

CHAPTER I

INTRODUCTION

A. BACKGROUND

The Constitutional Court has rejected the petition of Prabowo Subianto-Hatta Rajasa in the disputes on the result of Presidential Election 2014.¹ The reason of rejection was because the Court considered that the petitioners failed in providing a story evidence in supporting their claim in the petition. The failure of petitioners in providing evidence was also influenced by limitation of period of disputes settlement in the Constitutional Court, that is only 14 days. In addition, the Court also limited the number of witnesses proposed by the petitioners. Therefore, it seems that is has put the petitioners in difficult position in defending their right in the process of Presidential Election.

Indonesia held Presidential Election on July 9, 2014. The Election was the third direct Presidential Election in Indonesia. The Election would elect new President and Vice-President because Susilo Bambang Yudhoyono could not be nominated again after his two periods of presidency. In fact, the way of a petition to the Constitutional Court challanged the limitation of period of the presidency. As a result, the Constitutional Court rejected the petition.

¹ See the Constitutional Court Decision No. 1/PHPU.PRES-XII/2014

The Election was finally won by Joko Widodo-Jusuf Kalla by 53, 15 %, while Prabowo Subianto-Hatta Rajasa only 46, 85 %.² The elected President and Vice President Joko Widodo-Jusuf Kalla were inaugurated on the October 20th, 2014.

The presidential candidates Prabowo Subianto-Hatta Rajasa submitted a petition dispute on the results of the Presidential Election 2014 to the Constitutional Court on Friday, July 25 in the afternoon. According to them the process of Presidential Election 2014 was undemocratic and contradicted with the 1945 Constitution. As the executor, General Election Commission was unfair, some rules were violated by the Commission. Furthermore, Prabowo said that the recommendation from Election Supervisory Body regarding to the alleged fraud was ignored by the Commission. He also found a number of crimes in the Election involving General Election Commission and another party with a certain goal. And then Prabowo concluded that there are structured, systematic, and massive violations in the Presidential Election 2014.

Chairman of the Constitutional Court Hamdan Zoelva said that constitutional judges will decide a dispute in the matter of the results of elections (PHPU) fairly. He believed, a verdict of Constitutional Court did

²See the Decision of the General Election Commission No. 535/KPPS/KPU of 2014.

not create violence in society. According to Hamdan, Indonesian citizen is considered having high awareness in democracy.³

Hamdan Zoelva further believed that the elite of countries would be able to maintain the attitude in the aftermath of the Constitutional Court verdict regarding the results of the Presidential Election dispute. “Moreover, I believe they have more awareness in facing the nation problems.” Hamdan added, that in the process of hearing until a verdict, the Constitutional Court ensures none of the party will interfere the Constitutional Court.

Based on the background, the researcher was interested in evaluating the effectiveness of dispute settlement on the result of Presidential Election 2014 in the Constitutional Court.

B. RESEARCH QUESTION

Based on the background, a research problem can be formulated as follow: how is the effectiveness of disputes settlement on the result of Presidential Election 2014 in the Constitutional Court?

C. OBJECTIVE OF THE RESEARCH

Based on the research question, the are objectives of the research as follows:

³Berita Kompas: Ini Tahapan yang Harus Dilalui jika Permohonan Prabowo-Hatta Diterima MK, written by Dani Prabowo, available on <http://nasional.kompas.com/read/2014/07/25/16554491/Ini.Tahapan.yang.Harus.Dilalui.jika.Permohonan.Prabowo-Hatta.Diterima.MK> access on August 3, 2014. At 20.07 p.m.

1. Conducting data through library research on the effectiveness of dispute settlement on the result of Presidential Election 2014 in the Constitutional Court.
2. Conducting data through field research by interviewing the relevant parties who were involved in the process of disputes settlement of Presidential Election 2014 in the Constitutional Court.
3. Analyzing the effectiveness of dispute settlement on the result of Presidential Election 2014 in Constitutional Court.
4. Formulating some suggestions of a better mechanism of dispute settlement of Presidential Election 2014 in the Constitutional Court.

D. THE BENEFITS OF THE RESEARCH

This research is expected to contribute in theoretical and practical aspects, namely:

1. Theoretically

From scientific aspects, the research is expected to provide an academic discourse on the issue of Presidential Election 2014, specifically the issue of dispute settlement on the Presidential Election.

2. Practically

On the practical aspect, this study is expected to be able to recommend some suggestions on the better mechanism of disputes settlement of Presidential Election 2014 in the Constitutional Court.