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MODEL FOR SETTLING REGIONAL ELECTION DISPUTES THROUGH ELECTION COURTS

Sri Sumanta[1], Natangsa Surbakti[2], Nunik Nurhayati[3], Arief Budiono[4*]
Universitas Muhammadiyah Surakarta, Surakarta, Indonesia
E-mail: srisumanta.lawyer@gmail.com[1], natangsa.surbakti@ums.ac.id[2], nn123@ums.ac.id[3], ab368@ums.ac.id[4*]
Corresponding author: ab368@ums.ac.id

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Abstract

The German Constitutional Court was the first to implement constitutional complaints. It can serve as comparative models for granting the Indonesian Constitutional Court the authority to adjudicate constitutional complaints in the context of strengthening the fulfillment of economic, social, and cultural rights. The problem can be formulated as follows: How is the description of disputes over regional election results through election courts? And how effective is the resolution of disputes over regional election results through election courts? This research is a sociological juridical study, so the approaches used to solve the problems in this research are doctrinal and non-doctrinal approaches. Several key issues related to regional elections include the lack of good quality of regional election regulations; Regional General Elections Commission, the Elections Supervisory Committee, including the police, the prosecutor's office, and the courts; regional election disputes, including administrative disputes, election crimes, and election result disputes. To ensure effective and high-quality election dispute resolution, three stages of the regional election process must be regulated and implemented comprehensively and thoroughly. Criminal disputes must be resolved expeditiously by the relevant legal authorities before the vote count begins or at the latest before the election winner is declared.

Keywords: Constitutional Court; Disputes; General Election; Germany; Indonesia.

INTRODUCTION

On September 30, 2005, Indonesia ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR). On October 28, 2005, the Indonesian government ratified the ICESCR into Law Number 11 of 2005 concerning the Ratification of the International Covenant on Economic, Social, and Cultural Rights. This ratification demonstrates that Indonesia, as a state party to the Covenant, has agreed to guarantee the fulfillment of economic, social, and cultural rights and has placed them as development goals for the welfare of its people. Therefore, the state is obligated to guarantee economic, social, and cultural rights as stipulated in the 1945 Constitution and its subordinate laws and regulations. However, in reality, although economic, social, and cultural rights are regulated and guaranteed by the 1945 Constitution as constitutional rights, no institution yet provides for enforcement, including procedures. Besides the state, non-state entities (non-governmental entities) and individuals are also subject to legal action for violations of economic, social, and cultural rights. These non-state entities include business entities, as in the environmental pollution cases committed by PT. Newmont in Buyat Bay, PT. Freeport in Papua, and Lapindo Brantas in Sidoarjo. To date, the standard procedure for filing lawsuits against business entities has been through the District Court. However, these courts do not address human rights violations and instead focus solely on the unlawful act.

In the Indonesian context, the Constitutional Court is the institution most likely to be involved in ensuring that demands for the state to fulfill its obligations to fulfill economic, social, and cultural rights are met. Involving the Constitutional Court requires empowering the Constitutional Court's role as the holder of judicial power to uphold constitutional supremacy by increasing its authority to adjudicate constitutional complaints. The German Constitutional Court was the first to implement constitutional complaints. Therefore, the German Federal Constitutional Court and the South African Constitutional Court can serve as comparative models for granting the Indonesian Constitutional Court the authority to adjudicate constitutional complaints in the context of strengthening the fulfillment of economic, social, and cultural rights.

The establishment of the Constitutional Court as an agent of judicial power plays a crucial role in upholding the constitution and the principles of the rule of law, in accordance with its duties and authorities as stipulated in the 1945 Constitution. The Constitutional Court plays a strategic role in building democracy and the constitutional system in Indonesia. The Constitutional Court's presence in the constitutional system in general can be considered something new (Lagi, 2012; Schmitz, 2003). The Constitutional Court is part of the judicial power outside the Supreme Court (The Government of the Republic of Indonesia, 1945). Legally, the Constitutional Court's authority to examine, try and decide disputes or disagreements regarding general election results is stated in the provisions of the 1945 Constitution, Article 24 C Paragraph (1) (Eddyono, 2010). Based on the background of the problem above, the problem can be formulated as follows: How is the description of disputes over regional election results through election courts? And how effective is the resolution of disputes over regional election results through election courts?

METHOD

The type of study in this research is more descriptive, because it aims to describe clearly various things related to the object being studied, namely the description of regional election disputes and resolution through election courts in Germany. This research is a sociological juridical study, so the approaches used to solve the problems in this research are doctrinal and non-doctrinal approaches. The doctrinal approach is a qualitative normative research, also known as library research. The non-doctrinal approach is quantitative, where law is conceptualized as patterns of social behavior (Dimyati & Wardiono, 2004).

This study utilizes data from two different sources: secondary sources, which include primary data obtained through literature review, in this case, on regional election disputes in Surakarta City. Primary data consists of interviews conducted through guided, open-ended interviews with various parties deemed knowledgeable about the research object: election participants, the Election Supervisory Committee (Panwaslu), and the community. Data analysis techniques: The collected and processed data will be discussed using a qualitative normative method, which involves interpreting and discussing the collected and processed data based on existing legal norms, legal doctrines, and legal theories.

RESULTS AND DISCUSSION

Description of Regional Election Results Disputes through the Election Court

The Constitutional Court's authority to resolve election disputes was initially limited to presidential, House of Representative, Regional House of Representative, and Regional Representative Council elections. However, over time, this authority has expanded to include resolving disputes over regional head election results. The definition of "regional election" was changed to "regional election" based on Law Number 22 of 2007 concerning Election Implementation. The Constitutional Court's rulings on disputes over regional head election results (PHPU.D) have been controversial. The Constitutional Court's rulings appear to have expanded its authority, from initially only dealing with disputes over "mathematical count" results but can also examine the processes during the implementation of regional elections. The Constitutional Court argued that "the Constitutional Court must uphold justice and democracy in the regional election process. Therefore, if violations that undermine democratic values or influence the outcome are found during the process, the Constitutional Court can examine the case."

In reality, given the volume of cases, the Constitutional Court tends to ultimately become an Election Court, as the volume of election disputes handled far exceeds the number of judicial reviews, which are the Court's primary jurisdiction. This new authority has also changed the pace of life and work environment at the Constitutional Court. Constitutional justices and Constitutional Court staff must work extra hard and for long hours in certain months to resolve the election disputes submitted to the Court. On some occasions, election dispute hearings have been held from 9:00 a.m. to 11:00 p.m. Western Indonesian Time (WIB). Whereas previously, the Constitutional Court held only two hearings a day, now the number of hearings can reach five. Then, with the large number of regional election dispute cases that must be resolved by the nine Constitutional Court judges within 14 days, it is feared that this could affect the quality of the Constitutional Court's decisions on these disputes and reduce the quality of the Constitutional Court's decisions in handling regional election dispute cases and disrupt the Constitutional Court's role in deciding on judicial review requests, which is actually the main domain of its authority.

Another legal basis is Law No. 12 of 2008 concerning Amendments to Law No. 32 of 2004 concerning Regional Government, which explicitly states that regional election disputes have been transferred from the Supreme Court to the Constitutional Court. However, over time, this additional authority has presented a significant challenge for the Constitutional Court. When considered within the Constitutional Court's overall authority, particularly its authority to review laws, the Constitutional Court's new authority in resolving disputes over regional election results has

shifted the Constitutional Court's workload from its primary function of reviewing laws to a judicial body that primarily handles election disputes. In other words, the Constitutional Court has shifted from being a Constitutional Court to essentially being an Election Court, as it handles more election disputes than judicial review. The Indonesian Voters Committee (TePi) noted that more than 85 percent of regional elections ended in disputes at the Constitutional Court. Based on these facts, it is not surprising that the assumption arose that the consistency of the Constitutional Court's panel of judges was starting to erode because a judge could hold four to five hearings per day, and even in August 2010, the Constitutional Court held 221 hearings, which means that in one day the Constitutional Court held 11 hearings. This intensity of hearings certainly raises questions from the side of the effectiveness and quality of the trial process, which ultimately affects the quality of service to justice seekers.

However, it cannot be denied that the Constitutional Court plays a crucial role in resolving disputes over regional election results. The Constitutional Court is able to facilitate political conflicts resulting from elections by shifting them from the initial conflict, which could potentially trigger horizontal conflict between supporters, to the Constitutional Court building. To some extent, the Constitutional Court has achieved success in promoting democratic regional elections. However, at certain points, the Constitutional Court also faces problems that hinder its role, preventing it from functioning effectively. At least to this day, regional elections are still considered a problem of local democracy, not a solution. It's no wonder that pessimists argue that "regional elections are a problem, not a solution." This is influenced by various factors, including:

a. First, the system used in regional elections, known as the two-round system, does not guarantee fair competition and zero interference. On the other hand, this system gives rise to the phenomenon of "high-cost democracy."
b. Second, political parties involved in regional elections prioritize pragmatism and lack clear political preferences. As a result, political parties are held hostage by the interests of capitalists and are often used as mere "riding horses" by candidates. Prof. Mahfud, Chief Justice of the Constitutional Court of the Republic of Indonesia, also believes that regional elections also encourage the spread of pragmatism, both among regional head candidates, election organizers, and the public.
c. Third, the Regional General Elections Commission (KPUD), as the organizer of regional elections, faces numerous limitations. These limitations relate to three essential issues: (1) understanding regulations; (2) the institutional framework for organizing regional elections; (3) governance of regional elections.
d. Fourth, the Election Supervisory Committee (Panwaslu) is one of the pillars contributing to the undemocratic nature of regional elections. The frequent cases of fraud in regional elections not only smack in the face of local democracy, but also call into question the existence of the Election Supervisory Agency (Panwaslu) as the guarantor of regional elections' adherence to democratic principles.
e. Fifth, regional elections are also experiencing a decline in voter participation and an increase in the number of non-voters (golput);
f. Sixth, several weaknesses at the regional election organizer level have led to a buildup of problems, ultimately bringing them to the Constitutional Court. Consequently, the Constitutional Court is not only examining disputes over vote count results, but also delving deeper into the election process itself. Consequently, the Constitutional Court is also examining administrative disputes and criminal violations, resulting in lengthy and draining court sessions.

Based on the author's research, the highest number of regional election disputes registered with the Constitutional Court occurred between January 2010 and December 2010, with 230 cases. In 2009, very few regional election disputes were registered with the Constitutional Court because the legislative and presidential elections were already scheduled for 2009. The total number of regional election disputes registered with the Constitutional Court from August 2008 to August 2012 was 452. The above data also indicates that the backlog of regional election dispute cases at the Constitutional Court is due not only to the large number of regional elections held in Indonesia over five years (527 provincial and district/city elections), but also to the lack of proper election scheduling. Therefore, the scheduling of regional elections significantly influences the overall management of regional election dispute resolution.

Effectiveness of resolving disputes over regional election results through election courts

1. Settlement of regional election disputes in Indonesia

A total of 101 regions, comprising 7 provinces, 18 cities, and 76 regencies, held the second wave of simultaneous regional head elections on Wednesday, February 15, 2017. This year's simultaneous regional elections were the second, following the first wave held on December 9, 2015, by the General Elections Commission.

The General Elections Commission has scheduled the recapitulation, determination, and announcement of the results of the 2017 simultaneous regional elections at the district/city level for the election of regents and vice regents or mayors and vice mayors for February 22-24, 2017. Meanwhile, the recapitulation, determination, and announcement of the provincial-level vote count results for the election of governors and vice governors will be held from February 25-27, 2017. Regarding the implementation of these simultaneous regional elections, there are undoubtedly those who are dissatisfied with the results determined by the General Elections Commission. This dissatisfaction is certainly based on various types of fraud, such as money politics, vote buying, intimidation, mass mobilization, and manipulation of votes and vote results, whether that occurs before the election, during the election, or after the election takes place.

For parties who are dissatisfied with the recapitulation, determination, and announcement of the vote count results, both at the district/city and provincial levels, there are means that can be taken, namely by filing a dispute over the results of the gubernatorial, regent, and mayoral elections with the Constitutional Court no later than 3 x 24 (three times twenty-four) hours from the announcement of the determination of the vote count results, both by the provincial General Elections Commission (KPU) and the district/city KPU. In addition, the Constitutional Court has also set a schedule for filing election dispute petitions for candidate pairs for regent and deputy regent or mayor and deputy mayor, which is February 22 to February 28, 2017, while for candidate pairs for governor and deputy governor, it is February 27, 2017, to March 1, 2017.

In addition to the formal requirements as mentioned above, namely filing a lawsuit no later than 3 x 24 hours after the announcement of the vote count results by the local KPU, there is also a requirement that the vote difference between the applicant and the other candidate pairs be a maximum of 0.5 percent to 2 percent, as stipulated in Article 158 of Law Number 8 of 2015 concerning the Election of Governors, Regents, and Mayors. Article 158 of Law No. 8/2015 presents a challenge for applicants who wish to pursue election disputes with the Constitutional Court. Based on petitions for disputes over election results in 2015, the Constitutional Court only accepted seven of the 147 petitions, considering that it consistently applied Article 158 of Law No. 8/2015 in examining and adjudicating the formal requirements for submitting election disputes to the Constitutional Court.

The Constitutional Court's reasons for consistently using Article 158 of Law No. 8/2015 as its basis include the following: First, regional elections, under the Law on the Election of Governors, Regents, and Mayors, are not an election regime. This distinction is not only a matter of terminology but also encompasses conceptual differences that give rise to different legal consequences. When regional elections are considered an election regime, the Constitutional Court has the discretion to exercise its constitutional authority, subject to the provisions of the 1945 Constitution and applicable laws and regulations. On this basis, past Constitutional Court decisions in regional election dispute cases have not only covered disputes over results but also violations in the election process to achieve these results, known as structured, systematic, and massive violations.

Second, Constitutional Court Decision No. 51/PUU-XIII/2015 concerns the constitutional interpretation of Article 158 of Law No. 8/2015. Through this decision, the Constitutional Court declared Article 158 of Law No. 8/2015 constitutional and rejected the petition for judicial review, citing its open legal policy by the legislators, and therefore deemed it not inconsistent with the 1945 Constitution. Third, for the sake of legal certainty, the Constitutional Court must comply with the provisions expressly outlined in the Regional Election Law. By consistently implementing Article 158 of the Regional Election Law and its derivative regulations, the Constitutional Court is participating in efforts to encourage institutions involved in the regional election process to play and function optimally in accordance with the proportion of authority at each level.

Considering the discrepancies in results between candidate pairs, both in print and electronic media, the author believes that many regional elections will not proceed to a Constitutional Court challenge, given the significant vote margin exceeding 2 percent. This will undoubtedly lead to a decrease in the number of election result disputes filed with the Constitutional Court. However, it is certain that candidate pairs whose vote margin aligns with Article 158 of Law No. 8/2015 have a chance of winning their dispute, or the Constitutional Court granting their election result dispute petition.

This is, of course, provided they are supported by sufficient arguments and evidence relating to the legal standing, the object of the petition, and the subject matter of the petition. Furthermore, the Constitutional Court is also expected to not ignore the demands of substantive justice by thoroughly examining cases that meet the requirements of the time limit, legal standing, the object of the petition, and the percentage difference in votes between the applicant, the respondent, and other related parties.

With the existence of good legal facilities in this case through the application for disputes over regional election results to the Constitutional Court, it is hoped that the implementation of democracy in the regions will become more conducive and far from all forms of unrest and vigilantism.

2. Settlement of owner disputes in Germany

The establishment of the German Constitutional Court (*Bundesverfassung gericht*) in 1949 was part of the country's comprehensive reforms following the destruction of World War II. Its establishment was inseparable from the prevailing situation at the time, which saw a strong desire among the German people to establish a constitutional democratic state after being shackled by the totalitarian Nazi regime. The goal was to ensure that in the future, there would be no more totalitarian or fascist governments in Germany, as had occurred in the past under Adolf Hitler (Seibert-Fohr, 2012). Regarding this matter Michaela Hailbronner said that:

> *"The German Constitutional Court draws its considerable strength from the reaction to the German Nazi past: Because the Nazis abused rights and had been elected by the people, the argument runs, it was necessary to create a strong Court to guard these rights in the future* (Hailbronner, 2014)*."*

The establishment of the German Constitutional Court was outlined in the Basic Law of 1949 (Grundgesetz). The German Constitutional Court is based in Kalsruhe, a city often referred to as the legal capital, as it is where the high courts and the Supreme Court of Germany are based (Asshiddiqie & Syahrizal, 2012). Long before the formation of the German Constitutional Court in 1949, a form of State Adjudication had been established in Germany during the Confederation of 1815, with functions similar to the Constitutional Court. The idea for the State Adjudication itself was motivated by the need to handle disputes over authority between the states within the German Confederation of 1815 (Asshiddiqie & Syahrizal, 2012).

So the competence of this State Court is to resolve disputes over authority between states under the German Confederation, which at that time numbered 36 states (Brose, 1991). This court can be said to be the forerunner of the German Constitutional Court that we know today. Throughout its history, this State Court failed to demonstrate its existence and supremacy. This was because, at that time, the idea of constitutionalism and human rights issues did not receive serious attention in Germany (Asshiddiqie & Syahrizal, 2012).

The development of the German state entered a new phase when the Weimar Constitution was formed on August 11, 1919. The constitution, which was created a year after Germany's defeat in World War I, officially changed the form of German government from an Empire (from 1871-1918) to a Republic (1919-1933) (Gunlicks, 2003). The Weimar Constitution established an organ called the *Staatsgerichtshof/Reichgerichtshof*. This organ is said to be the embryo of the German Constitutional Court (Borowski, 2003). This body had the authority to resolve disputes between the federal/central government and the states, as well as disputes between the states themselves. Unfortunately, human rights protection and judicial review mechanisms were underdeveloped during this period, as they were considered to be in conflict with the prevailing constitutional theory of the time, namely the theory of parliamentary supremacy (Istikhomah & Amalina, 2024).

During the Weimar Constitution period (1919–1933), the Reichstag and the institution of judicial review were more surrounded by controversy than achievement. As a result, the Reichstag was considered by many (including Carl Schmitt) to have failed in its role as the guardian of the constitution (Asshiddiqie & Syahrizal, 2012). The less than pleasant experience of failure after failure in designing a State Court that would function as a protector of the constitution turned out to be a valuable lesson for the German nation in the future in finding the ideal form of the intended court (Budiono et al., 2023).

The hope of establishing a solid and effective constitutional court was glimmering with the end of World War II. Shortly after the war, German constitutional law experts attempted to redesign the ideal (constitutional) judicial system as part of a total reform in Germany after World War II. Among these legal experts were three important names who had a great influence in initiating the establishment of the German Constitutional Court as an independent judicial institution separate from the Supreme Court. They were Richrad Thoma, Gerhard Anschutz, and Gustav Radbruch. According to them, the task and obligation to resolve constitutional cases should be carried out by the Constitutional Court, not by ordinary courts which culminate in the Supreme Court like the American model (Asshiddiqie & Syahrizal, 2012).

Efforts to form the German Constitutional Court became more concrete when a meeting was held to draft the German Constitution, known as the "Constitutional Grand Meeting" in 1948 in *Herrenchiemsee* (Currie, 1994). The enthusiasm for the formation of the German Constitutional Court at that meeting seemed unstoppable. The meeting succeeded in establishing important elements of the Constitution (Basic Law) that would be ratified later (Wibowo et al., 2023).

One of the key points agreed upon at the meeting was the need to establish a German Constitutional Court, with broader powers and greater powers than the previous *Staatsgerichtshof*. This institution is expected to be at the forefront of ensuring the upholding of the constitution and the protection of human rights in Germany (Currie, 1994). In Martin Borowski's writing, one part of which reviews the brief history of the drafting of the 1949 German Constitution, it is stated that:

> *The conference—whose participants' expertise is an established fact—worked up a draft of a constitution as a guideline for the deliberations that would follow. They succeeded in setting down many of the fundamentals of the forthcoming constitution. The draft of the* Herrenchiemsee *Conference (HChE) comprises, in section viii, arts. 97 to 100, an independent section respecting the Federal Constitutional Court; ..... the* Herrenchiemsee *Conference emphasizes that the powers of the constitutional court, by comparison with those of the* Staatsgerichtshof *of the Weimar Constitution, ought to be enlarged. In this way, the new constitution could become the "real guardian of the constitution* (Borowski, 2003)*."*

Finally, through the ratification of the Basic Law on May 23, 1949, a new judicial institution was born in Germany designed to handle constitutional cases called the "*Bundesverfassungsgericht*" or what we know as the German Constitutional Court (Absori et al., 2020).

In international discussions and discussions about Constitutional Courts, the German Constitutional Court holds a highly respected position. This is due to the extensive constitutional authority it holds as the guardian of the Constitution in its country (*grundgesetz*). Furthermore, the German Constitutional Court is also capable of carrying out its extensive duties and powers very well, further solidifying its position as a highly respected and revered federal body, not only in Germany but also internationally (Chalid, 2016).

The broad authority of the German Constitutional Court stems from the Constitution and the laws governing the German Constitutional Court. One factor contributing to the broad and flexible authority of the German Constitutional Court is that the German Constitution, specifically Article 93 paragraph (2), permits the expansion of the German Constitutional Court's authority through legislation (the Law on the Constitutional Court) (Palguna, 2009). This is a provision that is very contrary to the formulation of the authority of the Indonesian Constitutional Court which has been limited and defined by the 1945 Constitution, specifically by Article 24 C.

As a federal state, apart from having a Constitutional Court at the central level (*Bundesverfassungsgericht*), each of the 16 states in Germany (Joerg Fedtke, 2021) also have their own state Constitutional Courts (Gunlicks, 2003). Although each state Constitutional Court has different powers, it can generally be said that its function is to resolve constitutional cases at the regional/state level by referring to its respective state constitution (Faisal & Ogli, 2025). In other words, the function of each state Constitutional Court is to defend its respective state constitution from all forms of violation.

Among the various powers held by each State Constitutional Court, the power of constitutional review (abstract and concrete review) and the power to resolve election disputes (at the state level) are the two most common powers and are held by all state Constitutional Courts in Germany (Mavcic, n.d.). The scope of power or relative competence of a state's Constitutional Court is of course limited to the territory of its state only. In relation to the German Federal Constitutional Court, it is certain that there is no structural or hierarchical relationship between the Federal Constitutional Court and the state courts. This means that the state courts are not branches of the Federal Constitutional Court (Jeffery, 2003). The jurisdiction of the Federal Constitutional Court is to handle constitutional cases at the federal level using the Federal Constitution as its basis, while the state Constitutional Court handles constitutional cases at the regional/state level using the State Constitution as its basis (Deutelmoser, 2002).

Perhaps the only connection between the Federal Constitutional Court and the state Constitutional Courts is a constitutional one, which implies that all decisions of the Federal Constitutional Court are binding on the state Constitutional Courts. This is because, within the German constitutional structure, the Federal Constitutional Court holds a higher and stronger position than the state Constitutional Courts. This is based on the fact that the foundation for the formation of the German Constitutional Court and its authority are derived from the Federal Constitution. Meanwhile, the foundation for the formation of the state Constitutional Courts and their authority are derived from the state Constitutions. While we know that the German Federal Constitution is the highest law in Germany and, of course, supersedes the state constitutions (Ferejohn & Pasquino, 2004).

Regarding the relationship between the State Constitutional Courts and the German Federal Constitutional Court, Arthur Gunlicks in his book "The Lander and German Federalism," says that:

> *"There is some hierarchy in the relationship between the The Länder and German federalism federal and Land constitutional courts, but not in a formal, structural sense; ..... These are autonomous courts whose organization, authority, and procedure are set by Land constitutions and laws* (Gunlicks, 2003)*."*

That is a brief overview of the existence and existence of state Constitutional Courts in Germany.(Möllers, 2011) In addition, in order to comprehensively understand the existence of the German Constitutional Court in the German legal system, it is also necessary to know the structure or organization of the judicial power in Germany, where, of course, the German Constitutional Court is the only actor/performer (Alwan et al., 2022).

Based on the German Constitution, it can be seen that the judicial power system in Germany is supported by three judicial power actors, namely: the Federal Constitutional Court, the Federal Court, and the State Courts (including the State Constitutional Courts) (Jörn Fedtke, 2005).

According to Article 95 of the German Constitution, the Federal Judiciary itself consists of several judicial organs with varying jurisdictions. These federal courts are:

a. Federal Court of Justice (Gunlicks, 2003);
b. Federal Administrative Court (Gunlicks, 2003);
c. Federal Finance Court (Heidenbauer, 2011);
d. Federal Labour Court (Gunlicks, 2003); and
e. Federal Social Court (Thum, 2017)**.**

Each of the Federal Courts has the status/position of the highest court (Supreme Court) in its respective jurisdiction. As Arthur Gunlicks said, "These courts are the highest authorities within their subject area." Thus, it can be seen that in Germany, there are five (5) Supreme Courts, each of which stands alone and separate from the others (Gunlicks, 2003).

The Federal Courts, which consist of five (5) Supreme Courts, only accept cases that have previously been examined and tried by state courts according to their respective jurisdictions (Seibert-Fohr, 2012). Meanwhile, beyond the five Supreme Courts mentioned above, Article 96 of the German Constitution opens the possibility for the establishment of other courts at the federal level, such as Industrial Courts, Military Courts, and other courts deemed necessary (Riedel, 2006). Returning to the discussion of the German Federal Constitutional Court, based on the authority granted by the German Federal Constitution and the Law on the German Constitutional Court, the German Constitutional Court has very broad powers, encompassing all constitutional issues in the Federal Republic of Germany. In fact, with these broad powers, the German Constitutional Court can be called the "Supreme Court" for all legal issues with a constitutional dimension (Currie, 1994).

The authority of the German Constitutional Court according to the German Federal Constitution (Hailbronner, 2014):

1. Resolving disputes over the authority of state organs, including:
   a. The federal government with state governments; or
   b. one federal organ with another federal organ whose authority is granted by the constitution (Federal Republic of Germany, 1949);
2. Testing legislation in the abstract (*a posteriori* abstract review) at the request of the Federal Government, State Government, or ¼ of the members of the Bundestag (Legislative House), which includes:
   a. Testing of legislation, both federal and state level, against the Federal Constitution; and
   b. Testing of state-level laws and regulations against federal laws (Federal Republic of Germany, 1949).
3. Deciding on applications submitted by the Bundesrat, Government or Legislature State on the issue of whether a law falls within the jurisdiction of the Federal Legislature or the State Legislature (Federal Republic of Germany, 1949);
4. To decide on differences of opinion regarding the rights and obligations between the Federal Government and State Governments due to the implementation of Federal Law by States and to decide on State objections to the implementation of supervision carried out by the Federal Government (Federal Republic of Germany, 1949);
5. Deciding on other public law disputes that occur between the Federal Government and State Governments, between States, or within a State, as long as there is no other mechanism that can be taken in a court other than the Constitutional Court (Federal Republic of Germany, 1949);
6. Adjudicate constitutional complaint applications filed by (Federal Republic of Germany, 1949);
   a. Individuals/citizens who feel that their basic rights or constitutional rights have been violated by state organs; and
   b. City Governments or Associations of City Governments who feel that their regional autonomy rights (as regulated in Article 28 of the Basic Law 1949) have been violated, either by Federal Law or State Law (Federal Republic of Germany, 1949).

7. Deciding on allegations/requests for dismissal of judges from all judicial organs in Germany on suspicion of violating the constitution based on a proposal from the Bundestag (Federal Republic of Germany, 1949).
8. Concretely testing legislation based on a request submitted by a judge (concrete judicial review/constitutional question) when he doubts the constitutionality or legality of a legal norm that he will apply in a concrete case he is handling. This concrete review includes:
   a. Testing of legislation, both federal and state level, against the Federal Constitution (constitutional review); and
   b. Testing of state-level legislation against federal law (legal review) (Federal Republic of Germany, 1949).
9. Deciding on questions raised by a judge who is handling a concrete case which involves an international legal norm on the issue:
   a. Has an international legal norm become an integral part of federal law? and
   b. Do the international legal norms in question give rise to rights and obligations for citizens (Federal Republic of Germany, 1949)?
10. Deciding on questions of the State Constitutional Court when in interpreting the Federal Constitution, the State Constitutional Court intends to deviate from the Federal Constitutional Court Decision or the Decision of another State Constitutional Court (Federal Republic of Germany, 1949);
11. Deciding on the dissolution of political parties whose aims or activities are contrary to the principles of democracy and the Constitution (Federal Republic of Germany, 1949);
12. Deciding on disputes over election results that have been determined by the Bundestag (Federal Republic of Germany, 1949);
13. Deciding on allegations by the Bundestag and Bundesrat regarding violations of the Constitution or federal law by the President in the context of Presidential Impeachment (Federal Republic of Germany, 1949);

The system of constitutional review or judicial review that applies in Germany is very broad in scope and is very similar to the system that applies in Austria, namely including abstract review and also concrete review. As Martin Borowski said that:

"Constitutional review in the Germany's Federal Court distinguish between Abstract Review (Abstrakte Normenkontrolle) and Concrete Review (Konkrete Normenkontrolle) (Borowski, 2003)*."*

Similar to Austria, both abstract and concrete reviews in Germany fall within the framework of ex post or posteriori review. This means that review activities can only be conducted after the law or regulation has been officially ratified and enacted, rather than after the law is still in draft form (RUU), as is the case in the French system (Finck, 1997).

However, it is important to note that abstract reviews, or more precisely, a posteriori abstract reviews, as they apply in Germany, can only be submitted by certain state organs. Individuals are not authorized to submit this type of review (Zeidler, 1987). The constitutional review mechanism accessible to individuals is the concrete review mechanism, which must also go through a court judge (judicial referral of constitutional questions). Furthermore, there is another mechanism accessible directly to individuals who believe their constitutional rights have been violated by the actions of an official or public body: the constitutional complaint mechanism (*verfassungsbescwerde*).

The parties (state organs) that can submit an abstract review application in Germany are: (1) the Federal Government; (2) the State Governments; and (3) 1/4 of the members of the Bundestag (Federal Republic of Germany, 1949). Another important aspect of the constitutional review system in Germany is that the German Constitutional Court holds full judicial review authority over legislation, both within the legality of regulations and within the constitutionality of laws/statutes. This means that all judicial review activities in Germany are centralized and concentrated within the German Constitutional Court.

CONCLUSION

Several key issues related to regional elections include: first, the quality of regional election regulations, which are not comprehensive and thorough. Second, the quality of the election organizing bodies, namely the Regional General Elections Commission (KPUD), the Elections Supervisory Committee (*Panwaslu*), including the police, the prosecutor's office, and the courts. Third, the quality of the ineffective model for resolving regional election disputes, including administrative disputes, election crimes, and election result disputes.

To ensure effective and high-quality election dispute resolution, three stages of the regional election process must be regulated and implemented comprehensively and thoroughly. These stages are: Stage I: Disputes related to election administration must be fully resolved by the KPUD and Elections Supervisory Agency before the start of the campaign period for candidate pairs in the regional election; Stage II: Criminal disputes must be resolved expeditiously by the relevant legal authorities before the vote count begins or at the latest before the election winner is declared; Stage III: the resolution of disputes over regional election results related to the counting of votes must be resolved effectively and quickly, so as not to cause disruption to the stability of regional government.

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