect Mayor/Deputy Mayor in December 2020 which has been decided by the Constitutional Court in 2021 with the decision of the Constitutional Court Number: 21/PHP.KOT-XIX/2021 which states that partially grant the petition of the Petitioners /Plaintiff. The Constitutional Court declared the cancellation of the Banjarmasin General Election Commission Decree Number: 245/PL.02.6-Kpt/6371/KPU-Kot/XII/2020 concerning the Determination of the Recapitulation of Vote Counting Results for the 2020 Mayor and Deputy Mayor Election of Banjarmasin City, dated 15 December 2020, As long as it concerns the vote acquisition of each pair of candidates at TPS-TPS in 3 (three) urban villages, namely Mantuil Village, Murung Raya Village and South Basirih Village, South Banjarmasin District, the Court has also ordered the General Election Commission of Banjarmasin City to carry out re-voting.

Kata Kunci: *Dispute Resolution, regional head election results, Regency/City, Covid 19 pandemic, Constitutional Court.*