



Legal Standing Provision to The Community on Disputes Over The Results of Regional Elections With A Single Candidate In Constitutional Court

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Abstract

This article discusses Constitutional Court Regulations Number 6 of 2020 which regulates parties who can be applicants in disputes over the results of Regional election with a single candidate are only candidate itself and election monitors, but ignores the right for community to become applicants. This paper argues that legal standing in disputes over the results of regional head elections with a single candidates should also be given to the community based on: community is a real subject involved in elections, and has an impact on the election of regional heads, the right to argue and actualize themselves in the democratic process, then the state should be able to open an opportunity for the public. The approach method used is normative juridical with secondary data. This paper concludes with the existence of a mechanism that provides access to the public as applicants in disputes over the results of regional elections with one pair of candidates, the community does not only play a role in choosing the options offered by the political system but is able to speak out over the circumstances created by the system.

Keywords: Election Result Dispute; Legal Standing for Community; Electoral Justice; People's Sovereignty; Human Rights.

1. Introduction

The regulation on the subject of law that has legal standing in disputes over the results of regional head elections with a single candidate is contained in the Constitutional Court Regulation (PMK) Number 6 of 2020 on guidelines for proceedings in disputes over the results of governors, regents, and mayors election. In this case, the subjects who have legal standing are only candidates and election monitors. If you look carefully at the rule, according to the author, it still does not meet the sense of justice in protecting the interests and constitutional rights of citizens, in this case, it is the community in the constituency in question. The regional election with a single candidate makes the public faced with the limitation of choice between agreeing to choose a single candidate or not. When a single candidate wins the election, the people in the constituency have no chance to challenge the result. Whereas the community also has the same opportunity to defend its constitutional rights that feel reduced by the results of regional elections with one pair of candidates. Public access to achieving justice is still limited by law so legal certainty and justice for the community are not fully accommodated by legal politics in Indonesia.

Philosophically, the regional head election (Pilkada) is a means of implementing popular sovereignty in the mechanism of filling executive positions at the regional level. After the issuance of Government Regulation instead of Law (Perppu) No. 1 of 2014 on the election of governors, regents, and mayors, mandates simultaneous regional head elections scheduled in 2015. Simultaneous elections aim to create political equity, local accountability, and local responsiveness. Thus, democracy at the local level is closely related to the level of participation and power relations that are built based on the application of the principle of popular sovereignty (Arifulloh, 2015). Through the regional election, democracy is expected to run ideally by presenting healthy competition among candidates to get qualified leaders.

Since the first simultaneous elections were held in 2015, the polemic increasingly emerged when at the end of the registration period of regional head elections, there were four regions with a single candidate. These areas are

Mataram City, Tasikmalaya Regency, Blitar Regency, and North Central Timor Regency (Arif, 2017). Whereas the provisions in the law require pilkada followed by 2 pairs of candidates. According to Djayadi Hanan, there are at least three causal factors. First, there is a tightening of the requirements to advance as an independent candidate by having to show the support of the population of 6.5 to 10 percent as evidenced by the identity card (KTP), as well as pairs of candidates from political parties that have at least 20 percent of Regional Legislative Council (DPRD) seats or 25 percent of the votes obtained in legislative elections. Second, the decision of the Constitutional Court requires members of The House of Representatives/Regional Legislative Council (DPR/DPRD) to quit their positions if they want to become participants in the regional elections. Third, in addition to these two factors, the weakness of party regeneration, interparty collusion, and the weakness of the party's policy orientation (ideology) also contribute to various factors causing the phenomenon of single candidates in the elections (Hanan, 2015).

To resolve the problem, on September 29, 2015, the Constitutional Court read out the decision number 100/PUU-XIII/2015 which in essence provides a breakthrough by providing alternative options on the ballot containing "agree" or "disagree". The decision is indeed a solution to the existing circumstances, but on the other hand, raises other legal problems related to the election dispute after the vote count. Therefore, MK issued PMK no. 2 the year 2016 on guidelines for proceedings in disputes over the results of the election of governors, regents, and mayors with a single candidate which later was changed by PMK number 6 of 2020 on guidelines for proceedings in disputes over the results of governors, regents, and mayors election. Based on the provisions of the PMK, the parties who can be applicants are not only candidates for election participants, but also there are election monitors who have been registered and accredited by the General Elections Commission (KPU). Although the rule seems progressive because it gives legal standing to election monitors, the rule still ignores the right of the general public to apply to the Constitutional Court.

In the simultaneous elections in 2015, Tasikmalaya Regency became one of the areas whose election results were sued to the Constitutional Court, with the applicant for a dispute over the results of the elections (Election Results Dispute) came from election monitors (Dyah Dwi A, 2016). However, the panel judges disputed the legal standing or legal position of the applicant. Because most of the plaintiffs who became election monitors were students who did not have a monitoring certificate. While those election monitors who are not students only one person from the Tasikmalaya Communication Forum (FKMT) who have been certified for the elections in 2012 (Aqif, 2016). Based on the election monitoring certificate has expired and the students are not election monitors members, the court rejected the applicant's application. This of course destructing the constitutional rights of citizens and the opportunity of citizens to seek justice in the Constitutional Court is also an injured because the law which only allows election monitors accredited by the KPU to apply to the Constitutional Court, in addition to the single candidate itself.

This study is important to be discussed because the right to argue and actualize themselves in the democratic process is a fundamental right that has been guaranteed by the Constitution. Society has an important role in achieving the ideal democratic life order. Then the state should also be able to open opportunities for the community to participate in filling the space as a form of State facilitation in providing constitutional rights which in this case gives the right for the community as an applicant in the election results disputes with a single candidate in the Constitutional Court. Thus there is no longer a barrier for the general public to participate as a petitioner in the election results dispute with a single candidate, thus not only returning the constitutional rights of the people to their rightful place but also the state managed to create a healthy democratic ecosystem. The right to equality before the courts and a fair trial is a key element for the protection of human rights and is a procedural tool in law (Nations, 2016). Based on the things that the author has described above, the concept of granting legal standing of the community as an applicant in resolving disputes over election results in the Constitutional Court is an interesting thing to be discussed and studied further. Therefore, the author will make a study on the reformulation of legal policies that can create access to justice in the community. The author will write it down in a study entitled "legal standing provision to the community as an applicant in the settlement of disputes the results of the Regional Head election with a single candidate in Constitutional Court".

From the background that the author has described, the formulation of the problem that the author will discuss is:

- a. How is the process of resolving disputes on the results of regional elections with a single candidate conducted in the Constitutional Court today?
- b. How is the provision of legal standing to the community as an applicant in resolving disputes over the results of regional head elections with a single candidate in the Constitutional Court?

2. Method

This research is structured using normative juridical research, namely legal research methods, by examining library materials or secondary data. The typology of this study is prescriptive, which is research that aims to provide a way out or advice in overcoming a problem (Sri Mamudji, 2005). This study has the form of prescriptive-analytical research results, namely studying the purpose of the law, the values of justice, the validity of the rule of law, legal concepts, and legal norms (Sri Mamudji, 2005). This study uses the technique of collecting legal materials through the study of literature (library research) to search, inventory, record, study, and cite data obtained from scientific articles, journals, legal dictionaries, and books that support this research. The method used in this study is qualitative analysis, which describes the quality data in the form of sentences that are orderly, sequential, logical, not overlapping, and selective, thus facilitating the interpretation of data and understanding the results of the analysis (Muhammad, 2004).

3. Results and Discussion

3.1 *Disputes Settlement Over Regional Election Results With A Single Candidate In The Current Constitutional Court*

Elections are a mainstay feature and 'basic predicate' of democracy (Ginsburg, 2018). There is some relation between democracy and rule of law. According to John Forejohn and Pasquale Pasquino in Haridison said that democracy and the rule of law are formed into two different institutions, but both are always in contact with each other and there can be tension because democratic institutions and legal institutions can also act as law-formers (Anyualatha Haridison, 2021). When legal institutions succeed in gaining broad authority to regulate and organize social interactions, the role of democratic institutions will be limited. Conversely, when the parliament or executive institution can claim the highest authority to make the rule of law, the legal institution is demoted to obey as the agent of the democratic institution. This is why democracy can change everything, including the power of law itself. The rule of law is effective and valuable in democracy because it promotes the following: responsibility, reciprocity, and trust. After all, these values embody what good governance and democracy stand for. The evidence of the problem in developing societies, which is in the non-implementation of a functional rule of law could be seen in the disregard and manipulation of the national constitution; election and electioneering fraud; abuse of political power; legal and judicial perversions; low regard for the electorates among others (Olatunji, 2013). If the quality of democracy is still poor and far away from its ideal condition, the rule of law cant be straightened up completely.

Democracy can be divided into normative democracy and empirical democracy (Huda, 2011). Normative democracy is a generalization of democratic ideas or ideals in the philosophical field, while empirical democracy is its implementation in a field that does not always align with normative ideas (Huda, 2011). Simultaneous elections that occur in several regions in Indonesia are one form of empirical democracy. The emergence situation of a "single candidate" is a state that normatively does not correspond to what is ideals, but at the stage of its implementation with all possibilities, it can happen through an electoral mechanism outside its ideal circumstances. This means that the implementation of an ideal order of democracy is strongly influenced by the various political systems that occur in the area concerned. Whereas if analyzing the meaning of the election, the requirements of a regional head candidate determined by the legislation are the subject of law. So if the regional election as a law subject compared with the non-law subject (statement agree or disagree) certainly can be said it is not a regional election, but more similar to a referendum.

The model of interpretation carried out by the Constitutional Court through the decision of the Constitutional Court Number 100/PUU-XIII/2015, shows the paradigm shift of the Constitutional Court in putting who can compete with the candidate (Ali M. M., 2015). That is the constitutional policy of the Constitutional Court which changes the election regime of candidates into a referendum option, although it is only placed as an emergency exit, meaning that the election with a single candidate is the last attempt after passing through all stages of nomination which ultimately failed to produce at least 2 pairs of candidates. However, the election situation that only produces one pair of candidates is indeed a solution to the existing circumstances, but on the other hand, raises other legal problems related to the election dispute after the vote count.

Settlement of local election disputes is an important aspect of a local election. The quality of local election dispute settlement represents the quality of the local election itself. The quality of local elections will influence the quality of local democracy (Mokhtar, 2015). Currently, the mechanism for resolving disputes over election results in the Constitutional Court is implemented based on Constitutional Court Regulation No. 6 of 2020 on procedures in disputes regarding the results of the election of governors, regents, and mayors. This rule also set the procedures in disputes regarding the results of the election of governors, regents, and mayors with a single candidate. In

Constitutional Court Regulation Number 6 of 2020, legal standing as an applicant is not only given to candidates only but also to election monitors in the case of settlement of disputes over election results with one pair of candidates.

The definition of election monitors is not explicitly set out in the law on elections. The definition of election monitoring can be found in the In Constitutional Court Regulation no. 6 of 2020, which states that election monitors are domestic monitors registered and obtained accreditation certificates from provincial KPU/KIP or Regency/City KPU/KIP. Meanwhile, the election monitoring requirements are regulated in Article 123 paragraph (3) of law no.10 the year 2016, which are required to qualify including:

- a. independent;
- b. have a clear source of funds; and
- c. registered and obtained accreditation from KPU, KPU province/KIP Aceh, and KPU/KIP Regency/City following the scope of the monitoring area.

Furthermore, to be an election monitor, in Article 125 paragraph (2) of law no.10 the year 2016 candidate of monitoring institutions must register to the KPU with administration requirements as follow:

- a. organization profile monitoring agency;
- b. name and number of monitoring members;
- c. allocation of members monitoring the election of Governor in each province, Region/City, and District;
- d. allocation of members monitoring the election of Regents and mayors in each Region/City and District;
- e. plan and schedule monitoring activities and areas to be monitored;
- f. name, address, and board occupation monitoring agency;
- g. recent photographs of the board of monitoring agencies; and
- h. source of funds.

After the election monitor is accredited, the election monitor has the right to perform monitoring duties in the electoral district which is the monitoring area as submitted to the KPU. Regarding the threshold of application submission, in the Constitutional Court regulation, there are provisions regarding the difference in the number of disputed votes regulated in Article 158 of law no.10 of 2016, which ranges from 0.5% to 2% of the valid votes set by the KPU, depending on the number of residents in the constituency concerned. The details are as follows:

a. Province

The province with a population of 2 million inhabitants is 2%

The province with a population of 2 million-6 million people is 1.5%

The province with a population of 6 million-12 million people is 1%

The province with a population of 12 million people is 0.5%

b. Regency / City

Regency / City with a population of 250 thousand people is 2%

Regency / cities with a population of 250ribu-500ribu 1.5%

Regency / City with a population of 500ribu - 1 million people is 1%

Regency/city with a population of 1 million people is 0.5%

Restrictions on the difference in votes apply so that not every election result is directly sued by the Constitutional Court (Konstitusi, 2015). In a sense, to limit the number of disputed cases of election results to be examined by the Constitutional Court. Therefore, this threshold is intended so that the court can examine and resolve dispute cases with a focus on cases that have a difference of votes is not too far, considering the time of simultaneous election dispute resolution is limited to only 45 working days (Faiz, 2017).

In applying to a dispute over the results of the election with a single candidate in the Constitutional Court, the election monitors and the candidate can apply as an applicant and must broadly meet the systematics of the application which is regulated in article 8 PMK Number 6 of 2020, there are:

- a. Identity, including name, ID Card, and address of the applicant.
- b. A clear description of the authority of the court, the legal standing of the applicant, grace period of submission, principal application of the applicant, and demands
- c. If the applicant is an election monitor, the application must be signed by the chairman and secretary-general
- d. Equipped with the list of evidence and supporting evidence

After the file was completed, according to article 22 PMK Number 6 of 2020, the process continued with the respondent's answer, which is KPU that consisting of:

- a. Name and address of the respondent

- b. a clear description of the authority of the court, the legal standing of the respondent, the deadline for submission, a reason for the decision of the respondent regarding the determination of the election results that the respondent announced
- c. Demands/things requested which contains a request to the court to declare the respondent's decision on the determination of the election results vote is correct
- d. Equipped with the list of evidence and supporting evidence

Then Article 28 PMK No. 6 of 2020 explains, that after the respondent answer, then proceed with providing information from the parties, which is the candidate who received the most "agree" vote based on the results by the KPU recapitulation or the election monitors. The relevant parties' answer consists of:

- a. Identity, including name and address related
- b. A clear description that the relevant parties are a candidate or election monitors
- c. A clear description of the related parties' response regarding the court authority, legal standing of the applicant, the grace period for applying, as well as reasons for the applicant's request.
- d. Demands/things requested contain a request to the court to declare the respondent's decision on the determination of the election results
- e. Can be equipped with the list of evidence and supporting evidence.

Examination of cases of disputes over election results is carried out by preliminary examination and trial examination. The preliminary examination is conducted to check the completeness and clarity of the application material, while the trial examination is conducted to examine the applicant's application, respondent's answer, related party information, and evidence presented at the trial. The evidence examined is regulated in Article 41 PMK Number 6 of 2020 and consists of:

- a. letter or writing;
- b. statement of the parties;
- c. witness statement;
- d. expert statement;
- e. other evidence tools/documents; and
- f. hint proof

In addition to the parties mentioned above, the examination of the trial is also possible to present other parties, namely Bawaslu (Supervisory Election Body). A statement from Bawaslu consists of:

- a. Name and Bawaslu adress
- b. A clear description of the relating subject of the application, about:
- c. implementation of supervision
- d. follow-up findings or reports
- e. dispute resolution
- f. Can be equipped with the list of evidence and supporting evidence

After the examination of the trial is declared sufficient, the court will conduct deliberations to reach a consensus or vote in the court if there is a dissenting opinion, it must be written in the decision.

Types of Constitutional Court decisions in the settlement of disputes election results with a single candidate can be found in Article 55 PMK Number 6 of 2020 which states that:

- a. Application is not acceptable if the applicant or the application does not fulfill the formal terms of the application
- b. The application is rejected if the application is proven to be unwarranted according to the law
- c. The application is granted if the application is proven according to the law and states that it cancels the results of the respondent's vote calculation and determines the results of valid vote counting.

If we look deeper into the mechanism for resolving disputes over election results with one candidate, the candidate is likely to "benefit" from this mechanism. The reason is, that a candidate who lost against the empty box, was given legal standing to apply for a dispute over the results of the election in the Constitutional Court. Meanwhile, if the candidate wins against the empty box, it tends to close further legal steps for those who feel their interests are compromised by the vote results. This is based on Article 3 Paragraph (1) PMK no. 6 the year 2020 which states. The applicant in the case of dispute the results of the selection are:

- a. Pair of candidates for governor and Vice Governor election participants;
- b. Candidate pair Regent and Deputy Regent or candidate for mayor and Deputy Election participants;

- c. Domestic election monitors registered and obtained accreditation from the provincial KPU / KIP for the election of Governor and Deputy Governor;
- d. Domestic election monitors who are registered and obtain KPU/KIP accreditation for the election of Regents and Vice Regents or mayors and Deputy Mayors.

Meanwhile, from many lawsuits against the regional election resulting in a single candidate in the Constitutional Court, Tasikmalaya Regency became one of the cases that were filed a lawsuit to the Constitutional Court but could not be accepted. The judge questioned the applicant's position in filing a lawsuit because the majority of plaintiffs who are election monitors are students who have not been certified. They are Ristian, Dani Safari Effendi, Ecep Sukmanaraga, Muhammad Rifki Arif, Burhanudin Muslim, Ecep Sukmanaraga, Cecep Zamzam, Daniyana, and Dudi Jamaludin. Only Didin Sujani from the Tasikmalaya Communication Forum (FKMT) is the election monitor member. Dani Safari Effendi said they were appointed as election monitors by FKMT, the institution has been certified in the 2012 elections. This is found in the Constitutional Court decision Number no. 68 / PHP.BUP-XIV/2016.

The author considers that the lack of opportunity for the community to apply for a single candidate election dispute, will reduce the value of justice and democracy in Indonesia, as well as the legal standing of election monitors as applicants in the election results dispute in Constitutional Court becomes a problem and question on what a reasonable and interests which election monitors have so they make a lawsuit to the Constitutional Court. If legal standing is given to the candidate who lost in the election, it's clear that the candidate has disadvantages related to the election result so they have a right to sue in the constitutional court.

The presence of the Constitutional Court regulation has a positive impact when the election monitor is allowed to conduct an event in the Constitutional Court. However, the lack of the number of independent institutions in the regions that have accreditation from the KPU is also feared to have an impact on the weak supervision of the community in various regions that carry out regional head elections. According to Febri Setiadi a spokesman for the people's Network for Democracy and elections (JRDP), the number of election monitors who were accredited in the KPU in 2014 was as many as 19 institutions (Setiadi, 2020). This amount is still quite fluctuating considering the election monitoring institution's accreditation must be renewed by the KPU. In addition, there are differences in accreditation mechanisms in the regional and general election regimes. In the general election, accreditation of election monitoring institutions is carried out by Bawaslu. Based on Bawaslu Regulation Number 4 of 2018 on election monitors, it is stated that election monitors must meet additional requirements and that they must be legal entities. Election monitoring rules accredited by Bawaslu are also categorized based on the coverage of the region, nationally, provinces, to regional/cities. National election monitors are also required to have a minimum monitoring area in 2 provinces, and provincial election monitors have at least a monitoring area in 2 districts/cities. According to Bawaslu, there were 138 election monitors in the 2019 general election. The monitoring agencies start from Indonesian election monitors, foreign countries, and state representatives or embassies who monitor the implementation of voting and counting votes (Tumpal, 2019).

With the current distribution of election monitors in Indonesia, it is certainly impossible to be considered sufficient if the interests of the general public are represented by the number of election monitors in the region. While the potential for regional head elections with one candidate continues to occur. Even for the 2020 regional elections, 25 regions in Indonesia held elections with only one candidate. Of 25 regions, 23 were followed by the incumbent (Kartika, 2020). With so many elections with one candidate, and based on experience there has never been an election monitor who applied for a dispute over the results of the election with one candidate who reached the stage of the trial in the constitutional court, then the inequality over access to Justice Society is more real. Meanwhile, until now policymakers have not found a mechanism that can ensure access to justice for the community as a party that harmed their interests as a single candidate elected.

3.2 Political Law Regarding Legal Standing Of The Community As An Applicant In Disputes Over Election Results With A Single Candidate In The Constitutional Court

Political law seeks to create rules that will determine how human beings should act. Political law examines what changes are required to be made to the rules that are now in force to suit social phenomena (Utrecht, 1960). If discussing legal politics, then what is meant is the current situation in Indonesia according to the principle of consideration (hierarchy), or with Logement terminology, as the law that applies here and now (Ali A. L., 2014). While the task of political law is to examine the changes that need to be organized against the law to meet the needs in the life of society (Hidayatullah, 2017). Political law is the path of legal development policy that must be used as a measure to see the results achieved from the current legal development (M.Wantu, 2012).

Furthermore, based on the understanding that the law must always make adjustments to the goals to be achieved by the community, and Politics is part of society that is related to the goals of society, then according to Satjipto Rahardjo, legal politics is a factor that causes the dynamics. Since he is directed to our konstitrendo, the law must apply. Some of the questions that arise in this study of legal politics are (Rahardjo, 2000):

- a. What goals will be achieved with the existing legal system? The goal can be a single large goal, it can also be broken down into more specific goals by field, and then it can still be broken down into smaller goals again,
- b. What and which is the best way to achieve this goal? Including the issue of selection between written and unwritten laws, and others,
- c. When does the law need to be changed and how should it be changed?
- d. Can an established pattern be formulated that can decide the process of selecting goals and how to achieve these goals? This includes the process of efficiently updating the law with total change and with change after change.

The attempt to liberate the concept of law from the idea of justice is not an easy matter, it is mixed with unscientific political thought, and because of such mixing, is related to the ideological tendency to make positive law appear fair (Kelsen, 2013). Legal standing is a matter that is very considered in the court proceedings because legal standing is a condition of a person or a party determined to be eligible and have the right to apply to the front of the court (Harjono, 2008). Standing is a concept used in determining whether a party is affected sufficiently so that a dispute can be brought before a court (Siahaan, 2005). According to Maruarar Siahaan, there is not only enough legal interest, a person, or group, and state institutions can be an applicant. To assess and measure whether the party who filed the election dispute has the right legal position in filing a dispute before the court, it will see from the point of view of the object of the dispute (objektum litis) and the party who filed (subjectum litis) (Siahaan, 2005).

In general, the measure used to assess the so-called *persona standi in iudicio*, is that the legal interests of one party are violated so that he acts as the form of a lawsuit. The concept of the parties in Election Results Dispute has a concept adopted in the code of civil procedure in civil disputes. There are 2 parties to the civil dispute regulated by Article 123 Het Herziene Indonesiach regulation (HIR), namely: a material Party is a person who directly has rights and interests. A formal party is a person who faces the court due to the interests of others. Aside from the civil concept, the standing requirement is said to be fulfilled if the plaintiff has real significance and is legally protected (Siahaan, 2005). In the concept of justice in America, three conditions must be met for a petition to have legal standing. These conditions are (Nugroho, 2010):

- a. Some losses arise, due to violation of the interests of the applicant who is legally protected which has 2 (two) characteristics that are; specific (special) and actual in causing harm (not potential);
- b. There is a causal relationship between the applicant with the enactment of a law;
- c. The possibility of a decision is given that is expected then the loss experienced will be avoided or recovered.

If using the legal standing concept approach as standing to sue as above, then the parties affected sufficiently and have interests that are degraded by the results of the election of a single regional head candidate, of course, is the community in the constituency concerned. Because it is the people who are directly affected by the course of government in a region if the election results win a single candidate. If in the process of election of the single candidate regional head found a variety of fraud, but public access as a party affected by the results of the election to close justice, then the output of the regional head election can be ascertained as not qualified.

As a brief overview of how fraud in the contestation of regional head elections occurred in 2018, Bawaslu issued data on re-voting recommendations in various regions in Indonesia as follows:

Province	Number of polling stations	Reason
North Sulawesi	11	1. Ballot Box Opening 1 Day Before Voting 2. The ballot box is not sealed
East Java	6	1. The number of ballots used exceeds the number of voters present 2. Some voters vote from other polling stations 3. Use of suffrage more than once
South East Sulawesi	35	1. Voters from other polling stations

		2. The ballot box is not sealed
Riau	8	1. Voted more than once 2. Ballots 227 less 3. Voting Organizing Group voted more than once 4. Some voters vote from other polling stations
Banten	2	Use of suffrage more than once
West Sulawesi	1	Unauthorized opening of ballot boxes
Papua	2	4. KPPS and PPS voted more than once 4. KPPS carries away the ballot box and its contents
Center Borneo	2	There are unqualified voters
Jambi	1	There are unqualified voters
NTT	1	There are unqualified voters
Total	64 polling stations	

The number of such cases does not specifically occur in electoral areas with a single candidate but gives an idea of how many violations have the potential to change the results of the elections that cause some polling stations to have to hold a re-vote. As known, re-voting can also be done based on the decision of the Constitutional Court regarding the election results dispute. Constitutional Court decision can order KPU to hold a re-vote if facts are found at the trial about it. The fact of violation of such elections is quite possible to occur in elections with one pair of candidates. If the public is not given constitutional rights as a petitioner in the dispute over the results of the election, then the violation of the election as above can occur without any repressive efforts to restore the value of honest democracy.

Speaking of election violations, public access to participate in reporting this should be wide open. Provisions regarding public participation in reporting election violations can be found, for example, in Bawaslu Regulation Number 8 of 2020 on handling violations of the regional head election. In Bawaslu Regulation, provide access for the community in the local constituency to report any election violations both administrative and criminal. If Using this concept, the law has arranged for the community to have access to and play a role in overseeing the course of elections. However, on the one hand, the law closes people's access to participate in defending their interests by being petitioners in disputes over election results in the Constitutional Court. The author sees this as a disharmony of legal logic that policymakers should not do.

All administrative requirements in the implementation of the elections should not violate the principles in the elections, especially for voters and the public to apply for disputes over the results of the elections to seek justice in realizing the implementation of democracy through Integrate Elections (Falah, 2018). If we use the concept of standing to sue, then the voters and the community are the parties affected sufficiently (Perdana, 2019), and have sufficient interest in the dispute over the results of the election to get the decision of the Constitutional Court because voters and the community are the parties who will feel the course of Local Government Results from the election.

If an election is colored by fraud to win the election without any affected party who can sue, then it can be said that the regional government that will be led by the winner of the election does not have a legitimate because the regional head won the election by violating the principles of the election based on law and Constitution, and does not get the trust of voters and people in the region (Perdana, 2019).

On the other hand, if the affected parties, namely voters and the public, have the right to sue the dispute over the results of the single candidate election, then (Perdana, 2019):

- a. Can increase the legitimacy of election winners and increase the confidence of voters and the people in the region in the elected regional head, if the Constitutional Court wins a single candidate. The reason is that it has been legally proven that in the implementation there are no violations that can harm the principles of the election.
- b. Can increase public confidence in the judicial power, especially the Constitutional Court, and increase public awareness of the importance of elections, if the Constitutional Court cancels the victory of a single candidate. The reason is that the regional elections are one of the determinants of the future of the region, so to prevent

leaders who justify all means to win, it is necessary to supervise the community on the implementation of the regional elections through judicial institutions.

When viewed in terms of public policy, policyholders need to be able to accommodate this problem into a new public policy. As stated by Peter De Leon and Dannielle M Vogenbeck in his writing entitled “The Policy Sciences at the Crossroads” stated that the science of policy approaches should always pay attention to 3 important things, (Vogenbeck, 2019):

- a. Oriented to the problem, a policy is expected to solve the problems at hand
- b. Considering multidisciplinary science, it is because a problem public has a variety of aspects that must be solved with a variety of integrated disciplines
- c. Berorienasi on value, a public problem there is no free value, and to solve public problems must understand the fundamental value that must be accommodated to solve the problem.

The explanation above shows that it is important for the Constitutional Court as a strategic policyholder to be able to solve problems based on legal disciplines and Public Policy and to be able to see the values of human rights that are clearly stated in the Constitution. The right of opinion and self-actualization in the democratic process is a fundamental right that has been guaranteed by the Constitution. Society has an important role in achieving the ideal democratic life order. Then the state should also be able to open opportunities for the community to participate in filling the space as a form of State facilitation in providing constitutional rights which in this case gives the right for the community as an applicant in the election results disputes with a single candidate in the Constitutional Court. Thus there is no longer a barrier for the general public to participate as a petitioner in the election results dispute with a single candidate, thus not only returning the constitutional rights of the people to their rightful place but also the state managed to create a healthy democratic ecosystem.

To accommodate the rights of the community as a petitioner in disputes over election results with a pair of candidates in the Constitutional Court, the author uses a conceptual approach that is often done in anglo Saxon countries, namely citizen lawsuits. The concept authors use only as a way to accommodate the rights of the community as an applicant in the Election Results Dispute. In essence, a civil lawsuit (citizen lawsuit) is an individual citizen's access to the entire city, or the public interest in filing a lawsuit in court to demand that the government or state perform the required law enforcement, or recover losses incurred (Gumayra, 2006). Michael D. Axline, affirms that a citizen lawsuit gives citizens the power to sue a party that violates the rules, and also has the power to sue the state and institutions that violate the rules or fail to perform their obligations in implementing the rules (Hermawanto, 2006). Meanwhile, according to Gokkel, is a lawsuit that can be filed by citizens, indiscriminately, by arrangement by the state (Hermawanto, 2006).

A citizen lawsuit is a legal effort by citizens to dispute the responsibility of state officials for negligence in fulfilling citizens ' rights (Sari, 2016). The rights of citizens in the country are based on the law (rule of law), such as Indonesia has been regulated in the Constitution of NRI year 1945. Even human rights are regulated in the 1945 Constitution. Thus, the rights of citizens are commonly referred to as “constitutional rights of citizens”. The Constitutional Court is an institution established to protect the rights or lives of citizens from violations committed by one of the branches of state power, the Constitutional Court is also authorized to examine disputes between citizens and state officials because state officials have been negligent in the fulfillment of citizens ' rights.

Conceptually, approaching a civil lawsuit in the election results dispute with a single candidate in the Constitutional Court can be seen in various aspects, including:

- a. Aspects of the plaintiff, in this case, is the community in the constituency concerned
- b. Aspects of interest, in this case, in the interests of the community whose constitutional rights are reduced by the results of the election
- c. Aspects of the defendant, in this case, is the state organizers specifically election organizers (KPU) whose duty is to carry out the election honestly and fairly
- d. The aspect of the demand, in this case, is to protect the constitutional rights of citizens by revoking the decision of the election results that cause the constitutional rights of citizens to be reduced on the determination of election results
- e. In this case, the Constitutional Court must maintain the constitutional rights of citizens who feel their constitutional rights are reduced by the determination of the results of regional head elections with one pair of candidates.

In addition to the concept of citizen lawsuit, it is also necessary to use a class action concept approach. A class action is a procedure for filing a lawsuit, in which one or more people representing a group, file a lawsuit for

themselves and at the same time represent a large group of people, who have common facts or legal basis between the representatives of the group and the members of the group in question.

The mechanism for accommodating the legal standing of the community as an applicant in the Election Results Dispute in MK, of course, needs to be done with more specific rules, considering the subject of the community can be of broad meaning. Therefore, the restrictions for people to be applicants in disputes over election results in the Constitutional Court are as follows:

- a. The applicant is a community domiciled in the constituency of the head of the region concerned, as evidenced by the ID card or registered in the Register of Permanent Voters in the constituency concerned.
- b. A period of application submission is required, for example, 7 days after the announcement of the determination of the election results.
- c. Eligible minimum reporting amount
- d. Petition proposed is the cancellation of election results

To avoid increasing the number of applications in disputes over election results with one pair of candidates in the Constitutional Court, the provisions on the terms of filing applications for regional head election disputes are maintained and later also regulated reporting mechanisms related to the minimum number of reporting requirements. Types of reporting from the community, for example, can be divided into several types, such as:

- a. Personal reports made by at least 1 person,
- b. Group report, which requires a minimum of 10 people, is equipped with a statement letter as an applicant and has the same facts or legal basis, and
- c. Reports from NGOs as evidenced by the decree of Kemenkumham for legal entities, and Memorandum of Association/ Articles of Association for non-legal entities.

With the existence of a mechanism that gives access to the public as applicants in disputes over election results with one candidate pair, it will support community participation. Society not only plays a role in choosing the limited options offered by the existing political system but can speak out over the circumstances that are also created by the system. Especially if the constitutional losses of citizens are also harmed by the determination of the election results won by the single candidate.

4. Conclusion

The mechanism for resolving disputes on election results with a single candidate in the Constitutional Court is implemented based on Constitutional Court Regulation No. 6 of 2020 on guidelines for proceedings in disputes over the results of governors, regents, and mayors' elections. This rule provides legal standing as an applicant is not only given to candidates but also to election monitors. However, with the current distribution of election monitors in Indonesia, it is certainly not possible to be considered sufficient if the interests of the general public are represented. Meanwhile, the potential for regional head elections with one candidate continues to occur, and based on the experience that there has never been an election monitor who applied for a dispute over election results that reached the stage of the trial in the court. To accommodate the rights of people as applicants in disputes over election results with a pair of candidates in the Constitutional Court, the concept of citizen lawsuit or class action lawsuit can be approached. Then, to prevent the number of applications from booming, it is given restrictions for people who may submit applications. Based on the description above, it is important to accommodate the legal standing of the community as an applicant in resolving disputes over election results with a single candidate. Therefore, the advice is given in the form of revising the provisions in the Constitutional Court Regulation No. 6 of 2020 by putting the community as an applicant in a regional election result dispute with a single candidate in the Constitutional Court. Need to set also other conditions such as: The applicant is a community domiciled in the constituency of the head of the region concerned, as evidenced by the ID card or registered in the Register of Permanent Voters in the constituency concerned; A period of application submission is required, for example, 7 days after the announcement of the determination of the election results; Eligible minimum reporting amount; and Petition proposed is the cancellation of election results.

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