

Conflict of Authority in Election Disputes: The Shift from the Constitutional Court to Party Courts in Indonesia

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ABSTRACT

The general election process in Indonesia faces serious challenges related to the resolution of election disputes. The transfer of authority to resolve election disputes from the Constitutional Court to the internal Party Court has created legal uncertainty and threatens the democratic process. Therefore, the purpose of this research is to analyze the impact of this transfer of authority on people's sovereignty and the integrity of the legal system in Indonesia. This study uses a normative legal method, focusing on applicable legal provisions and legal principles to analyze the implications of this shift in authority. This study finds that the transfer of authority to resolve election disputes to the internal Party Court has created conflicts with the decisions of the Constitutional Court, thereby threatening the principles of accountability and transparency that are essential in democracy. Furthermore, this study also finds that internal political party interests often override constitutional principles. This study concludes that legal and political reforms are necessary to ensure fair resolution of election disputes and maintain democracy in Indonesia. The Constitutional Court must play a crucial role again in resolving election disputes to maintain public trust in the democratic process in Indonesia. Thus, the principles of accountability, transparency, and people's sovereignty can be upheld.

Keywords: Popular Sovereignty, Constitutional Court, Party Court, Authority Shift, Election Result Disputes

ABSTRAK

Proses pemilihan umum di Indonesia menghadapi tantangan serius terkait dengan penyelesaian sengketa pemilu. Perpindahan wewenang penyelesaian sengketa pemilu dari Mahkamah Konstitusi ke Pengadilan Partai internal telah menimbulkan ketidakpastian hukum dan mengancam proses demokrasi. Oleh sebab itu, tujuan dari penelitian ini untuk menganalisis dampak pengalihan kewenangan tersebut terhadap kedaulatan rakyat dan integritas sistem hukum di Indonesia. Penelitian ini menggunakan metode hukum normatif, dengan fokus pada ketentuan hukum yang berlaku dan prinsip-prinsip hukum untuk menganalisis implikasi pergeseran wewenang ini. Penelitian ini menemukan bahwa pergeseran wewenang penyelesaian sengketa pemilu ke Pengadilan Partai internal telah menimbulkan konflik dengan putusan Mahkamah Konstitusi, sehingga mengancam prinsip-prinsip akuntabilitas dan transparansi yang penting dalam demokrasi. Selain itu, penelitian ini juga menemukan bahwa kepentingan internal partai politik seringkali mengoverride prinsip-prinsip konstitusional. Penelitian ini menyimpulkan bahwa reformasi hukum dan politik sangat diperlukan untuk memastikan penyelesaian sengketa pemilu yang adil dan menjaga demokrasi di Indonesia. Mahkamah Konstitusi harus kembali memainkan peran penting dalam penyelesaian sengketa pemilu untuk menjaga kepercayaan masyarakat terhadap proses demokrasi di Indonesia. Dengan demikian, prinsip-prinsip akuntabilitas, transparansi, dan kedaulatan rakyat dapat dipertahankan.

Kata Kunci: Kedaulatan Rakyat, Mahkamah Konstitusi, Mahkamah Partai, Pergeseran Wewenang, Sengketa Pemilu

INTRODUCTION

The term sovereignty in Indonesian comes from the word 'daulat', which has its roots in Arabic and the classical meaning of succession or circulation (Aulia et al., 2024). Historically, this term was used to describe the concept of 'dynasty' or period of power. In the classical understanding, sovereignty is closely related to the idea of supreme power (Besson, 2011; Beckman, 2021). Sovereignty not only covers aspects of political power, but also involves legitimacy and recognition of that power by the people, emphasizing the importance of legitimacy in the context of sovereignty (Morrone, 2021). In this context, sovereignty becomes the foundation for the formation of the state and the applicable legal system, where power is seen as the right to rule and as a responsibility to serve the people's interests (Berg & Kuusk, 2023). Therefore, the understanding of sovereignty must be seen as a dynamic entity that continues to evolve along with social and political changes (Syafriadi & Santri, 2025). Sovereignty reflects the fundamental nature of the state as a political entity, and this concept is so closely intertwined with statehood that states lacking sovereignty are often viewed as mere quasi-states. However, sovereignty is not solely about the extent of a state's military or economic power; it encompasses both the authority and the capability to act. There are instances where a state's capacity to act is so limited that its sovereign authority becomes nearly irrelevant. Conversely, there are situations in which a state wields such significant power that it is informally recognized by others, even without formal acknowledgment of its sovereign rights. These scenarios represent two extremes. Generally, sovereignty involves both the entitlement to exercise authority and the practical ability to do so, leading to sovereignty-related disputes often revolving around both jurisdiction and power (Oji & Ozioko, 2012; (Murphy & Stoica, 2015).

The concept of sovereignty has often been more contested and less absolute than commonly perceived. While traditional notions of sovereignty include autonomy, control, and recognition, these elements have frequently been challenged throughout history. Major powers like the United States have generally maintained these attributes, but this has not been the case for many other countries. Weaker states have often experienced significant external interference, and even powerful nations have been subject to outside influence (McGrew, 2010). For instance, China experienced occupation, and after World War II, the constitutional frameworks of Japan and Germany were significantly influenced by the United States. Additionally, the United Kingdom, although it chose not to adopt the euro, remained a member of the European Union, indicating its integration into larger supranational structures. Since the mid-20th century, state sovereignty has undergone significant transformations influenced by various international processes, particularly the integration of many states into the global political and economic arena, which has gained particular momentum today. The concept of sovereignty, rooted and legally established within the context of the Westphalian international system, has traditionally been closely linked to the state. The sovereignty crisis of national states at the end of the 20th century and the beginning of the 21st century was triggered by events such as Operation Desert Storm, conflicts in Kosovo, Panama, Afghanistan, and the accelerated development of the European Union. These transformations are also associated with the crisis of political realism as a concept in international relations (Makovetska et al., 2024). In the 21st century, the concept of sovereignty reflects global political, economic, and technological transformations. Traditionally, sovereignty has been understood as the full and indivisible power of a state within its territory, but in the context of globalization, the concept of sovereignty is expanding to include transnational influence and interstate interaction.

In Indonesia, people's sovereignty is a fundamental principle enshrined in the 1945 Constitution (UUD). Article 1, paragraph 1 states that "The State of Indonesia is a sovereign state," which indicates that people's sovereignty is the central pillar of the Indonesian government system. People's sovereignty

emphasizes that all governing power comes from the people, and the government is accountable to the people. This aligns with the views of Pickel & Pickel (2024), who state that political legitimacy must be rooted in the people's will. This concept is fundamental in democracy, where active public participation in the political process is key. In this case, people's sovereignty is not just a slogan. However, it must be realized in practice through various mechanisms that enable the public to be involved in decision-making, both at the local and national levels. According to modern state theorists, political sovereignty is characterized by two interrelated elements: the institutionalization of political power and a collective choice to acknowledge a political sovereign (MacDonald, 2018; Morrone, 2021). As we have observed in the context of European Union Member States, we have discussed the notion of shared or juxtaposed sovereignty. Nevertheless, it is important to recognize that this intricate adaptation does not undermine the fundamental nature of the concept, as it is the states themselves that consciously and voluntarily, with public support, delegate authority to a collective structure for security and prosperity (Cannizzaro et al., 2023). What we must remember is that sovereignty is acquiring new meanings and conceptual expansions to address emerging social and political needs. The concept should not be entirely discarded but rather adapted, as it remains essential and fulfills certain ongoing requirements. The changes are subtle, but the core concept will continue to be effectively utilized. It is challenging to envision a scenario in which states would abandon this term altogether. This applies to all states, and we cannot expect that all elements of the diverse array of countries worldwide will simultaneously agree to relinquish this concept. Setting aside this hypothesis, what we need to do is adapt and refine this flexible and adaptable concept (Tătar & Moïși, 2022).

Based on the 1945 Constitution, people's sovereignty is implemented through a representative system regulated in various chapters, including the People's Consultative Assembly (MPR), the House of Representatives (DPR), and the Regional Representative Council. General elections are the primary means of realizing people's sovereignty, in which the people have the right to elect their representatives. This election process is regulated in Article 22E of the 1945 Constitution, which emphasizes the importance of direct, public, free, confidential, honest, and fair elections. Thus, people's sovereignty is theoretical and must also be realized in everyday political practice, where every vote has significant meaning and impact on the direction of public policy. However, despite a clear legal framework, the implementation of people's sovereignty often encounters challenges that hinder realizing this ideal. The constitution is the legal foundation of a nation, containing guarantees of fundamental human rights and regulating the distribution of powers within the administration of government. In Indonesia, the constitution has specific roles and objectives aimed at upholding democratic principles while protecting human rights. As a legal instrument within a democratic system, the constitution holds a highly significant position in the national legal order. Elections serve as the primary means through which citizens assert their sovereignty (Firmansyah & Budiyo, 2022). Free and fair elections mean that citizens should have the ability to select their representatives without fear or coercion. Additionally, free and fair elections necessitate that legal frameworks are in place to establish rules that protect both voters and candidates while preventing electoral tensions that could undermine the principles of constitutional democracy. Beyond this role, the law must also ensure that elections do not become overly elitist by being compromised by anti-democratic practices, such as money politics and political party oligarchy. To ensure that democracy aligns with the state's philosophy, the law must fully embrace these responsibilities.

Since its establishment in 2003, the Constitutional Court has been a crucial pillar of Indonesian democracy. Emerging from a post-authoritarian era, this institution provides a channel for the general public to challenge laws based on constitutional provisions. This facility was not available during the eras

of Sukarno and Soeharto's rule, when the authority to interpret the constitution rested solely in the hands of the government. Inspired by the models of constitutional courts in Germany and South Korea, the Indonesian Constitutional Court was mandated to assess the constitutionality of laws; resolve disputes between state institutions and general election disputes at various levels (regional, national, executive, and legislative); and handle cases involving the president or vice president that may lead to impeachment proceedings in the People's Consultative Assembly. The Constitutional Court does not have lower courts under its jurisdiction, and all its decisions are final and binding. This institution is often regarded as a symbol of new hope for the enforcement of law in Indonesia, especially when compared to the Supreme Court, which has long been perceived as corrupt and susceptible to influence from the executive power (Susanti, 2017). The Constitutional Court plays a vital role as the guardian of the constitution, responsible for ensuring that constitutional values are implemented responsibly by all elements of the nation. While the decisions of the Constitutional Court are final and binding, there have been cases of defiance against its rulings, not only from the legislative and executive branches but also from the judiciary. The annulment of the Constitutional Court's decisions reflects disloyalty to the constitution. If such defiance continues, a constitutional crisis may arise, where the constitution becomes merely a semantic document, the decisions of the Constitutional Court are ignored, and political intervention undermines the independence of the Constitutional Court. This study discusses events that reflect a constitutional crisis and proposes solutions to prevent violations against the constitution (Nggilu et al., 2023).

Law plays a crucial role in maintaining the equilibrium of electoral democracy. Plato (429 BC) contends that democracy fosters the pursuit of freedom, which can ultimately disrupt societal order (Brooks, 2006). In essence, unchecked freedom within a democracy can lead to anarchy (Kabo, 2022). Therefore, the law is essential for protecting democracy. While freedom and equality are fundamental democratic principles (Is et al., 2023), they must be regulated and subjected to certain legal restrictions; otherwise, democracy may become excessive (Törnquist, 2010). This could result in the political elite dominating the system to satisfy their own power ambitions (Ferrer et al., 2025). Consequently, the law must serve as a mechanism to maintain democracy on the correct path, ensuring social justice and welfare for all Indonesian citizens. The amendments to the 1945 Constitution (from 1999 to 2002) enabled the direct election of the President, Vice President, and regional heads by the populace through a popular vote system. Meanwhile, members of the House of Representatives (Dewan Perwakilan Rakyat or DPR) and the Regional House of Representatives (Dewan Perwakilan Rakyat Daerah or DPRD) are elected using a proportional system based on majority votes. This system has significantly influenced Indonesian democracy, steering it towards a liberal model, where unfortunately, issues such as patronage, clientelism, and money politics have become prevalent due to the inadequacies of existing electoral laws. Therefore, utilizing a blend of normative and empirical data, this paper aims to pinpoint the shortcomings of Indonesian electoral laws and propose solutions to address them in order to protect electoral democracy in Indonesia (Fahmi et al., 2019).

One of the main problems is the gap between *das sollen* (what should be) and *das sein* (what actually is) in the electoral system and the resolution of electoral disputes. For example, internal party disputes are often brought before the Constitutional Court, when they should be resolved in the Party Court. This creates legal uncertainty and threatens the integrity of the democratic process (Suparto et al., 2023). In some cases, even though the Constitutional Court has issued a ruling on the election results, parties within the Party still choose to resolve disputes through the Party Court, indicating non-compliance with the Constitutional Court's ruling, which should be final and binding. The cancellation of General Election Commissions (KPU) decisions and Constitutional Court rulings by the Party Court also adds to the

complexity, where internal party decisions can override the constitutional authority of the Constitutional Court (Bima & Saputra, 2022). The principle of checks and balances, which should be the foundation for exercising people's sovereignty, often does not work effectively. In this context, the legislative, executive, and judicial branches must monitor and balance each other to prevent abuse of power. However, political practices in Indonesia often show that these branches of power can collude, which ultimately harms the people's interests. This calls for political and legal reforms to ensure people's sovereignty is truly upheld. In the legal context, implementing people's sovereignty in Indonesia is also regulated by various laws that govern democratic mechanisms. Law Number 24 of 2003 on the Constitutional Court, for example, gives the Constitutional Court the authority to adjudicate disputes over election results. However, reality shows many challenges in implementing this authority, including practices that undermine justice and legal certainty (Lesmana et al., 2022). In facing these challenges, evaluating and reforming Indonesia's legal and political systems is important. Consistent and transparent law enforcement, as well as the strengthening of democratic institutions, are key to ensuring that people's sovereignty can be properly realized. In addition, political education for the public is also critical to increase awareness and active participation in the political process (Karolčík et al., 2025). Therefore, this study aims to analyze the impact of this authority transfer on people's sovereignty and the integrity of the legal system in Indonesia.

RESEARCH METHOD

In accordance with the legal issues that are the focus of this paper, the type of research that will be used is normative legal research. Normative legal research is an approach that primarily examines positive legal provisions, legal principles, and legal doctrines to address the legal issues at hand. In normative legal research, data collection is carried out through library research using secondary data as the primary material. This involves tracing and examining relevant statutory regulations and other literature related to the problems being studied, also known as library legal research (Budianto, 2020). Normative legal research yields prescriptive results, where norms provide guidance on how individuals should behave in accordance with the provisions. This research approach involves studying law as an object, while excluding non-legal materials from its scope of inquiry (Christiani, 2016). This research aims to understand and analyze various legal aspects of the issues raised and provide solutions based on the existing legal framework. According to Rohman et al. (2024), legal writing is a process that involves discovering legal rules, legal principles, and legal doctrines to answer legal issues faced. Thus, this research focuses on data collection and in-depth analysis of the relevance and application of existing legal provisions in the context of the issues discussed. In this study, the approach used is the statute approach, which means that this paper will focus on analyzing relevant statutes. With this approach, the answers to the legal issues raised in this paper will use the relevant statutes as the basis for analysis. This is important because legislation is the primary source of applicable law and a reference in law enforcement. In this context, the issue discussed is the shift of people's sovereignty to the sovereignty of the Party Court. This shift requires a deep understanding of how existing laws and regulations can affect the power structure and legitimacy in Indonesia's political system.

Legal materials were collected using several systematic and structured methods to support this paper. First, primary legal materials were collected by gathering laws and regulations related to the issues discussed. These primary legal materials include laws, government regulations, and decisions of relevant legal institutions that can provide a clear picture of the legal framework governing the issue. Collecting these primary legal materials is crucial to ensure the analysis is based on valid and accountable legal sources. Second, collecting secondary legal materials is also integral to this research. These secondary legal

materials are sourced from various literature, such as books, draft laws, national and international journals, and legal writings or expert legal opinions published in the mass media and online news. These sources provide a broader perspective on the issues discussed and help understand the more complex legal context. By collecting secondary legal materials, the author can link existing legal theory and practice and obtain a more diverse view of the issues.

Next, regarding the management of legal materials, the author conducted a literature study through existing libraries and literature and browsed the internet to find relevant information. This process involved searching for and selecting credible and accountable sources so that the research results could be reliable. Good management of legal materials will ensure that all information obtained can be processed and analyzed effectively. After collecting legal materials, both primary and secondary data, the author will process and analyze them using qualitative descriptive analysis techniques. By linking primary and secondary data, this technique allows the author to describe all data according to the quality and nature of the legal phenomena and events that occurred. Through qualitative descriptive analysis, the author can explore the deeper meaning of each piece of data collected and understand the relationship between various existing legal elements.

After the analysis, the processed data will be presented descriptively by systematically and comprehensively describing it. A good data presentation will help answer the questions raised in this study. In this way, the author hopes to make a significant contribution to the understanding of the legal issues faced and provide constructive recommendations for improving the legal and political systems in Indonesia. Through this research, a better understanding of how law, politics, and society interact in the context of people's sovereignty and the shift of power in the existing legal system will be created. Thus, this research serves as an academic study and encourages further discussion on the importance of legal certainty and legitimacy in the context of popular sovereignty shifting to the sovereignty of the Party Court. This research is expected to provide new insights and encourage constructive debate among legal practitioners, academics, and policymakers to achieve a more just and democratic legal system in Indonesia.

RESULTS AND DISCUSSION

The Nature and Principles of Authority

Whether in formal or informal contexts, the core of authority and power within an organization is to shape, alter, direct, and influence the behavior and actions of employees toward achieving organizational goals. During the process of guiding and influencing employees, conflicts are likely to arise. Conflict, as a natural phenomenon and a part of organizational life, can occur within and between individual employees, within and between groups of employees, and even between employees and management (Eze et al., 2014). The term authority itself refers to the power and right to do something. In legal science, authority is defined as the ability to cause legal consequences through regulations and legislation (Oniszczyk, 2015). Economides (2024) explains that authority is the legitimacy given to individuals or institutions to make decisions binding on others. Legitimacy must be recognized by those under its authority, so that the power is considered legitimate and worthy of obedience. Metzger & Stack (2017) also explain that in the context of administrative law, authority derives from laws that grant bodies or officials the right to act on behalf of the state. This authority must comply with legal principles, including legality, accountability, and transparency.

In constitutional law, there are several sources of authority in carrying out duties and functions, namely:

1. The constitution is the primary source of authority in constitutional law. The constitution establishes the basic framework for dividing power among state institutions, such as the executive, legislative, and judicial branches. The constitution also establishes the fundamental rights and obligations of the state and the limitations on the power of state institutions. All powers possessed by state institutions derive from the provisions contained in the constitution.
2. Laws enacted by the legislature, such as the House of Representatives, are an important source of authority in constitutional law. Laws further regulate the implementation of the powers established by the constitution, providing operational details on how state institutions carry out their duties and functions. Laws form the basis for actions taken by state institutions in accordance with their respective areas of authority.
3. Constitutional Court decisions: The Constitutional Court can interpret the constitution and decide on disputes over authority between state institutions. Constitutional Court decisions are a source of authority because they can provide binding interpretations of the limits and exercise of authority of state institutions and invalidate laws that are considered contrary to the constitution.

In the Indonesian legal system, judicial authority is the right and obligation of judicial institutions to adjudicate and decide cases based on applicable law. The essence of the source of authority in the judicial system is based on the principles of the rule of law and constitutional supremacy, which means that all judicial authority must derive from legislation and must not conflict with the constitution. The source of authority in the Indonesian judicial system can be traced back to:

1. Constitution (1945 Constitution). Article 24 of the 1945 Constitution states that judicial power is an independent power to administer justice and uphold law and justice. Articles 24A to 24C regulate the authority of the Supreme Court (MA), the Constitutional Court (MK), and the Judicial Commission (KY).
2. Judicial Law. Law No. 48 of 2009 on Judicial Power regulates the general principles of the judicial system. Sectoral laws such as Law No. 3 of 2009 on the Supreme Court and Law No. 24 of 2003 on the Constitutional Court provide the legal basis for each judicial institution.
3. Technical Regulations and Court Decisions. Supreme Court Regulations (Perma) and Constitutional Court Regulations (PMK) serve to elaborate further provisions in judicial practice. The jurisprudence of the Supreme Court and the Constitutional Court can be a source of law for the judiciary's authority in interpreting the law.

The principles underlying the sources of authority in the Indonesian judicial system include:

1. The Principle of Judicial Independence Article 24 of the 1945 Constitution affirms that judicial power is independent and cannot be influenced by the executive or legislative branches. Judges must be free to decide cases based on law and justice without intervention from other parties.
2. The *Principle of Legality* All judicial authority must be derived from the law and may not be exercised without a valid legal basis. This principle ensures that court decisions remain within the corridor of applicable law.
3. Principle of Rule of Law The judiciary in Indonesia is based on *the rule of law*, where the law is the highest guideline in dispute resolution. Judges' decisions must be based on legal norms, not political interests or those of certain groups.

4. *Due Process of Law* Principle Every, case must be resolved through a fair, transparent, and accountable legal process. This principle guarantees that there are no violations of the rights of parties involved in the judicial system.
5. *The One Roof* System Principle. Since legal reform, the Indonesian judicial system has implemented a one-roof system under the Supreme Court to ensure independence and consistency in judicial administration.
6. Principle of Proportionality of Authority Judicial authority must be divided proportionally between the Supreme Court, the Constitutional Court, and other judicial bodies per their respective functions. The Constitutional Court has authority over the review of laws, while the Supreme Court handles appeals and reviews.

The Authority of the Constitutional Court and the Party Court in the General Election Dispute Process

The Constitutional Court is a state institution that was formed after the third amendment to the 1945 Constitution, which made changes to Chapter IX on Judicial Power by amending the provisions of Article 24 and adding three new articles. The provisions regarding the Constitutional Court in the 1945 Constitution are mandated in Article 24 paragraph (2) and Article 24C of the 1945 Constitution. The authority of the Constitutional Court as mandated in Article 24C paragraph (1) of the 1945 Constitution is as follows: The Constitutional Court has the authority to adjudicate at the first and final level, with its decisions being final, to review laws against the constitution, to decide on disputes over the authority of state institutions whose authority is granted by the constitution, deciding on the dissolution of political parties, and deciding on disputes regarding the results of general elections.

The final and binding nature of Constitutional Court decisions has a broad effect, applying to everyone, not only the parties to the dispute (*erga omnes*) (Bima & Saputra, 2022). The types of Constitutional Court decisions in the Constitutional Court Law (2003) are 1. Decision rejected. Article 56 Paragraph (5) of Law Number 24 of 2003 on the Constitutional Court regulates the verdict stating that the petition is rejected, namely "In the event that the law in question does not conflict with the 1945 Constitution of the Republic of Indonesia, both in terms of its formation and its substance, part or all of the verdict shall be rejected"; 2. The decision is "not admissible" (*Niet Ontvankelijk Verklaard*). Article 56 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court regulates the verdict stating that the petition is inadmissible, namely: "In the event that the Constitutional Court is of the opinion that the Petitioner and/or the petition does not meet the requirements as referred to in Article 50 and Article 51, the verdict shall state that the petition is inadmissible"; 3. "Granted" decision. Article 56 paragraph (2) of Law Number 24 of 2003 concerning the Constitutional Court regulates the decision stating that the petition is granted: "In the event that the Constitutional Court considers that the petition is justified, the decision shall state that the petition is granted".

In addition to the above provisions, there is also Law No. 2 of 2011 concerning Amendments to Law No. 2 of 2008 concerning Political Parties; Article 32 paragraph (1) stipulates that 'Disputes within Political Parties shall be resolved internally by the Political Party as stipulated in the AD/ART (Articles of Association and Bylaws)', paragraph (2) stipulates that "The settlement of internal disputes within a political party as referred to in paragraph (1) shall be carried out by a political party court or other body established by the political party," and paragraph (5) stipulates that "The decision of the political party court or other body shall be final and binding internally in matters of disputes relating to management." Thus, the mechanism for resolving internal party disputes currently relies on a Party Court established

based on the Party's AD/ART. The Party Court performs a quasi-judicial function, combining the characteristics of an internal party institution with judicial authority. Functionally, the Party Court has the authority to examine, adjudicate, and decide on internal party disputes, particularly management-related ones. The decisions of the Party Court are final and binding internally, but for disputes outside of management, legal action can be pursued in the general courts. Structurally, the Party Court is integrated into the party organization. However, in substance it performs judicial functions within the internal scope of the Party (Darmanto et al., 2023). The Explanation of Article 32 paragraph (1) of the Political Parties Law emphasizes that what is meant by "Political Party disputes" includes, among others: (1) disputes relating to management; (2) violations of the rights of Political Party members; (3) dismissal without clear reasons; (4) abuse of authority; (5) financial accountability; and/or (6) objections to political party decisions. The explanation of the article in question must be considered as a norm that does not conflict with the norms of the article and to complement the norms of the article in question (Septian & Abdurahman, 2021b; Septian & Abdurahman, 2021a).

The transfer of authority to resolve election disputes from the Constitutional Court to the Party Court in Indonesia has created a conflict with the decisions of the Constitutional Court, threatening the principles of accountability and transparency essential in a democracy. Internal political interests of parties often override constitutional principles, resulting in legal uncertainty and jeopardizing the democratic process. In Indonesia, popular sovereignty is a fundamental principle enshrined in the 1945 Constitution, which asserts that all governmental power originates from the people, and the government is accountable to them. The Constitutional Court plays a vital role as the guardian of the constitution, responsible for ensuring that constitutional values are implemented responsibly by all elements of the nation. However, the transfer of authority to resolve election disputes to the Party Court has raised concerns about the supremacy of law, popular sovereignty, and the effectiveness of the legal process. Decisions of the Party Court may reflect the interests of political parties rather than the aspirations of voters, and its existence in the election dispute resolution process obscures the essence of law as an independent control mechanism in democracy. The transfer of authority from the Constitutional Court to the Party Court contradicts the principle of popular sovereignty, which requires an independent and constitutionally authorized institution to resolve election disputes. Decisions of the Constitutional Court are final and binding, and have a broad impact on all people, not just the parties involved in the dispute. To ensure fair resolution of election disputes and safeguard democracy in Indonesia, legal and political reforms are necessary.

The Constitutional Court must once again play a crucial role in resolving election disputes to maintain public trust in Indonesia's democratic process. By doing so, the principles of accountability, transparency, and popular sovereignty can be upheld. Legal politicization occurs when the law is used as a tool to defend political interests, which can lead to uncertainty in the construction of the Constitutional Court's legal decisions. In legal epistemology, the law must be based on objective norms that guarantee justice, not on decisions made by political parties. By granting authority to the Party Court, legal politicization occurs, where the law is no longer used to seek truth but becomes a tool to defend political interests. The concept of sovereignty is often debated and less absolute than generally perceived. Sovereignty involves the right to exercise authority and the practical ability to do so, which leads to disputes related to sovereignty often revolving around jurisdiction and power. In a rule of law state, the law must control power, not the other way around. The transformation of the Constitutional Court into a Party Court shows that political power has taken control of the law, contradicting the principles of a rule of law state. Popular sovereignty asserts that the highest power lies in the hands of the people, and general

elections are a mechanism to realize this power. The Constitutional Court is present as an institution tasked with ensuring that the results of the election reflect the will of the people. If the Constitutional Court loses its independence, its existence as a guardian of the people's will will disappear, and it will only become a legitimation tool for certain parties. In popular sovereignty, the people are the holders of the highest power, and the government is the servant of the people. Overall, the transfer of authority to resolve election disputes from the Constitutional Court to the Party Court in Indonesia threatens the principles of accountability, transparency, and popular sovereignty. To maintain democracy and ensure a fair resolution of election disputes, the Constitutional Court must once again play a crucial role in resolving election disputes.

This case is similar to the Luxembourg case, which is an example of a constitutional regulation process against political parties. In 2008, Luxembourg revised its constitution to include provisions on political parties. During the constitutional revision process, political parties and state institutions in Luxembourg provided different justifications. The ruling parties at that time, LSAP and CSV, supported constitutional regulation of political parties on the grounds of institutional legitimacy and organizational survival. Meanwhile, opposition parties such as ADR and Greens supported stricter regulation of political parties to prevent abuse of power and ensure democracy. This article concludes that constitutional regulation of political parties is a complex process involving various actors and justifications. The regulatory model adopted by a country depends on the interests and strength of the ruling political parties. The implication of constitutional regulation on political parties is the increasing importance of political parties as agents of democracy. Additionally, this regulation can also affect the transformation of political parties and their involvement in state institutions. Overall, this article provides a comprehensive analysis of constitutional regulation on political parties and its implications for democracy (Borz, 2017). Another study also explains that regulating political parties in liberal democracies is a complex challenge. Therefore, it emphasizes the importance of achieving a balance between protecting civil liberties and preserving democratic values. Thus, a more nuanced and contextual approach is needed in regulating political parties, as well as an effective regulatory framework to address these challenges (Botelho & Garoupa, 2023). The above study is in line with a previous study Mustika et al. (2024), in the context of the Constitutional Court, dissenting opinions are the right of every judge to express a different view from the majority of judges deciding a case. The Constitutional Court's decisions in PPHU cases have an important role in strengthening democracy. By ensuring that general election processes are conducted in accordance with fair and transparent legal principles, the Constitutional Court helps maintain public trust in the general election system and its outcomes. This encourages more active political participation and strengthens the legitimacy of the elected government. The Constitutional Court's decisions also have significant implications for the enforcement of legal supremacy. By resolving PPHU disputes independently and based on the constitution, the Constitutional Court ensures that the law is applied consistently and fairly. This strengthens the notion that no one is above the law, including in the context of general elections. Strong enforcement of legal supremacy promotes obedience to the law and strengthens the foundation of the rule of law in Indonesia.

There are several party courts within political parties in Indonesia, whose decisions are reviewed in this paper, namely:

1. Partai Demokrasi Indonesia Perjuangan (PDI P) Court for the 2019-2024 Term based on the PDI P Articles of Association and Bylaws for the 2019-2024 Term (PDI P Articles of Association and Bylaws for the 2019-2024 Term). Based on Article 39 paragraph (2), the Party's organs at the Central Leadership Council (DPP) level consist of: a. the Party Court; b. the Party Ethics and

Discipline Committee; c. the Party Faction; d. Party Bodies; and e. the Party Secretariat. Based on Article 40 paragraph (1) of the AD/ART PDI P for the 2019-2024 term, the DPP Party formed a Party Court to resolve disputes that arise within the Party. Based on Article 40, paragraph (2) of the PDI-P AD/ART for the 2019-2024 term, the Party Court is located at the DPP Party office. Based on Article 40 paragraph (3) of the PDI-P AD/ART for the 2019-2024 term, further provisions regarding the Party Court are regulated in the Bylaws.

2. Party Court, Partai Gerakan Indonesia Raya (Gerindra) 2020. Based on the Articles of Association and Bylaws of the Great Indonesia Movement Party (AD/ART) Gerindra 2020, Article 69 paragraph (1) of the AD/ART Gerindra stipulates that the Central Leadership Council of the GERINDRA Party, with the approval of the Chair of the Advisory Council, shall form a Party Court called the Honorary Council. Based on Article 69 paragraph (2) of the AD/ART Gerindra, the composition of the Honorary Council is determined by the Chair of the Board of Trustees and ratified by a Decree of the Central Leadership Council of the GERINDRA Party with the approval of the Chair of the Board of Trustees. Based on Article 69 paragraph (3) of the Gerindra Party's Articles of Association and Bylaws, further regulations as referred to in paragraphs (1) and (2) above are stipulated in the Bylaws.

Review of Constitutional Court Decision Number 155-02-31/PHPU.DPR-DPRD/XVII/2019

Constitutional Court Decision No. 155-02-31/PHPU.DPR-DPRD/XVII/2019 dated August 8, 2019, relates to the PHPU of the Members of the House of Representatives (DPR) and Regional House of Representatives (DPRD) in 2019. In this case, the Petitioner is Johan J. Lewerissa from the Gerindra Party, who filed a lawsuit related to the election results in the Maluku I - Ambon City Electoral District. He challenged the KPU decision to declare Robby B. Gaspersz as the elected candidate with 5,507 votes, while Johan received 5,254. After the trial process, the Constitutional Court rejected Johan J. Lewerissa's petition and confirmed that Robby B. Gaspersz was the legitimately elected candidate. However, there were internal dynamics within the Gerindra Party. The Gerindra Party Court decided to dismiss Robby B. Gaspersz from party membership and appointed Johan J. Lewerissa as his replacement. The Party Court's decision sparked controversy because it was considered to have ignored the Constitutional Court's decision that had confirmed Robby as the elected candidate. This case highlighted the conflict between the decisions of state judicial institutions and internal decisions of political parties. It raised questions about the rule of law and respect for the democratic process. The Petitioner in this case submitted several points, including:

1. Electoral Administration Violations: The Petitioner claims that there were errors in the vote counting, data discrepancies, or violations of electoral administration procedures.
2. Election Fraud: The Petitioner alleges fraudulent practices, such as double voting, counting invalid votes, or manipulating election results.
3. Violation of the Principles of Direct, Public, Free, Confidential, Honest, and Fair Elections (LUBER JURDIL). The Petitioner considers that the election process did not fulfill the LUBER JURDIL principles, so the results did not reflect the people's will.

With the victory of Johan Johanis Lewerissa, SH. MH's lawsuit, Robby Gaspersz, SH took another legal route by filing his lawsuit with the South Jakarta District Court. However, his lawsuit was rejected by the South Jakarta District Court, which he then appealed to the Jakarta High Court. and even now, the legal

process still being pursued by Mr. Robby Gaspersz, SH is to register a Review (PK) of the Supreme Court (MA) Decision Number: 3776. K/PDT/2021, dated December 13, 2021.

The author believes that the resolution of election dispute cases (PHPU) is the responsibility of the Constitutional Court. The legal basis for the procedural rules for PHPU for members of the DPR and DPRD is Constitutional Court Regulation Number 2 of 2018 concerning Procedural Rules in Cases of Disputes over the Results of Elections for Members of the DPR and DPRD (PMK 2/2018). Based on Article 5 of PMK 2/2018, it is stipulated that the object in PHPU for members of the DPR and DPRD is the Respondent's Decision regarding the determination of vote counts in the elections for DPR and DPRD members at the national level that affects the seats of the Petitioner and/or the election of candidates for the DPR and/or DPRD as referred to in Article 3 paragraph (1) in an electoral district.

Based on Article 3 paragraph (1) of PMK 2/2018, it is stipulated that the Petitioner, as referred to in Article 2 letter a, is: a. Political parties participating in the elections for the DPR and DPRD; b. Individual candidates for membership of the DPR and DPRD within the same Political Party who have obtained written approval from the chairman and secretary general or other equivalent positions of the Political Party concerned; c. Local political parties participating in the elections for membership of the Regional People's Representative Council (DPRA), and DPRK; d. Individual candidates for membership of the DPRA and DPRK from the same local political Party who have obtained written approval from the chairperson and secretary-general or other equivalent positions of the local political Party concerned.

Review of Decision Number 620/Pdt.Sus Parpol/2019/PN.Jkt.Pst

In its ruling, Defendant II (the Party Court) clearly indicated that Defendant II (the Party Court) had examined and ruled beyond its authority. This clearly violates Article 24C paragraph (1) of the 1945 Constitution. "The Constitutional Court has the authority to adjudicate at the first and final level, whose decisions are final, to review laws against the constitution, to decide on disputes over the authority of state institutions whose authority is established by the constitution, to decide on the dissolution of political parties, and to 'decide on disputes over the results of general elections', and Article 474 paragraph (1) of Law Number 7 of 2017 concerning Elections "In the event of a dispute over the determination of the vote count for members of the DPR, DPD, and DPRD at the national level, participants in the elections for members of the DPR, DPD, and DPRD may submit a request to the Constitutional Court to cancel the determination of the vote count by the KPU. Defendant II (the Party Court) not only misapplied the law regarding the authority to review disputes over election results, but also made unfounded and fabricated arguments in its decision, as stated by Defendant II (Party Court) in its Decision Number: 34/M.PDIP/VIII/2019, regarding the considerations of the decision as quoted below, two of which are:

1. Consideration of Decision Number 34/M.PDIP/VIII/2019, that the reported Party can prove the loss of 10 votes in Banda Efruan Village, East Kei Besar Subdistrict, Southeast Maluku Regency, based on form C-1. The complainant received 13 votes, but on the DA1-DPRD Province form, only three votes remained. The Respondent did not dispute this with comparative data (quoted from decision No. 34/M.PDIP/VIII/2019). Fact: according to the data of the Plaintiff (Welhelm) as the Respondent in the Party Court decision, namely Data C1 in Banda Efruan Village TPS 02, the Reporter (Benhur) received 3 votes and the Plaintiff (Welhelm) as the Respondent received 10 votes.
2. In its Consideration, Decision Number 34/M.PDIP/VIII/2019 established that the complainant (Benhur) was able to prove the addition of eight (8) votes for the reported Party (Welhelm) in Banda Efruan Village, Kei Besar Utara Timur District, Southeast Maluku Regency. Based on Form

C1, the reported Party (Welhelm) obtained twenty (20) votes; however, in Form DA1-DPRD of Maluku Province, the votes for the reported Party (Welhelm) increased to twenty-eight (28) (excerpt from Decision No. 34/M.PDIP/VIII/2019).

Defendant I (the Central Executive Board of PDI-P) through the Regional Executive Board in Maluku Province submitted Letter Number: 04/IN/DPD.23/IX/2019 dated 21 September 2019 to Welhelm concerning a summons for the delivery of the Party Court's decision, the contents of which, as quoted, state: 'referring to the Letter of the Central Executive Board of PDI Perjuangan Number: 709/IN/DPP/IX/2019 regarding the Instruction for the Implementation of the Party Court's Decision on the internal party dispute report between Benhur and Welhelm (the reported party).' The underscored phrase 'internal party dispute' clearly records that the Central Executive Board of PDI-P (Defendant I) and the Party Court of PDI-P (Defendant II) have misinterpreted and, even more dangerously, wrongly classified an electoral dispute as an internal party dispute. The wording of the letter as quoted above shows that Defendant I (PDI-P Central Executive Board) through Defendant II (Party Court) deliberately violated its authority to examine Election Result Disputes, which legally should be the authority of the Election Supervisory Agency as stipulated in Articles 94 and 95 of Law No. 7 of 2017 on General Elections (Elections Law) and the Constitutional Court as stipulated in Article 24C of the 1945 Constitution and Article 474 paragraph (1) of the Elections Law.

On September 25, 2019, Defendant I (DPP PDI P) sent an invitation letter Number: 717/IN/DPP/IX/2019 to the Defendant (Benhur) with the intention stated in the letter's agenda, namely Internal Party Organization Consolidation, but in fact, during the meeting, the Plaintiff (Welhelm) was asked to resign from his membership in the PDI P.

The Plaintiff (Welhelm) was given an invitation on September 16, 2019, to attend the Special Plenary Meeting of the Maluku Provincial DPRD in the context of the Swearing-in of Members of the Maluku Provincial DPRD for the 2019-2024 term, but the Plaintiff (Welhelm) could not be inaugurated as a People's Representative. On September 24, 2019, Defendant I (DPP PDI P) issued Decree Number: 07/KPTS/DPP/IX/2019 regarding the dismissal of Welhelm Daniel Kurnala from membership of Partai Demokrasi Indonesia Perjuangan, which was based on the decision of Defendant II (PDI-P Party Court) Number 34/M.PDIP/VIII/2019 dated August 16, 2019, and the Plaintiff (Welhelm) was not given the opportunity to file an objection because Defendant I (PDI-P Central Executive Board) continuously asked the Plaintiff (Welhelm) to resign from PDI-P membership.

The author argues that the reason for resigning from a political party is based on legal reasoning, namely that Article 16 paragraph (1) of the Political Parties Law stipulates that "A member of a political party shall be dismissed from the political Party if: a. He/she dies; b. He/she resigns in writing; c. He/she becomes a member of another political party; or d. He/she violates the Party's statutes. The case involving the Plaintiff (Welhelm) cannot be classified under Article 16 paragraph (1) of the Political Parties Law. The PDIP Party Court (Defendant II) has abused its authority to examine the results of the general election, which, according to the law, is the authority of the Constitutional Court. According to the PDIP AD/ART, Defendant II (the PDIP Party Court) only has the authority to resolve disputes related to: a. Management; b. Violations of Party members' rights; c. Termination of membership or dismissal without clear reasons; d. Abuse of authority; e. Financial accountability; and/or; f. Objections to Party decisions. The legal reasoning for political party disputes is regulated in Article 32 and the Explanation of Article 32 of the Political Parties Law, which defines Political Party Disputes as 1. Disputes relating to management; 2. Violations of the rights of political party members; 3. Dismissal without clear reasons; 4. Abuse of authority; 5. Financial accountability.

Implementation of the Authority of the Constitutional Court and the Party Court in the General Election Results Process

The shift of authority from the Constitutional Court to the Party Court in resolving PHPU has caused serious problems in Indonesia's legal and democratic systems. Based on legal and constitutional analysis, this shift is contrary to the principles of the rule of law, people's sovereignty, and enforcing fair law. The Constitutional Court itself plays a crucial role in Indonesia's constitutional system, especially in resolving disputes regarding election results. This authority is granted by the 1945 Constitution and related laws to ensure that the democratic process is fair and transparent. The 1945 Constitution does not explicitly regulate the resolution of election result disputes, only in Article 24C paragraph (1), which regulates the Constitutional Court, namely that one of the constitutional powers of the Constitutional Court is to adjudicate at the first and final level, whose decisions are final in resolving election disputes. Article 74 paragraph (2) of the Constitutional Court Law stipulates that PHPU can only be filed against election results determined nationally by the KPU that affect: (a) the election of candidates for the House of Representatives; (b) the determination of candidate pairs entering the second round of the presidential and vice presidential elections and the election of the presidential and vice presidential candidate pairs; (c) the number of seats won by political parties participating in the elections in a particular electoral district. The Constitutional Court is only given the authority to recalculate votes without being able to consider violations that are very likely to occur in the election process. With respect to election violations and electoral process disputes, pursuant to Law No. 7 of 2017, they are resolved by the Election Supervisory Committee and the Supreme Court; in this case, the Election Supervisory Body (BAWASLU) through its hierarchical structure (Sari et al., 2023; Zarkasi et al., 2025).

The shift in the authority of the Constitutional Court to become a "Party Court" in handling PHPU is a serious threat to the principle of the rule of law (*rechtsstaat*). This phenomenon not only undermines the judiciary's integrity but also damages the foundations of the rule of law theory, which is built on the values of justice, legal certainty, and benefit. People's sovereignty is a fundamental principle of democracy, which affirms that the highest power lies in the hands of the people, and general elections are the main mechanism for realizing this principle. If the Constitutional Court, as the guardian of the constitution, shifts to become a tool of partisan interests, this will undermine the essence of people's sovereignty and damage democracy.

People's sovereignty requires that the people's votes in elections be counted and recognized fairly. If partisan interests influence the Constitutional Court's decision, the election results no longer reflect the will of the people, but rather the will of a particular party. The concept of democracy emphasizes people's participation in the political process through fair, transparent, and honest election mechanisms. This participation not only stops at the voting stage, but also includes the people's right to legal protection in the event of PHPU. In this context, the shift of authority to resolve disputes from the Constitutional Court to the Party Court raises fundamental questions regarding the effectiveness and fairness of the legal process, which has implications for respect for the sovereignty of the people. Historically, the Constitutional Court has had exclusive authority to adjudicate PHPU in accordance with Article 24C of the 1945 Constitution. However, with the court decision in case 620/Pdt.Sus-Parpol/2019/PN.Jkt.Pst and Constitutional Court Decision Number 155-02-31/PHPU.DPR-DPRD/XVII/2019, there has been a shift of authority to the Party Court. This has given rise to several fundamental problems, namely.

1. Violation of the principle of *due process of law*. The Constitutional Court, as a constitutional judicial institution, has stricter and more independent standards for handling cases than the Party Court, which tends to have ties to political parties.

2. Disregard for people's sovereignty: The Party Court is not an independent state institution, so its decisions have the potential to reflect the interests of political parties rather than the aspirations of voters.
3. Decreased legal effectiveness and certainty, as having two institutions handling election disputes risks creating overlapping authority and differing decisions that could undermine legal certainty for election participants.

Ontologically, the law must function as an instrument for protecting the political rights of the people. The shift of PPHU authority from the Constitutional Court to the Party Court contradicts this principle because it weakens the *checks and balances* mechanism in elections. As part of the internal structure of a party, the Party Court does not have a neutral position in upholding electoral justice, so its existence in the PPHU obscures the essence of the law as an independent control mechanism in democracy. A constitutional state (*rechtsstaat*) is built on the principle that the law is the highest authority, not political power. If the Constitutional Court shifts to a Party Court, the essence of a constitutional state will be replaced by a state controlled by political interests. The Constitutional Court is tasked with safeguarding the constitution and ensuring that all government and election actions follow the law. If the Constitutional Court loses its independence, its existence as the guardian of the constitution will disappear, and the Constitutional Court will only become a political tool. In a constitutional state, the law must control power, not vice versa. The shift of the Constitutional Court into a Party Court shows that political power has controlled the law, contrary to the principle of a constitutional state. Popular sovereignty affirms that the highest power lies in the hands of the people, and elections are the mechanism for realizing this power. If the Constitutional Court shifts to become a Party Court, the essence of popular sovereignty will be replaced by party sovereignty, where a handful of political elites holds power. The Constitutional Court exists as an institution tasked with ensuring that election results reflect the people's will. If the Constitutional Court loses its independence, its existence as the guardian of the people's will will disappear, and the Constitutional Court will only become a tool of legitimacy for certain parties. In popular sovereignty, the people are the holders of the highest power, and the government is the people's servant. If the Constitutional Court becomes a Party Court, this relationship will be reversed, where parties hold power, and the people become mere objects.

Law enforcement is the process of ensuring that the law is upheld fairly and consistently. Suppose the Constitutional Court becomes a Party Court. In that case, the essence of law enforcement will be replaced by the enforcement of political interests, where the law is used as a tool to serve partisan interests. The Constitutional Court is the highest law enforcement institution tasked with safeguarding the constitution and ensuring the law is enforced fairly. If the Constitutional Court loses its independence, its existence as a law enforcer will disappear, and it will only become a tool of legitimacy for certain parties. Legal democracy is a system that combines the principles of democracy (people's sovereignty) with *the rule of law*. If the Constitutional Court becomes a Party Court, the essence of constitutional democracy will be replaced by a system controlled by political interests, where the law is used as a tool to serve partisan interests. The Constitutional Court exists as an institution tasked with upholding the constitution and ensuring that the democratic process runs according to the law. If the Constitutional Court loses its independence, its existence as the guardian of constitutional democracy will be lost, and the Constitutional Court will only become a tool of legitimacy for certain parties.

Epistemologically, the Constitutional Court uses methods based on constitutional law and the principles of *free and fair elections*. In contrast, the Party Court tends to apply an approach based on internal party rules that are not always transparent and can be influenced by political interests. This raises

serious questions about the validity and legitimacy of the Party Court's decisions in determining election result disputes. Based on the theory of the rule of law (*Rechtsstaat or Rule of Law*), it is emphasized that a) the state must act in accordance with applicable laws and may not act arbitrarily; b) individual rights must be guaranteed by law, including the political rights of citizens in elections; c) the law must be enforced fairly, not as a tool for the interests of certain political interests or groups. Case 620/Pdt.Sus Parpol/2019/PN.Jkt.Pst and Constitutional Court Decision Number 155-02-31/PHPU.DPR-DPRD/XVII/2019 shows a change in the epistemological structure in the resolution of election disputes, which raises several significant issues:

1. Paradigm Shift in the Resolution of Election Disputes, whereby previously, PHPU disputes were handled by the Constitutional Court, which had a resolution method based on the constitution, democratic principles, and the rule of law. After the authority shift, the Party Court also has the authority to resolve PHPU disputes, which means there has been a change in the method of legal resolution from a judicial approach to a political party approach. Epistemologically, this changes the source of legal validity in PHPU, from constitutional law to internal party law, which has political bias.
2. A state based on the rule of law must base the validity of legal decisions on the principles of impartiality, independence, and substantive justice. It must avoid crises of validity and objectivity in the resolution of PHPU. The decisions of the Party Court do not have strong epistemological validity because their source of regulation comes from internal party rules, not higher laws such as the constitution. The judicial process in the Party Court does not have strict standards of objectivity because the Party has a direct interest in the decision. There is no guarantee of transparency and independence in the legal process in the Party Court, so there is a risk of bias and abuse of authority.
3. In legal epistemology, consistency in legal methods is important to ensure justice and legal certainty. With two institutions having authority in PHPU (the Constitutional Court and the Party Court), there are two different resolution methods, which can result in contradictory and confusing decisions. As a result, legal truth becomes relative, depending on the dominant political interests within the Party, rather than on objective and universal law.

The shift of PHPU authority from the Constitutional Court to the Party Court has led to several epistemological consequences that are dangerous to legal justice, whereby the law becomes a political tool (politicization of law). In legal epistemology, the law must be derived from objective norms that guarantee justice, not from political party decisions. By giving authority to the Party Court, the politicization of law occurs, where the law no longer seeks truth but becomes a tool to defend political interests. Furthermore, it can cause uncertainty in the construction of PHPU law. In legal science, legal certainty is very important to maintain democratic stability. When there are two institutions with authority in PHPU, legal certainty is lost because decisions can differ and there is no single standard for resolving election disputes. On the other hand, this leads to a denial of the principles of democracy and people's sovereignty. The epistemology of democracy states that legal truth in elections must be based on the voice of the people, not internal party decisions. If the Party Court can change the election results, then legal truth is no longer determined by the voice of the people, but by the party elite, contrary to the principles of democracy. A state based on the rule of law must make every legal decision based on legitimate and accountable methods. With two methods of resolution in PHPU (the Constitutional Court and the Party Court), there is fragmentation in the judicial system, which weakens legal legitimacy and reduces public trust.

CONCLUSION

The concept of people's sovereignty, as enshrined in Article 1, paragraph (2) of the 1945 Constitution of Indonesia, posits that the highest power resides in the hands of the people. This fundamental principle must serve as the primary foundation for any regulatory changes, particularly in the context of elections and election results, including the handling of election disputes by the judiciary. The recent shift of authority to resolve election disputes from the Constitutional Court to the Party Court has far-reaching implications for the legitimacy and independence of election dispute resolution. The Constitutional Court, as an independent institution, has been the cornerstone of ensuring justice and transparency in the electoral process. Its independence and impartiality have been critical in maintaining public trust and confidence in the electoral process. In contrast, the Party Court, as part of the political party structure, risks being compromised by conflicts of interest and a lack of objectivity. This raises a critical question: can an institution affiliated with a political party guarantee neutrality, This is especially concerning when the internal interests of the party override the principle of popular sovereignty enshrined in the constitution. From an epistemological perspective, the change in authority could impact the validity of election results, as the verification process becomes more internal to the Party. This could lead to concerns about the reliability and accuracy of the results. Furthermore, from an axiological perspective, the justice and public interest in democracy could be threatened if election disputes are resolved by an institution that is not independent. Therefore, this policy change must be thoroughly reviewed to avoid undermining transparency and the integrity of the electoral process. It is essential to note that the Party Court's decision does not have binding legal force in determining election results by the General Elections Commission (KPU). This is due to the limited authority of the Party Court, which only functions as a resolution of internal political party disputes and not as an institution authorized to adjudicate election result disputes. Consequently, in Indonesia's electoral legal system, the Party Court's decision cannot be used as a basis for the KPU in determining election results, as this authority rests entirely with the Constitutional Court. This finding highlights the need for legal clarity regarding the limitations of the Party Court's authority and the role of the KPU in ensuring legal certainty in the election process. The shift of authority from the Constitutional Court to the Party Court is contrary to the principle of people's sovereignty, which requires an independent and constitutionally authorized institution to resolve election disputes. Therefore, it is crucial to revisit this policy change and ensure that the electoral process is protected from any potential biases or manipulations that could undermine the democratic principles of transparency, accountability, and fairness. In light of these concerns, it is imperative to re-examine the policy change and consider the potential consequences of allowing a party-affiliated institution to handle election disputes. The integrity of the electoral process and the trust of the people in the democratic system depend on it.

The recommendations that can be given are: 1) Returning the Authority to Resolve Election Disputes to the Constitutional Court (MK): The authority to resolve election disputes should be returned to the Constitutional Court (MK) as an independent and impartial institution. The MK has played an important role in maintaining a fair and transparent electoral process. By returning this authority, it is expected that the MK can once again play its important role in resolving election disputes; 2) Revision of Laws: A revision of laws is necessary to ensure that the electoral system runs fairly and transparently. This revision should aim to strengthen the independence of the MK and ensure that the electoral process runs free from political interference. 3) Increasing Transparency: Increasing transparency in the electoral process and resolving election disputes is very important. Transparency can help increase public trust in the electoral process and ensure that election disputes are resolved fairly; 4) Political Education: Adequate

political education is very important to increase public awareness and participation in the political process. Political education can help increase public awareness of their rights and obligations in the electoral process; 4) Strengthening Judicial Institutions: Strengthening judicial institutions, including the MK, is very important to ensure that the electoral process runs fairly and transparently. This strengthening should aim to increase the independence and impartiality of judicial institutions; 5) Avoiding Legal Politicization: Legal politicization should be avoided in the electoral process and resolving election disputes. Legal politicization can help increase public trust in the electoral process and ensure that election disputes are resolved fairly; 6) Improving Democracy: Improving democracy in Indonesia is very important to ensure that the electoral process runs fairly and transparently. Improving democracy can help increase public trust in the electoral process and ensure that election disputes are resolved fairly. By implementing these recommendations, it is expected that the electoral process in Indonesia can run more fairly, transparently, and democratically.

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