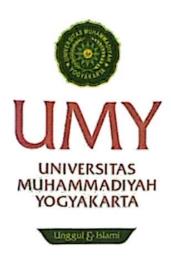
DIFFERENTIATION OF RATIO DECIDENDI OF DISTRICT COURT AND HIGH COURT DECISIONS ON PRIMA PARTY'S LAWSUIT AGAINST ELECTION POSTPONEMENT IN INDONESIA

Undergraduate Thesis



Written by: Nia Prilia Nirwana NIM. 20200610045

Faculty of Law
International Program Law and Sharia
Constitutional Law
Universitas Muhammadiyah Yogyakarta
2024

DECLARATION PAGE

I am the undersigned:

Name : Nia Prilia Nirwana

NIM : 20200610045

Thesis Title: DIFFERENTIATION OF RATIO DECIDENDI OF DISTRICT
COURT AND HIGH COURT DECISIONS ON PRIMA
PARTY'S LAWSUIT AGAINST ELECTION
POSTPONEMENT IN INDONESIA

I hereby declare that the content of this Undergraduate Thesis is based on the results of my own research, thoughts, and original presentation. To the best of my knowledge, there are no works or opinions written and published by other people, except as references or quotations by following the usual procedure for writing a scientific paper.

I am having this statement in truth and if in the future there is any irregularity and untruth in this statement, then I am willing to accept academic sanction in the form of revocation of the degree that has been obtained because of this paper and other sanctions in accordance with applicable regulations at the Universitas Muhammadiyah Yogyakarta.

On this statement, I made it in a conscious and without coercion from any parties.

Yogyakarta, 15th February 2024

Nia Prilia Nirwana NIM. 20200610045

DEDICATION PAGE

Alhamdulillahirabbal'alamin

Praise be to Allah subhanahu wa ta'ala, Lord of the Universe, and peace be upon His most beloved prophet and messenger, Muhammad, and all his family and companions. Upon the accomplishment of my undergraduate thesis, I would like to dedicate this to:

- 1. Allah SWT.
- 2. My beloved parents, Bapak H. Dadang Rukmana and Ibu Hj. Cucu
- 3. My dearest sisters Nenden Nirwana, S.Kep., Ns and Nurlina Rosania, S.Pd.



FOREWORDS

Assalamualaikum Wr. Wb.

Praise and gratitude to Allah SWT who always bestows His grace, grace and love so that the author can complete the writing of this thesis entitled "DIFFERENTIATION OF RATIO DECIDENDI OF DISTRICT COURT AND HIGH COURT DECISIONS ON PRIMA PARTY'S LAWSUIT AGAINST ELECTION POSTPONEMENT IN INDONESIA." This legal writing is prepared to complete the requirements to obtain a Bachelor of Law Degree at the Faculty of Law, Universitas Muhammadiyah Yogyakarta. Shalawat and salam may always be poured out to the Prophet Muhammad SAW, to his family, his companions, to his people until the end of time.

The author is very aware that this undergraduate thesis still has many shortcomings, therefore the author really hopes for input and suggestions for the perfection of this undergraduate thesis. On this occasion the author expresses deepest gratitude to those who have helped and guided in completing this undergraduate thesis. Thanks are given to:

- 1. Prof. Dr. Ir. Gunawan Budiyanto, M.P., IPM., ASEAN.Eng. as the Rector of Universitas Muhammadiyah Yogyakarta, who has brought Universitas Muhammadiyah Yogyakarta to the international level.
- 2. Prof. Iwan Satriawan, S.H., MCL, Ph.D. as the Dean of the Faculty of Law who is always a motivation for us students.
- 3. Sunarno, S.H., M.Hum., Ph.D. as the Head of Law Study Program, Faculty of Law, Universitas Muhammadiyah Yogyakarta, who always gives enlightenment to us as his students.
- 4. Nanik Prasetyoningsih, S.H., M.H. as the Supervisor. The completion of this thesis would not have been possible without the guidance and support of Nanik Prasetyoningsih, S.H., M.H. who has provided guidance to the author in the form of input, correction, direction that she gave me, and also constructive criticism for writing this undergraduate thesis.

- 5. All Staff/Employees of the Faculty of Law UMY who have helped the author in completing the administrative process of lectures so that the author can complete this undergraduate thesis.
- 6. All Lecturers of the Faculty of Law, Universitas Muhammadiyah Yogyakarta, who have educated and guided me to sacrifice a lot of time, energy and attention to the author while studying at the Law Study Programme, Universitas Muhammadiyah Yogyakarta.
- 7. My beloved parents, Bapak H. Dadang Rukmana and Ibu Hj. Cucu. Thank you so much for all the patience and support to the author regarding the completion of the undergraduate thesis, for all the trust in the author during the lecture period, thank you for praying at all times, providing a lot of motivation, helping both morally and materially, and always listening to the author's complaints in facing various difficulties so that the author can complete her duties and studies at the Faculty of Law, Universitas Muhammadiyah Yogyakarta. May you always be healthy and live a long life so that you can accompany me on my life journey in the future. Thank you for everything, Apih, Amih... From the bottom of my heart, I love you to the moon and back.
- 8. My extended family, especially my sisters, Nenden Nirwana, S.Kep., Ns, and Nurlina Rosania, S.Pd. Sometimes I felt like I was somewhere else. I just feel like no one can understand me. But then I remember that I have both of you, as a sister, and best friend. I honestly don't know what I would do without your guidance. Thank you because you always give me motivation, inspiration, and support to me so that the author can continue writing this undergraduate thesis.
- My two brothers-in-law, Cecep Somantri and Atep Ridwan, S.Pd. who have given me support so that the author can continue working on this undergraduate thesis.
- 10. My friends "Sahabat Surga"; Adilla Putri Diva, Avi Lupi Rinasti, Haya Aqilah nuha, Nadia Wiratama Jasmine, and Tri Buana Sekar Budiarti. They are a rare companion with a golden heart. Your kindness is truly unmatched. Thank you for providing a shoulder to cry on and a helping hand when I need it. Thank you

for being my friend. I can't even explain how grateful I am to have you in my life.

11. My thesis partners; Ahmad Fahmi Ilham Mulloh and Dwi Camila. Thank you so much for your contributions, unwavering support, and additional help that you have provided throughout the journey of crafting this thesis.

12. My dearest friends that I have known since junior high school; Gina muthia ulfa, Amelia Sri Sudrajat and Shalyra Pertiwi Mustopid. Thank you for accompanying me during the writing of this undergraduate thesis even though only through the cellphone screen, encouraging me and accommodating my complaints. Forevermore for this friendship.

13. All my IPOLianS batch of 2020 friends whom I am proud of.

14. Last but not least, I want to thank myself for persevering through the the ups and downs of working on this undergraduate thesis until it was completed. Thank you to my self, for not giving up and for continuing to push forward. May this be a stepping stone to even greater achievements in the future.

I realized that this writing is still far from perfection, therefore any suggestions and constructive criticism will be expected of me as a self introspection. Finally, may Allah SWT bless this author's writing and hopefully this writing can be a useful reference for the younger siblings of the Faculty of Law, especially the Faculty of Law, Universitas Muhammadiyah Yogyakarta, thank you.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, 15th February 2024

Nia Prilia Nirwana

NIM. 20200610045

TABLE OF CONTENTS

TITLE PAGEi
APPROVAL PAGEi
ENDORSEMENT PAGEii
DECLARATION PAGEiv
MOTTO PAGE
DEDICATION PAGEv
FOREWORDS vi
TABLE OF CONTENTS
ABBREVIATIONSxii
ABSTRACTxii
CHAPTER I INTRODUCTION
A. Background of Research B. Statement of The Problem
C. Objectives of Research
CHAPTER II LITERATURE REVIEW
A. General Election in Indonesia. UNIVERSITAS. 8
B. The Authority of District Court and High Court
g
C. Case Position and Litigants
A. Type of Research
C. Data Collection 27
D. Analysis Data 27
CHAPTER IV FINDING AND ANALYSIS
A. The difference between the ratio decidendi of the District Court and High
Court
1. Ratio Decidendi of the District Court Decision Number 757/Pdt.G/PN
Jkt.Pst
2. Ratio Decidendi of the High Court Decision Number 230/PDT/2023/PT
DKI
B. Analysis of the District Court Decision with Case Number 757/Pdt.G/2022/PN
Jkt.Pst and the High Court Decision with Case Number 230/PDT/2023/PT
DKI
C. The implication of the decision of District Court and High Court to
postponement of election

D. Articles at issue in the decision	44
E. Reason of Application	46
CHAPTER V CLOSING	
A. Conclusion	48
B. Recommendation	49
BIBLIOGRAPHY	53
ATTACHMENT	

