

CONSTITUTIONALISM OF MINIMUM LIMIT OF VOTES DIFFERENCES IN THE SETTLEMENT OF DISPUTE ON THE RESULT OF SIMULTANT REGIONAL ELECTIONS

Ahmad Siboy¹, Sudarsono², Jazim Hamidi³, Moh. Fadli⁴

¹Doctorate Candidate at The Faculty of Law, Brawijaya University, & Lecturer at The Faculty of Law, Islamic University of Malang; ² Professor of Administrative Law, Brawijaya University, Malang; ³ Lecture of Constitutional Law, Brawijaya University, Malang;

⁴Lecture of Constitutional Law, Brawijaya University, Malang;

INDONESIA.

siboysalman@yahoo.com

ABSTRACT

Disputes over the results of the election of regional heads are the most common case in the implementation of regional head election so that the number of cases petitioned to the judiciary institutions is not in balance with the capability and time limit held by the judiciary institution that is authorized to prosecute. The enactment of maximum limit of vote difference as a formal requirement to be able to apply for election disputes to the Constitutional Court has managed to minimize the number of cases that must be tried by the Court. On the other hand, the enactment of maximum limit of vote difference is considered a restriction which not based on the principle of legal protection guaranteed by the constitution. On the basis of this problem, then it is required to do research on several problems, that is related to what is the philosophical basis on the implementation of maximum limit of vote difference as a formal requirement to apply for Resolution on Dispute over Regional Election Result? why does the Constitutional Court's decision maintain the maximum limit of vote difference in petition for judicial review on Article 158 of the Regional Election Law? Is the Constitutional Court's decision in accordance with the principle of restriction in the constitutional perspective?

Keywords: Regional Election, Dispute over Regional Election Result, maximum limit of vote difference

INTRODUCTION

Regional election for the head of region is the implementation of people's sovereignty that must be executed in accordance with the principles of democracy. The implementation of Regional Election which in accordance with the principles of democracy is the implementation of elections based on the principle of direct, public, free, secret, honest, and fair election. The Constitution only mention that elections must be held democratically. This is in contrast to the concept of elections in the constitution, which explicitly states that elections are held in an open, free, secret, honest, and fair manner.²⁶

The execution of Regional Election that is in accordance with the above principles (democracy) is also determined by the form of the election. Election forms can be sorted into direct election and indirect election. These two forms of election can be regarded as a democratic electoral system or in accordance with the mandate of Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. Jimly Asshidiqi describes:

²⁶Jazim Hamidi and Mustafa Lutfi, in Prof. H. A Mukthie Fadjar, *Konstitusionalisme Demokrasi*, Malang: InTrans Publishing, 2010.

The word "democratically elected" is very flexible, so that it includes the definition of direct election by the people or by the local people's legislative councils as is now generally practiced in the regions under the provisions of the applicable Laws and Regulations. In fact, according to the development of democracy in various regions, based on the provisions of this paragraph, it is open to determine the election of local government heads in other regions that also can be held directly.²⁷

The legislator chooses to use direct local electoral system. The choice to politic of law by those legislators is contained in Law No. 32 Year 2002 on Regional Government. The first Regional Election was held for the first time in Kutai Kertanegara district in 2005 and then followed by other regions at both provincial and district levels. Implementation The election does not run altogether or simultaneously for each region but depends on the end of the office term for incumbent head of region in each region. In one year, there can be 4 regions that run Regional Election in Indonesia. This inconsistent condition in the implementation of regional election across Indonesia resulted in two ineffective and inefficient implications, that is the surfeited people as voters because they had to come to the polls for many times, starting from the election for village chief, the legislatives and the presidential elections, and one of the is to the election of the Head of Region. At the same time, the number of budgets used for elections that are not simultaneously executed across the country is certainly very large compared to when the election is held simultaneously. For example, at the 2010 Regional Election in West Sumatra, the election of the Governor was merged with 13 elections of the Regent / Mayor. In this Regional Election, the spent fund was only 62 billion, or saving as much as 134 billion from the budget ceiling of Rp. 196 billion. In the election of the regional head in the province of Nangroe Aceh Darussalam in 2006, where the election of the Governor was combined with the election of 19 regents / mayors, the spent budget was only 60%, i.e.Rp. 38 Billion.²⁸ On the basis of this condition, then, the election for the Head of Region is designed simultaneously across Indonesia.

RESEARCH METHOD

The type of this research is normative legal research (doctrinal research) that is based on conflict of norm problems with statue approach, conceptual approach, historical approach, and case approach. Legal materials in this study consist of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal material consists of laws and regulations sorted under the hierarchy of laws and regulations prevailing in Indonesia as stipulated in Article 7 paragraph (1) of Law Number 12 Year 2011 on the Establishment of Legislation. Secondary Legal Material consist of treatises of laws, academic texts, minutes of proceedings in the Constitutional Court, textbooks, papers, articles, and journals. While tertiary legal materials include legal materials that provide guidance or explanation of primary and secondary legal materials. Such as both print and electronic dictionary. Sources of legal materials in this study were obtained through library / reference searches and legal documents supported and supplemented by in-depth interview materials on the figures / experts and with constitutional justices.

The analytical technique of this research is Prescriptive analysis that is by examining the philosophical basis for the implementation of maximum limit of vote difference as a formal requirement to submit an application for resolution on the dispute over election result, the Constitutional Court's decision maintain the maximum limit of vote difference in the petition for judicial review in Article 158 of the Lawon Regional Election, as well as the

²⁷Jimly Asshiddiqi, in dissertation written by Isrok, *Wewenang Dewan Perwakilan Daerah Dalam Pemilihan Kepala Daerah Dalam Kaitan Pemilihan Langsung*, (Malang: Universitas Brawaijaya), pg. 4.

²⁸Tjahjo Kumolo, *Politik Hukum Pilkada Serentak*, (Jakarta: Expose, 2015), pg. 57

Constitutional Court's decision in accordance with the principle of restriction in the constitutional perspective.

DISCUSSION

Implementation of Minimum Limit of Votes Differences

Efforts to minimize the number of cases of disputes to be submitted to the Constitutional Court on the simultaneous regional election can be examined from the provisions of maximum limit of vote difference as a formal requirement to be able to apply for resolution on dispute over the results of regional elections to the Constitutional Court. With the enactment of maximum limit of vote difference, then the candidates must meet the maximum limit of vote difference to obtain legal standing before the Court hearing. The maximum limit of votedifference between election participants who obtained the most votes was first regulated by Government Regulation in lieu of Law No. 1 Year 2014 on the Elections of Governor, Regent, and Mayor. Article 158 states that the maximum limit of vote difference between the applicant and the majority of voters is 0.5-2%, depending on the number of people in the region that conduct the election. The Regulation is then offered by the President to the House of Representatives on October 2, 2016 with the letter number R-56 / Pres / 10/2014 on Government Regulation No. 1 Year 2014.

The House of Representatives has the authority to approve or reject the regulation proposed by the President, as stipulated in Article 22 of the 1945 Constitution of the Republic of Indonesia. In the case of Government Regulation No. 1 Year 2014, the House of Representatives approves the Government Regulation on Regional Election to become law.²⁹ As a follow up of the approval from the House of Representatives is the enactment of Law No. 1 Year 2015 on Stipulation of Government Regulation in Lieu of Law No. 1 Year 2014 on the election of Governors, Regents, and Mayors into law. The House of Representatives argues that the provision on maximum limit of vote difference which is a normative formula to ensure legal certainty over the results of regional election. The second argument, the House of Representatives argues that article 158 is to guarantee that the number of harmed votes is also significant or the acquisition of the vote of the applicant who will file a dispute over the election results is also significant. At the same time, the House of Representatives stated that the determination of the maximum limit of vote difference in Article 158 of the Law is based on the amount of population representation in the related areas.³⁰

The implication of the enactment of maximum limit of vote difference as a formal requirement to propose resolution to dispute over election result is that not all cases of election disputes may be filed and tried by the Constitutional Court, so that election participants have no opportunity to fight for their rights that are violated or obtain justice through a process of dispute settlement of election results in the judiciary. This is certainly contrary to the principle of repressive legal protection that must be given by the state to every citizen including the election candidates who feel that their rights is harmed in terms of vote acquisition in the result of regional election.³¹

²⁹Letter of Agreement from the House of Representatives on the Ratification of Government Regulation on Regional Election into Law is issued in number LG/00876/DPR RI/I/2015 dated 21 January 2015 and signed by the Head of Parliament Drs. Setya Novanto.

³⁰Constitutional Court's Decision Number 51/PUU-XIII/2015, pg. 87.

³¹Philipus M. Hadjon, *Perlindungan hukum bagi rakyat di Indonesia: sebuah studi tentang prinsip-prinsipnya, penanganannya oleh pengadilan dalam lingkungan pengadilan umum dan pembentukan peradilan administrasi*. (Surabaya: PT Bina Ilmu, 1987), pg. 5

The absence of legal protection for election participants to be able to file a dispute over election results for not meeting the maximum limit of vote difference, exactly as same as the state has neglected its obligation to provide protection for human rights for its citizens. Whereas in relation to human rights, the state has an obligation to respect, to protect, and to fulfill. Following is the understanding of each concept of state's obligations:

*The obligation to respect requires the state to abstain from doing anything that violates the integrity of the individual or infringes on her or his freedom, including the freedom to use the material resources available to that individual in the way she or he finds best to satisfy basic needs. The obligation to protect requires the state the measures necessary to prevent other individuals or groups from violating the integrity freedom of action, or other human rights of the individuals- including the prevention of infringements of his or her material resources. The obligation to fulfil requires the state to take the measures necessary to ensure for each person within its jurisdiction opportunities to obtain satisfaction of those needs, recognized in the human rights instruments, which cannot be secured by personal efforts.*³²

Test on the Rules of Maximum Limit of Votes Differences

The provision on the maximum limit of vote difference in article 158 of the Law on Regional Election has prompted some parties to submit a petition for judicial review to the Constitutional Court. The request for the judicial review has been filed and cut off three times. Those are Court's Decision Number: 26 / PUU-XIII / 2015, Court's Decision number: 51 / PUU-XIII / 2015, and Court's Decision Number: 73 / PUU-XIII / 2015. The first petition for judicial review was filed by Yanda Zaihfni Ishak, Ph.D., Hariyanto, SH., MH, and Ramdanyah, S.H.³³ Whereas the petition for judicial review is also filed by the same applicant with different arguments. As for the Court's Decision number 73 / PUU-XIII / 2015 was issued on the petition filed by the Association of Indonesian Master of Law, which is represented by Irfan Soekoenay, S.H, M.H.³⁴

The petition for judicial review is legal in the state of law. Therefore, the provisions of maximum limit of vote difference which considered harmful are regulated in an Act, and if there are citizens who feel aggrieved by the provisions of a law, then the legal effort that can be done is to review it against higher legislation or test the constitutionality of norm 158. That is, whether it is in contrast with the constitution or not.

Upon the petition for judicial review of Article 158 of Law 10/2016 which regulates the maximum limit of vote difference, the Constitutional Court declares the rejection of the petitioner's wish or stipulates that the provision of maximum limit of vote difference as a condition for submitting resolution to dispute over election result to the Constitutional Court is a constitutional provision. This decision of the Constitutional Court is based on three propositions. First, the Constitutional Court argues that the restrictive argument used as a basis for argumentation to abort the provisions of Article 158 is an ill-founded argument as not all limitations contradict the 1945 Constitution of the Republic of Indonesia. Restrictions may be accepted if a restriction is based on a guarantee of recognition, as well as respect for others and to meet fair demands with moral principles, religious values, security, and public order.

Secondly, the Constitutional Court is of the opinion that the provision on maximum limit of vote difference in election result which stipulated in Law number 10/2016 on Regional

³²Asbjorn Eide, *Economic an Sosial Right*, in Titon Slamet Kurnia, *Interpretasi Hak-hak Asasi Manusia Oleh Mahkamah Konstitusi Republik Indonesia*, (Bandung: CV. Maju Mundur, 2015), pg. 130-131

³³Constitutional Court's Decision Number 26/PUU-XIII/2015, pg.1

³⁴Constitutional Court's Decision Number 73/PUU-XIII/2015, pg.1.

Election is an open legal policy or authority of the institution forming the rule of law / legislation. This indicates that the regulation of maximum limit of vote difference is the right of the legislator and as a legal policy or legal political option executed by the legislator.

Third, the Constitutional Court is of the opinion that the limitation of dispute over election results to be submitted to the Constitutional Court through a formal requirement in the form of a maximum limit of vote differences between the applicant and the related party is a logical and legally acceptable restriction as a means to measure the significance of the vote.³⁵ On the basis of this argument, the Constitutional Court concluded that the proposition from the petitioners to declare that Article 158 of Law 10/2016 on Regional Election is contradictory to the 1945 Constitution of the Republic of Indonesia is unacceptable.³⁶

Fourth; according to I Dewa Gede Palguna, the maximum limit of vote difference in article 158 is also in order to create a culture of submission for each election candidates. That is, with the enactment of maximum limit of vote difference, the process of settlement to the dispute over election results in the Constitutional Court is not used as an attempt to fulfill the desire of the parties who are not ready to accept defeat. Admittedly or not, in practice, the process of settlement to the dispute over regional election result in the Constitutional Court is not because there are serious violations, but more based on the effort to find the gap to thwart the victory of the candidates who get the most votes. In addition, the proposal of settlement to the dispute over regional election result is also proposed in the hope of changing the vote acquisition result set by the Regional Election Commission by bribing the constitutional justices, as the one happened against the chairman of the Constitutional Court, Akil Mochtar.

The provisions of article 28J of the 1945 Constitution of the Republic of Indonesia clearly states that restrictions may or can be exercised if a restriction is exercised to safeguard the rights and freedoms of others. That is, if such restriction on a person is not taken, then it will cause harm to the rights and freedoms of others. While in the enactment of maximum limit of vote difference as a condition for the submission of disputes over election results, the limitation to submit to the Constitution Court is a restriction which, if such restriction is not enforced, no other rights or freedoms will be impaired. The logic, without the restriction of maximum limit of vote difference as a formal requirement to file a dispute over the result of Regional Election to the Constitutional Court, all cases of dispute over election result can be submitted and tried by the Constitutional Court.³⁷ When all cases of dispute over election result can be prosecuted in the Constitutional Court, then there is no other person's rights, especially fellow candidates, which is harmed. Therefore, every candidate has known and understood from the beginning that the end of the vote counting process of the election results may end through legal proceedings at the judiciary and on the judicial process there shall be no rights or freedoms of other parties to be harmed.

On the contrary, with the restriction on the election candidates to be able to file a dispute over election result to the Constitutional Court, it will cause loss or obstruction of freedom for election participants who feel their rights are disadvantaged. Election participants who feel harmed by the results of vote counting by the Regional Election Commission have no room or opportunity to take legal action to the judiciary. The absence of the right to access to justice for election participants due to the blocking of the maximum limit of vote difference obviously turn the election participant to be not entitled to legal protection over him / her.

³⁵Constitutional Court's Decision Number 51/PUU-XIII/2015, pg, 107-108.

³⁶Constitutional Court's Decision Number 51/PUU-XIII/2015, pg, 115

³⁷This logic emerges if we are using *a cantrario* interpretation

The absence of legal protection for election participants who do not meet the maximum limit of vote difference also means unilateral legal protection to election participants who elected the most votes. Participants who get the most votes do not have to account for the acquisition of their voting results in court even if the vote is detrimental to other participants. Election participants who get the most votes even though obtaining it in a fraudulent or unlawful manner cannot be tried at the Constitutional Court because they have vote differences above the maximum limit. Here then, the basic article 28 J of the 1945 Constitution cannot be used as a basis. Therefore, the restriction through the maximum limit of vote difference actually gave birth of disadvantage to the election participants who did not meet the maximum limit and neglect of the right of legal effort.

Since the Decision of Constitutional Court which does not provide definitions and explanations about the meaning of open legal policy in the judgment of judicial review of article 158, then automatically, the meaning of open legal policy referred in the Constitutional Court must be sought in other Court decisions and related to open legal policy. MardianWibowo has conducted research on the decision of the Constitutional Court since 2003 until 2016. From the decisions of the Court, there are 77 decisions on open legal policy and only 30 decisions that provide a definition of what an open legal policy is. Open legal policy is the policy choice left to the legislator to regulate issue that is not related to the issue of constitutional norms. Thus, the definition or limitation of the meaning of Open Legal Policy is:

- a. Additional regulations (which are not regulated in the 1945 Constitution) as consequence to the implementation of explicit order from the 1945 Constitution;
 - b. Might be amended by the regulator at any time;
 - c. Open Legal Policy is not related to the constitutionality of norm;
 - d. The content of materials is not regulated in the 1945 Constitution;
 - e. The 1945 Constitution orders the legislators to maintain advance legislations.
 - f. Containing the materials of official ethics;
1. The conditions to be met by a law of norm to be interpreted as opeb legal policy are:
 - a. Does not negate any principles contained in the 1945 Constitution (means to the principle of state of law, principle of people sovereignty, principle of equality, principle of justice, principle of non-discrimination);
 - b. Should recognize fair demands in accordance to moral judgment, religious values, security, and public order;
 - c. Does not violate the 1945 Constitution
 - d. Guarantee citizen's rights;
 - e. Not forbidden and not against the 1945 Constitution;
 - f. Possess utility or advantages;
 2. The conditions to be fulfilled for the constitutionality of a law norm to be judged as Open Legal Policy are:
 - a. Did not violate moral values;
 - b. Did not violate rationality;
 - c. Not in the form of *intolerable* injustice;

- d. Did not overstep the authority of legislator;
- e. Not an abuse of authority;
- f. Did not against the 1945 Constitution;
- g. Did not negate principles contained in the 1945 Constitution;
- h. Did not against any political rights;
- i. Did not against people's sovereignty;
- j. Did not apply arrogantly(*willekeur*);
- k. Did not overstep and/or abuse the authority(*detournement de pouvoir*);³⁸

Open legal policy as the basis of the Constitutional Court decision will reap a lot of problems when elaborated with the theory of legislation, theory of authority, and theory of legal protection. The theory of legislation (*Gezetsgebungstheorie*) which is oriented towards seeking clarity and assurance of meaning or inscriptions (*begripsvorming and begripsverheldering*),³⁹ is very much in line with the Constitutional Court's consideration when declaring article 158 as an open legal policy. With the argument of open legal policy, the Constitutional Court did not provide an explanation as to why the article on the maximum limit of vote difference is qualified as an open legal policy. That is, the Constitutional Court does not give meaning or the essence on the enactment of maximum limit of vote difference as a formal requirement for applying resolution for disputes over election results in Regional Election. Supposedly, as a judicial institution that has a function as the interpreter of constitution, the Constitutional Court should provide a full interpretation on the constitutionality of Article 158 of Law number 10/2016, or the Constitutional Court provides a clear explanation that the maximum limit of vote difference is an arrangement in accordance with the constitutional values because it contains fair values of recognition, protection, and legal certainty, and the restriction is in accordance with the restrictions set forth in Article 28J of the 1945 Constitution of the Republic of Indonesia.

In addition, when the issue is approached from the theory of legislation by Hans Kelsen, especially on *Stufenbau* theory.⁴⁰ Thus, the Constitutional Court's decision to declare article 158 to be an open legal policy is of course the same as saying that the provision of maximum limit of vote difference as a condition for submitting resolution for dispute over election result is not regulated by the constitution or has no constitutional basis. When a section / paragraph / chapter in a law has no constitutional basis, then the law can automatically become a provision that can have a value that different from the values that contained in the constitution. Whereas in fact, legal products in the form of law must have a unity of values with the constitution. This cannot be separated from the position of the constitution (the 1945 Constitution of the Republic of Indonesia) as the highest legal product in the hierarchy of legislation in Indonesia.⁴¹ The position of the 1945 Constitution of the Republic of Indonesia has the meaning that any provisions of laws under it shall be in accordance with the Constitution. Therefore, all laws from the top to the very bottom have one unity of value, so that if there is a rule below or under the Constitution is in contradicts to the above laws, then the lower laws are disregarded (*lex superiori deroget lex inferiori*).⁴² In essence, the

³⁸ Mardian Wibowo, *Makna "Kebijakan Hukum Terbuka" Dalam Putusan Pengujian Undang-undang di Mahkamah Konstitusi*, (Malang: Universitas Brawijaya, 2017), pg. 25-27.

³⁹ Hamid Attamimi, in Maria Farida Indrati S, *Ilmu Perundang-undangan : Jenis, Fungsi dan Materi Muatan*, (Yogyakarta : Kanius, 2007), pg. 8-9.

⁴⁰ Hans Kelsen, *Teori Umum Tentang Negara dan Hukum*, (Bandung ; Nusa Media, 2011), pg.101.

⁴¹ Article 7 Paragraph (1) of Law Number 12 Year 2012 on the Enactment of Legislation.

⁴² Umar Said Sugiarto, *Pengantar Ilmu Hukum*. (Malang, Setara, 2009), pg. 51

provisions of the law constitute a broader translation of the constitution as the general norm. Therefore, it becomes strange when there is a decision by the Constitutional Court declaring that article 158 has no detailed rule in the constitution. Indeed, the Constitutional Court provides full interpretation or digging values in the constitution that has a relationship or connection with the provisions of maximum limit of vote difference in the cases of dispute over results of Simultant Regional Election.

From the perspective of authority theory, where authority can be interpreted as a power derived from the rule of law,⁴³ then in this case, the Constitutional Court as an institution authorized through the provisions of Article 24C of the 1945 Constitution of the Republic of Indonesia for reviewing a law if there are laws that are in conflict with the constitution. In examining the provision of maximum limit of vote difference in Law number 10/2016 on Regional Election, the Constitutional Court does exercise its authority. That is to test the provisions of Article 158. However, the authority seems to be run by the Constitutional Court just to fulfill its formal authority alone. However, the Constitutional Court does not exercise its authority, both substantially and materially. If the Constitutional Court exercises its authority substantially, the Constitutional Court's decision on the provisions of article 158 would not only states Article 158 as an open legal policy, considering that when the Constitutional Court only mentions open legal policy towards Article 158, it implies that the Constitutional Court did not consider philosophically. If the Constitutional Court consider it philosophically, the Constitutional Court's decision will not only declare it as open legal policy, but also contains consideration of philosophy, theoretical, and legal dogmatic in the consideration of its decision. When the Constitutional Court only states that the open legal policy is exactly the same as the Constitutional Court only conducts its authority to test but does not review and interpret the provisions governing the maximum limit of vote difference.

The implication of the maximum limit is that the Constitutional Court cannot judge Dispute over Election Result because there is a conflict of article 158. The Constitutional Court has a limitation of authority. Namely, the Constitutional Court cannot examine, hear, and decide upon the petition for dispute over the results of Regional Election submitted by the voting contestant with the voting candidates who obtain the most votes above the maximum limit of 0.5% -2% differences. As proof, in the 2015 election, there were 147 cases of dispute over election results submitted to the Constitutional Court, and from those which could be continued until the examination of the principal case was only 5 cases, while the rest did not meet the requirements and of the other 139 unacceptable cases, 97 of them were rejected for not meeting the maximum limit of vote difference. In the second period of elections, in 2017, there were 55 cases filed, and 43 were declared not to meet the maximum limit of vote difference as regulated in Article 158 of Law number 10 Year 2016 on Regional election.⁴⁴

The number of dispute over election result that cannot be judged by the Constitutional Court or the number of election candidates who cannot gain access to justice because they do not meet the maximum limit of vote difference is a waiver to the rights of each candidate to obtain fair recognition, guarantee, and legal protection. When it comes to electoral rights, in fact it speaks of the constitutional rights possessed by citizens, since the right is a matter regulated in the constitution of a country, including the Indonesian constitution. Therefore, when setting the maximum limit of vote difference is proved to be an arrangement that ignores the rights election, it violates the principles adopted or guaranteed in the constitution itself.

⁴³Sudarsono, *Sekilas Tentang Wewenang dan Penyalahgunaan Wewenang*, Malang: Universitas Wisnuwardhana Malang Press, 2013. pg. 5

⁴⁴Constitutional Court's Decision Number 1/PHP.BUP-XIV/2016-147/PHP.BUP-XIV/2016 and Constitutional Court's Decision Number 1/PHP.BUP-XV/2017-55/PHP.BUP-XV/2017.

CONCLUSION

The enactment of maximum limit of vote difference as a requirement to file a case of dispute over election result in Regional Election constitutes the legal politics of legislator to provide legal certainty on the significance of difference of vote acquisition between candidates of election and minimize the case of dispute over election result which must be judged by the Constitutional Court at the same time. The political choice of the law of the legislators was corroborated by three decisions of the Constitutional Court on the judicial review of Article 158 of Law number 10 Year 2016 on Regional Election, which regulates the maximum limit of vote difference. The Constitutional Court postulates its verdict based on the belief that article 158 is an open legal policy, in an effort to build a culture of submission, and the restrictions through maximum limit of vote difference is a restriction that in accordance with the constitution. However, the Constitutional Court's verdict is in fact inconsistent with the principles of restriction guaranteed by the constitution because restrictions through the maximum limit of vote difference are not based on restrictions to protect the rights of all candidates and ensure equal balance or treatment for each candidates. The maximum limit of vote difference limits the space for candidates who do not meet the limits of vote acquisition to obtain justice through the Constitutional Court.

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- [7] Constitutional Court's Decision Number 51/PUU-XIII/2015, pg, 115
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