

The Dispute Resolution Mechanism by the Cirebon District Election Supervisory Agency in the 2019 Simultaneous Elections

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Abstract

The 2019 election process dispute occurred between DPD PAN Kab. Cirebon with KPU Kab. Cirebon which was submitted to Bawaslu Kab. Cirebon. The research aims to find out the legal arrangements for resolving disputes by Bawaslu Kab. Cirebon according to Law no. 7 of 2017, Bawaslu District Efforts. Cirebon is facing obstacles in the 2019 simultaneous elections, as well as the views of Siyasah jurisprudence on this matter. This qualitative research is field research with a combined empirical and normative juridical approach. Data collection techniques are observation, interviews, and documentation. The results of this research are that the resolution of election process disputes carried out in BAWASLU Cirebon Regency is regulated in Law Number 7 of 2017 concerning Elections as stated in Article 101 letter a Juncto Article 102 paragraph 3. The results of Bawaslu Kab. Cirebon, namely strengthening human resources for Bawaslu District members. Cirebon by reviewing the latest PERBAWASLU and carrying out an Adjudication simulation. The views of the fiqh siyasah institutions in the al-qadha' region and the al-hisbah region are like those of the Cirebon Regency BAWASLU. Both institutions were formed to maintain and create amar ma'ruf nahi munkar in the state administration system.

Keywords: Dispute settlement, election, BAWASLU cirebon regency.



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Introduction

The Indonesian state is one of the countries that implements democracy, namely by holding general elections.¹ General elections in Indonesia have been held 11 times.² The simultaneous election in 2019 is the first General Election in the history of holding elections in Indonesia, which combines the Legislative Election and Presidential Election simultaneously with one time of implementation. The simultaneous general election that was held on April 17, 2019, not only elected the President and Vice President, but also the people elected members of the legislature, namely electing members of the DPR, Provincial DPRD, District / City DPRD and DPD.³

In holding elections, there are many challenges and obstacles regarding the implementation of elections, both from the KPU, Bawaslu, or candidates (President and Vice President, Regional Heads, and legislative candidates). Therefore, comprehensive supervision and monitoring are needed in the process of holding elections, starting from preparation, implementation to the completion of election sengketa.

Electoral *dispute resolution* is an inseparable element of the electoral justice system. The other two elements are *prevention* and *alternative electoral dispute resolution*.⁴ Regarding disputes over the election process, if what is done by Bawaslu is not accepted by the parties, they can submit legal remedies to the PTUN, but in the case of disputes over election results, the authorized institution is the Constitutional Court, different if for disputes over the election process, the institutions authorized to receive, examine and decide the dispute resolution of the process are Bawaslu and the State Administrative Court. The filing of a lawsuit for disputes over the election process to the State Administrative Court is carried out after administrative efforts at the Election Supervisory Board are used.

In holding elections, election participants are one of the decisive aspects on the political map in Indonesia, because it is impossible for elections to be held without election participants. According to the Dispute Resolution Division when the author met at the Bawaslu office of Cirebon Regency, Badrudin, S.Hum.I said,⁵ In the stages of the

¹ Nanik Prasetyoningsih, "Dampak Pemilihan Umum Serentak Bagi Pembangunan Demokrasi Indonesia," *Jurnal Media Hukum* 21, no. 2 (2014): 23; Ratna Herawati, Untung Dwi Hananto, and Novira Maharani Sukma, "Kepastian Hukum Pemilu Dalam Pemilu Serentak 2019 Melalui Peraturan Komisi Pemilihan Umum Republik Indonesia," *Jurnal Media Hukum* 21, no. 2 (2018).

² Urip Giyono and Nur Rahman & Achmad Rifai, "Implementasi Pemilihan Umum Legislatif Di Kabupaten Cirebon," *Jurnal Yustitia* 23, no. 1 (2022).

³ M F Harnawansyah and Suramto Suramto, "Efektivitas Pemilihan Umum Legislatif Daerah Pada Pemilihan Umum Serentak Tahun 2019," *Prosiding Konferensi Nasional Sosial Dan Politik (KONASPOL) 1* (2023): 560-73.

⁴ Eli Jumaeli, "Authority to Dispute Resolution of Election Administration Process According to Law Number 7 of 2017 and Improving the Quality of Elections," *Journal of Elections and Democracy* 1 (June 2021): 1.

⁵ Interview with Mr. Badrudin, S.Hum.I as a member of the Bawaslu Dispute Resolution Division of Cirebon Regency, Monday, February 20, 2023. Pukul 15:00 WIB

election administration process in 2019 there was a dispute over the election process between the Cirebon Regency PAN Party which would nominate its cadres with the Cirebon Regency KPU, From the DPD PAN proposed its administrator, namely Wahyudi and was claimed by the party to have met the requirements for candidacy in 2019, However, the candidacy was crossed out and not included in the Provisional Candidate List (DCS) and the Permanent Candidate List based on the Decree of the Election Organizing Commission of Cirebon District. Then a request for dispute resolution of the election process was submitted to the Election Supervisory Board of Cirebon Regency in the political party verification process which began due to the lack of several data requirements accessed into the Political Party Registration System (SIPOL), so that receipts that were considered complete by SIPOL were not issued as determined by the KPU as part of the registration administration. Bawaslu in the case of this lawsuit does not necessarily conduct an adjudication hearing but mediation is first carried out. If the mediation process fails, the adjudication hearing continues.

In *Fiqh siyasa* the concept of dispute resolution is called *Sulthaan Qadhaaiyyah* or Judicial Power, which has the aim of ensuring the implementation of justice and truth as well as strengthening the state and stabilizing the legal position of the head of state. Bawaslu itself has similarities with *the al-hisbah region* which functions as a supervisory institution and also like *the al-qadhaa region* institution when conducting the dispute resolution process in elections.⁶ The election of the head of state is a very serious matter, as Allah Almighty says in the holy book of the Qur'an: "O believers! Obey Allah and obey the Messenger (Muhammad), and Ulil Amri (the holder of power) among you. Then, if you disagree about something, then return it to Allah (the Qur'an) and the Messenger (its sunnah), if you believe in Allah and the day after. Such is the greater (to you) and the better the result".⁷

In the above verse, there are two opinions of scholars, some say they are ulama', and some say they are *umara*. *Imamate, caliph, and emirate* in the context of government and constitutional leadership are terms that are often used. According to Al-taftazani as quoted by Al-jarjani that the Imamate and the Caliph are general leadership in governing world affairs and religious matters.⁸

In this paper, researchers examine the dispute resolution that occurred in the 2019 simultaneous elections conducted by BAWASLU. The dispute that occurred was analyzed by a review of law number 7 of 2017 concerning General Elections and *Fiqh Siyasa*. This Tulsan has novelties that have not been studied in previous research,

⁶ Muhammad Salman Al Farisi, "Fiqh Siyasa Review of the Election Dispute Resolution Process of the Moon Star Party According to Bawaslu Decision Number 008/PS. REG/BAWASLU/II/2018" (*Thesis*, Faculty of Sharia and Law UIN Sunan Ampel Surabaya, 2019), 6.

⁷ QS An-Nisa verse 59 see Ministry of Religious Affairs of the Republic of Indonesia, *The Qur'an and its translations* (Bandung:Diponegoro, 2010).

⁸ Sutisna, *Election of Head of State: Perspectives on Islamic Law and Indonesian Positive Law* (Yogyakarta: Cv. Budi Utama, 2014), 11.

namely on the use of law and fiqh as analytical knives. The benefit of this study is to find out how the election dispute resolution mechanism and BAWASULU's position in the view of fiqh siyasah related to dispute resolution.

METHOD

Research methods are scientific ways to obtain data with certain goals and uses, keywords that need to be understood in research methodology, namely, scientific methods, data, goals, and uses.⁹ This qualitative research is a field study *with*¹⁰ a combined approach of empirical juridical and normative. Data sources that have an important basis and become the main point in analyzing the discussion, obtained by interview studies and documentation, namely with the Coordinator of the Dispute Resolution Division, Dispute Resolution Division, and other divisions in Bawaslu, Cirebon Regency. The author collects this secondary data through literature study to obtain data and information from journals, theses, books in the Cirebon library, laws and others. Researchers used observation, interview, and documentation method techniques to collect data in research on the Dispute Resolution Mechanism by Bawaslu Kab. Cirebon in the 2019 Simultaneous Elections (according to Law No. 7 of 2017 and Fiqh Siyasah). Legal materials that have been collected, both primary and secondary legal materials, will be analyzed using Normative Empirical analysis. As for after the entire data has been collected, the next step is that the author will analyze the data by classification, collected by type, level, and so on and then described descriptively so that the results can be drawn.

RESULT AND DISCUSSION

General elections are the embodiment of the democratic system adopted by the state. General election is a process to elect people who will occupy office in a government. According to George R. Terry, defining supervision as what has been done, means evaluating work performance and by implementing corrective activities so that the results of the work are in accordance with the plan that has been set. Meanwhile, according to Dr. Slagian, supervision is the process of analyzing the implementation of all organizational activities to ensure that the activities being carried out run in accordance with a predetermined plan.¹¹

The simultaneous election in 2019 is the 5th (six) general election after the new order and is the first simultaneous general election for the Legislative and Presidential elections. Law Number 7 of 2017 was approved in the Plenary Meeting of the DPR-RI on July 21, 2017, then passed by President Joko Widodo on August 15, 2017 and promulgated by the Ministry of Law and Human Rights Yasonna H. Laoly on August 16, 2017. There are several reasons for making this law including, First to achieve the goals of the state. Second, to strengthen the democratic constitutional system. Third, this law was made to realize fair elections and integrity. Fourth, to ensure the electoral system. Fifth, to create efficient and effective elections.

⁹ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R & D* (Bandung: Alfabeta, 2013).

¹⁰ M. Sobry SutiknoProsmala Hadisaputra, *Qualitative Research* (Lombok: Holistica, 2020), 4.

¹¹ Donnelly, "Model of Electoral Institutions in the World," *Journal of the Election Administration Institute* (1996), 12.

In a democratic system of government, elections are often considered as a link between the principle of popular sovereignty and government politics by some political elites. Those who have the right to elect candidates for leaders in the government or representatives of the people in parliament are any citizens who by law have fulfilled certain requirements. Certainty regarding the outcome of the election illustrates the will of the people given by a set of guarantees contained in laws and regulations.

Dispute is a dispute or conflict that occurs between groups or individuals who have the same interest in the purpose of ownership, which causes legal consequences between one another.¹² Amriani argued that a dispute is a condition in which one party feels aggrieved by the other, then the aggrieved party expresses his dissatisfaction with the other party, if that condition causes differences of opinion, then something called a dispute occurs.¹³ Then in Rahmadi's opinion,¹⁴ disputes or conflicts are conditions of factual disputes experienced by people according to their respective perceptions. Meanwhile, in Chomzah's opinion,¹⁵ a dispute is a dispute between two or more parties caused by differences in perception of an interest or property right that gives rise to legal consequences for both. From several definitions of disputes that have been put forward by experts, it can be concluded that a dispute is a situation that occurs between two parties, one of which feels aggrieved by the other party and between these parties maintain each other's perceptions, which if the perception causes differences of opinion, it will cause legal consequences for both.

General elections which are held every five years contain the meaning that the means of sovereignty are in the hands of the people, who become an important instrument in general elections and who receive the impact directly is the people themselves. People have the right and obligation in politics according to their conscience to choose who is the candidate for leader who is considered experienced, qualified, and capable as their political representative.

The General Elections Law already regulates the enforcement mechanism for election violations, election process disputes and election result disputes. Bawaslu institutions have very specific characteristics, because at the central and provincial levels this institution is permanent, while at the district level to the bottom this institution is temporary (*ad hoc*).

Based on an interview with Mr. Rahmat Hidayat, S.Pd.I as Coordinator of the Legal and Dispute Resolution Division, namely: "The context regarding the authority of the Bawaslu of Cirebon Regency has been stated in Law No. 7 of 2017, in the 2019 election there were several changes to Perbawaslu, namely Perbawaslu Number 18 of 2018 concerning changes to

¹² Muchlisin Riadi, "Pengertian, Jenis, Penyebab Dan Penyelesaian Sengketa," n.d. Diakses pada sabtu, 24 Desember 2022 Pukul 11:48.

¹³ Nurnaningsih Amriani, *Alternative Mediation for Civil Dispute Resolution in Court* (Jakarta: Raja Grafindo Persada, 2012), 12.

¹⁴ Rahmadi, Destiny, *Mediation of Dispute Resolution Through Consensus Approach* (Jakarta: Rajawali Pers, 2011), 11.

¹⁵ Ali Achmad Chomzah, *Land Law Series III Land Rights Dispute Resolution and Land Law Series IV Land Acquisition Government Agencies* (Jakarta: Prestasi Pustaka, 2003), 14.

Perbawaslu Number 18 of 2017, then Perbawaslu 27 of 2018 concerning the second amendment to Pebawaslu Number 18 of 2018 concerning dispute resolution of the electoral process".¹⁶

According to Samuel P. Huntington said that elections that are held fairly, honestly and periodically and the strength of decision makers in making policies, the freedom of all people in voting rights and candidates who can freely compete directly show that the political system can be said to be democratic.¹⁷ In a democratic system, the organizer of the country must rely on participation and public interest. The application of Indonesia as a state of law must be based on a democratic system. Because the relationship between democracy and the rule of law is inseparable. The meaning of law will be lost without democracy, and democracy without legal regulation can lose its character and direction. To ensure the purity of honest and fair elections, it is necessary to protect every voter from all threats of fear, fraud and other fraudulent acts. Therefore, special arrangements related to elections are needed as a forum for the people to report and devote everything that should not be done in elections.

The special authority possessed by Bawaslu, Provincial Bawaslu, and District / City Bawaslu as election supervisory organizers is the authority to resolve disputes over the general election process. In the implementation of the general election process, conflicts between election candidates and other election candidates, or election participants with election organizers cannot be denied.

Dispute resolution of the election process carried out in Bawaslu, Cirebon Regency is regulated in Law Number 7 of 2017 concerning Elections contained in Article 101 letter a Juncto Article 102 paragraph 3 which reads, In carrying out dispute enforcement of the election process as referred to in Article 101 letter a, Bawaslu Regency / City has the following duties:

1. receive requests for dispute resolution of the election process in the district/city area;
2. formally and materially verify requests for disputes over the election process in the district/city area;
3. mediate between parties to disputes in the regency / city area;
4. conduct an adjudication process of election process disputes in the regency/city area if mediation has not resolved the election process dispute; and
5. decide the dispute resolution of the election process in the regency/city area.

Every administration of government and statehood must have legitimacy, namely the authority granted by law. The construction of this law has given space to the public regarding matters related to elections. The Indonesian government in this case provides the widest possible facilities for election participants within the Regency / City which if there is one party who objects to their rights being violated to be able to file election disputes in Bawaslu Regency / City. Thus, it is clear that referring to the above provisions and regulations, if there is an election dispute, the

¹⁶ Interview with Mr. Rahmat Hidayat, S.Pd.I as Coordinator of the Legal and Dispute Resolution Division, Wednesday, April 12, 2023. At 14:00 WIB.

¹⁷ Muhadam Labolo, *Political parties and electoral system in Indonesia* (Jakarta: Raja Grafindo Persada, 2015) 46.

authority to resolve it is Bawaslu as the election organizer whose authority is to enforce election law for the achievement of justice, not the police, the Prosecutor's Office or the District Court.

Dispute resolution of the election process carried out by Bawaslu Cirebon Regency is not included in the category of litigation or non-litigation routes. However, dispute resolution of the electoral process is a special dispute resolution that is part of the enforcement of election law. Then it was also strengthened by the existence of Law Number 7 of 2017 concerning Elections, contained in Article 95 Letter d giving authority to Bawaslu to receive, examine, mediate and adjudicate and decide the resolution of election disputes. This means that in Law Number 7 of 2017 concerning Elections, Bawaslu in resolving disputes is given additional authority to carry out mediation and adjudication.

The efforts of Bawaslu Kab. Cirebon in resolving internal and external obstacles are that there are differences in views or interpretations of the decision material from several leaders such as that this is his view like this and so on, but in technical there are almost no obstacles, because the decision must be based on plenary and talk about such preparation. As for internal preparation, namely strengthening human resources by understanding regulations on how technical guidelines specifically related to resolving election disputes, then simulating hearings because this dispute has a name adjudication.

As stated by the Coordinator of the Legal and Dispute Resolution Division above, in Bawaslu, Cirebon Regency, in the 2019 election, there were no internal obstacles because every stage of the election process was guided by existing rules and every difference in interpretation was always deliberated. Bawaslu of Cirebon Regency in an effort to prepare to resolve obstacles that can occur, namely first, strengthening the human resources of all members of Bawaslu Cirebon Regency by reviewing and understanding the latest Perbawaslu regulation, namely Perbawaslu Number 27 of 2018 concerning the Second Amendment to the General Election Supervisory Board Regulation Number 18 of 2017 concerning Procedures for Resolving Disputes in the General Election Process. Second, conduct a simulation of an adjudication hearing.¹⁸

In the context of the dispute, it uses the terms applicant and respondent, not complainant and reporter. The dispute over the election process that is the applicant is DPD PAN Kab. Cirebon in this case the applicant filed an application on Friday, September 21, 2018, and the KPU Kab. Cirebon became the respondent. Election process dispute applicants consist of: a. political parties of candidates who have registered as Election Participants in the KPU; b. Political Parties Participating in the Election; c. prospective members of the DPR and DPRD who have registered with the KPU; d. candidates for members of the DPR and DPRD listed in the list of permanent candidates; e. prospective DPD Member candidates who have registered with the KPU; f. prospective DPD members; g. prospective Spouse of the Candidate; and h. Candidate Spouse. While the respondent can consist of, KPU, KPU Province and KPU Kabupaten Kota.

¹⁸ Interview with Mr. Rahmat Hidayat, S.Pd.I as Coordinator of the Legal and Dispute Resolution Division, Wednesday, April 12, 2023, at 14:04 WIB

Furthermore, the request for dispute resolution of the election process carried out by the Bawaslu of Cirebon Regency was carried out in two ways, namely, first mediation, and second adjudication:

1. Mediation

According to Nader and Todd Junior,¹⁹ the purpose of mediation is to find agreement on the opinions of both parties to the conflict assisted by a third party. The appointment of this third party is determined by the competent authorities or both parties themselves. As is known in the mediation process by means of deliberation it is carried out to obtain consensus between the parties, meaning that in this mediation no party is defeated or won. Both parties to the dispute in this mediation process have the same position.

In requesting dispute resolution, the general election process through mediation in Bawaslu, Cirebon Regency is carried out behind closed doors by determining the mediation schedule and making mandatory calls to the parties to mediate using the PSPP 11 model form.

Bawaslu of Cirebon Regency after receiving and reviewing the request for dispute resolution of the 2019 election process and stating that the request is eligible for follow-up, the Bawaslu of Cirebon Regency formed a mediation team that will be a mediator in the consensus process between the DPD PAN of Cirebon Regency as the applicant and the KPU of Cirebon Regency as the respondent who issued the decision that was the object of the dispute.

The applicants who attended the mediation meeting were the PAN Party Administrator of Cirebon Regency, Ian Subhan as Chairman of DPD PAN Cirebon Regency and Johana, S, Sos., M.Si as Secretary of DPD PAN Cirebon Regency. Meanwhile, the respondent is all members of the KPU of Cirebon Regency. Head of Mediation Abdul Khoir, SHI. MH. Chairman of Bawaslu Cirebon Regency and attended by all members of Bawaslu Cirebon Regency.

According to Mr. Rahmat Hidayat, S.Pd.I as the Coordinator of the Legal and Dispute Resolution Division of Bawaslu Cirebon Regency in carrying out the stages of the mediation process, namely:

- a. The mediation lead delivered an open statement;
- b. Chronological submission of problems from the parties;
- c. Negotiate an agreement to resolve the dispute of the electoral process;
- d. Drafting of the agreement of the parties by the mediator; and
- e. Signing of minutes of agreement or disagreement.

In this mediation process, if a trial agreement is obtained, the Bawaslu, Provincial Bawaslu or District / City Bawaslu stated in the minutes of mediation that an agreement has been

¹⁹ Harry F. Nader, Laura & Todd Jr., *The Disputing Process Law in Ten Societies* (New York: Columbia University Press, 1978), 9.

reached using the PSPP 12 form and signed by the parties and mediation leaders and issued a decision on the occurrence of the agreement as stated in the PSPP 13 model form.

The result of the mediation meeting did not reach an agreement in resolving the dispute over the 2019 election process, because the mediation process failed and no agreement was reached between the petitioner and the respondent who conflicted, so the District / City Election Supervisory Board resolved the election process dispute using the adjudication hearing. This disagreement was recorded by the Bawaslu of Cirebon Regency in the PPSP model form 14 Minutes of Mediation did not reach consensus and was signed by the parties and the leaders of the mediation session, then continued dispute resolution to the adjudication stage. The notification of time related to the adjudication hearing will be held on Monday, October 8, 2018 and the place where the adjudication hearing will be held is at the Bawaslu office of Cirebon Regency. Such notification is made orally in a closed mediation forum as a formal call using the PSPP15 model form.

2. Adjudication

The implementation of the adjudication hearing is a form of Bawaslu's authority to resolve election disputes and as a result of several reports from election participants who objected to the issuance of KPU decisions regarding candidates from parties who did not qualify as participants in the 2019 general election. According to Mr. Rahmat Hidayat, S.Pd.I as the Coordinator of the Legal and Dispute Resolution Division, regarding the adjudication stage carried out by the Bawaslu of Cirebon Regency that this adjudication is a process of trials in general.

Every decision of the Bawaslu of Cirebon Regency in resolving cases regarding disputes must prioritize a sense of justice. So that in the future it does not cause decisions that are considered one-sided. Although in each of these decisions there are defeated parties, but as a community living in a state of law, must obey the verdict that has been decided by the ad hoc judge Bawaslu of Cirebon Regency.

In this adjudication panel decision, it must pay attention to the grace period, the submission of the object of dispute, the position of the applicant and respondent, the authority of the Bawaslu of Cirebon Regency as the Adjudication Panel for disputes in the election process. There are three types of decisions in the Adjudication Hearing, namely, Rejecting entirely, Accepting part of the application, and accepting all applications. In this type of judgment must be chosen one by the adjudication panel.

Dispute resolution of the general election process that has been decided by Bawaslu is a decision that is final and binding except for decisions regarding disputes over the election process related to the verification of political parties participating in the general election, the determination of the list of permanent candidates for members of the People's Representative Council, Regional Representative Council, Provincial DPRD and District / City DPRD, and the determination of cadre pairs. This is in accordance with Article 469 paragraph (1) of Law Number 7 of 2017 concerning Elections, so it is clear that all decisions of the Bawaslu of Cirebon Regency have legal force except for the decision of the dispute.

With the existence of the Law, it can be known that in the event of an election dispute, only parties who have *legal standing* can submit a dispute request. So there is clearly a difference when there are disputes and violations, both have their own rules.

During the simultaneous election process in 2019, Bawaslu Kab. Cirebon had made several rulings regarding election process disputes against several parties because they did not pass the administration when registering as candidates for the election. One of them is the registration of candidates from the PAN Party. Although the DPD PAN Party has tried to ask for consideration from the Bawaslu of Cirebon Regency, however, it was still declared ineligible as a participant in the 2019 election.

Bawaslu Kab. Cirebon in its ruling decided that the argument of the PAN Party's application was not legally grounded and rejected the petitioner's application entirely, so that Bawaslu Kab. Cirebon ordered the KPU not to designate PAN Party cadres as the List of Temporary Candidates for Members of the DPRD of Cirebon District. Then in the end the KPU of Cirebon Regency implemented the decision of Bawaslu Kab. Cirebon This is due to the existence of Law Number 7 of 2017 concerning Elections, Bawaslu, Provincial Bawaslu, and Bawaslu Regency / City as alternative institutions for dispute resolution of the election process received binding legal strengthening, because Bawaslu transformed like the judiciary even though it was not under the power of the Supreme Court.

Before closing the adjudication hearing, the Speaker of the Tribunal explained to the applicant that he could apply for an amended judgment as a legal remedy, if the applicant was dissatisfied with the result of the decision. The correction of the decision can be submitted to the Bawaslu of the Republic of Indonesia whose submission is through the Bawaslu of Cirebon Regency. As stated in Perbawaslu Number 27 of 2018 concerning the Second Amendment to Bawaslu Regulation Number 18 of 2017 concerning Procedures for Dispute Resolution of the General Election Process Article 42 paragraph (2).

In following up on the decision of Bawaslu, Cirebon Regency can still be made a legal effort to object to the court, namely the PTUN. However, the legal effort by DPD PAN Cirebon Regency was not pursued and was only subject to the decision of Bawaslu Cirebon Regency only. The issuance of the Cirebon Regency KPU Decree Number 064/PL.01.1-KPT/3209/KPU-KAB/VIII/2018 is the right action and indeed must be implemented, because for the sake of creating honest and fair elections, every election administration process must run according to applicable provisions without any partiality between election organizers and election participants.

In this discussion, the author takes the discussion of *fiqh siyasah* which has something to do with the constitution, namely *Siyasah Dusthuriyyah*. In the discussion of *siyasah dusturiyyah* institutions that have authority similar to Bawaslu Cirebon Regency are first, *Al-Qadha' Region*, and second, *Al-Hisbah Region*:

1. Al-Qadha' Region

Al-Qadha' territory is an institution that has the authority to resolve disputes between fellow citizens which today has a resemblance to a court. The sources of law used by *Al-qadha Region* are the Qur'an, sunnah, ijma', and qiyas.

According to Al-Yasa' Abu Bakar explained that there are three authorities of law enforcement officials, namely: First, *Wilayatul qadha*, is an official government institution that has the authority to resolve conflicts between people, for now it is called a court or institution that is under the power of the judiciary and in Indonesia is more directed to the main task of the Supreme Court.²⁰

The formation of the *Al-qadha Regional* institution has nothing in common, because in *fiqh siyasa* this institution was formed as a permanent court, while the Bawaslu of Cirebon Regency was formed as a temporary election judicial institution (*Ad hoq*). However, these two institutions in the process of selecting leaders have the same goal, namely for the benefit of the people.

As is known that in resolving disputes over the 2019 general election process, in Bawaslu, Cirebon Regency used two methods of resolution, namely mediation and adjudication. According to researchers of the authority of Bawaslu Cirebon Regency in mediating the dispute resolution of the election process in 2019, if it is associated with *the al-qadha region* it has not been carried out effectively. Because it has not been able to reconcile the two parties in the dispute, namely between the DPD PAN Party as the election participant and the KPU Kab. Cirebon as the election organizer.

However, in resolving disputes over the election process of Bawaslu Kab. Cirebon through an Adjudication hearing, the mechanism it uses has been effective and in harmony with the elements in the *Al-qadha Area* and the Bawaslu Decision of Cirebon Regency with the decision of *the Al-qadha* Institute both have final and binding decisions.

2. Al-Hisbah region

Al-Hisbah area, broadly speaking, is an institution similar to the supervisory function of Bawaslu Cirebon Regency. As an Islamic concept, *Al-hisbah Area* emerged along with the development of Islam. Because of the urgency of this institution, according to researcher *Muhtasib* in *the al-hisbah area* must have certain criteria such as having to be free, sharp in thinking, having strong religious knowledge, just, able to argue, and having knowledge of visible glory.

Imam Al-Mawardi argued that the supervisory body is found in the *Al-hisbah Regional institution* which has the task of overseeing the running of the government. However, if the case cannot be resolved, the case is raised in accordance with existing provisions, the body that has the right to handle it is the *al-madzalim* institution.²¹

²⁰ Abu Bakar Al Yasa', *Wilayatul Hisbah, Polisi Pamong Praja Dengan Kewenangan Khusus Di Aceh* (Banda Aceh: Dinas Syari'at Islam Aceh, 2009), 22-23.

²¹ Basiq Djalil, *Islamic Courts* (Jakarta: Bumi Aksara, 2012), 125.

In the view of *fiqh siyasah*, the efforts made by BAWASLU Cirebon Regency are noble work because they are the best institutions for the nation, one of which is being an election supervisor who always maintains trust, integrity, professionalism, creating direct, general, free, secret, honest, and fair elections. This action to strengthen human resources of Bawaslu members of Cirebon Regency is also carried out with the aim of educating the nation's life and for the mutual benefit of mankind. So, the Election Supervisory Board of Cirebon Regency as a mediator and assembly leader in resolving disputes over the election process in Cirebon Regency must prioritize a sense of justice, because justice can bring piety to Allah SWT, so as to produce the right decision.

Thus, Bawaslu Kab. Cirebon currently has a dual role, namely as an election supervisory institution in line with *the Al-hisbah Region*, namely carrying out supervision of violations and implementation of laws and regulations in the field of Islamic law. And in harmony with *Al-Qadha' Region* as a judicial institution that is in the realm of elections to decide a case. This is not contrary to the Islamic concept, because the establishment of the General Election Supervisory Board is the *ijtihad* of the Indonesian government in creating a state body that is in line with the concept of *Fiqh Siyasah* which aims to solve problems for the benefit of mankind.

CONCLUSION

Dispute resolution of the election process carried out in Bawaslu, Cirebon Regency is regulated in Law Number 7 of 2017 concerning Elections contained in Article 101 letter a Juncto Article 102 paragraph 3 which reads, in enforcing disputes over the election process as referred to in Article 101 letter a. Bawaslu of Cirebon Regency in an effort to prepare to resolve obstacles that can occur, namely first, strengthening the human resources of all members of Bawaslu Cirebon Regency by reviewing and understanding the latest Perbawaslu regulation, namely Perbawaslu Number 27 of 2018 concerning the Second Amendment to the General Election Supervisory Board Regulation Number 18 of 2017 concerning Procedures for Resolving Disputes in the General Election Process. Second, conduct a simulation of an adjudication hearing. There are two institutions whose authority is like the Bawaslu of Cirebon Regency, namely, first *the Al-qadha Region'* institution whose elements are in line with the flow of the court, in resolving election disputes Bawaslu Kab. Cirebon mediated, but the mediation did not run effectively because it could not reconcile the parties. Furthermore, an adjudication hearing was conducted, in this adjudication hearing the mechanism used has been effective and in harmony with the elements in the *Al-Qadha Region'*. The two *Al-hisbah Regions* carry out supervisory functions in order to prevent the occurrence of violations whose purpose is to create quality, honest, fair elections, and the realization of the benefit of the people. Both institutions are tasked with maintaining the realization of *Amar Ma'ruf Nahi Munkar* in the constitutional system.

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