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Implications of District Court Decisions on the Stages of the 2024 Elections: Perspectives on the Indonesian Election System

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Abstract

Introduction: *The stipulation of Decision Number 757/Pdt.G/2022/PN.Jkt.Pst raises many pros and cons, namely related to the decision to postpone the 2024 elections. Through the Decision, the Central Jakarta District Court decided and adjudicated the Unlawful Acts dispute filed by the Adil Makmur People's Party against the General Election Commission. The Central Jakarta District Court should not have the authority to adjudicate disputes filed by the Adil Makmur People's Party because it violates absolute competence.*

Purposes of the Research: *The purpose of this study is to analyze the position of the Decision and its legal consequences on the people's sovereignty in the electoral system in Indonesia.*

Methods of the Research: *The research methods used are normative legal research methods, with a conceptual approach, a statue approach and a case approach.*

Results Main Findings of the Research: *The research found that (1) the General Election Commission was right to appeal, showing that the 2024 election must be in accordance with the constitution, and (2) the postponement of the election violates the sovereignty of the people, as the election system in Indonesia should be carried out every five (5) years, and does not recognize the term postponing the election.*

Keywords: Court Ruling; General Elections; Indonesian Election System.

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INTRODUCTION

Indonesia is seen as a country of law that should uphold legal norms. How high the appreciation for legal norms is reflected in the existence of the people which is highly prioritized in every bureaucratic policy. Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia reads "Sovereignty is in the hands of the people and the opinion of the Constitution is carried out". In Indonesia, the people have the highest sovereignty, which is reflected in general election activities (hereinafter referred to as elections). Elections in

Indonesia consist of presidential elections, elections for the House of Representatives, elections for the Regional Representative Councils, for governors, and so on.

General Elections as a representation of democracy, show the position of the people as the owners of power to determine the direction of the nation's goals, so welfare is the main goal of the existence of democracy. Quotes that are always friendly to hear, if the government of, by, and for the people,[1] This is intended if the existence of the state has the main goal of empowering and prospering its people. Furthermore, the government of the people is intended if all democratic processes have been recognized and considered legitimate in the opinion of the people, that means that the democratic process really comes from the people so that it will be supported by the people. Government by the people is defined as functioning the people as social control, that is, the people's desires must be channeled to the power holders. That means that all government policies must be in line with the will of the people, not based on the will/interests of the ruling class. The existence of power holders to bridge the needs of the people so that they are accommodated properly and correctly. Government for the people, of course, if government policies come from the aspirations of the people, then the existing output will meet the needs/welfare of the people. The importance of capturing the aspirations of the people here is to know the condition of the people, so as to minimize the mistakes of the rulers in making policies during their leadership period.

The representation of the elaboration of the meaning of democracy above, is the implementation of elections. Syamsudin Haris stated his views regarding elections, if elections are a form of political education for the people, which is direct, open, massive, which is expected to educate people about understanding politics and increase public awareness about democracy.[2] Elections are a process in which voters, namely the Indonesian people, choose people who nominate themselves to fill a certain political position. A certain political position in Indonesia is the position of President and Vice President. Henceforth, the Presidential - Vice Presidential Election will be abbreviated to the Presidential Election.

[1] Ahmad Zaini, "Demokrasi: Pemerintah Oleh Rakyat Dan Mayoritas," *Al-Ahkam: Jurnal Hukum, Sosial Dan Keagamaan* 14, no. 1 (2018): 25–41.

[2] Syamsudin Haris, *Partai, Pemilu, Dan Parlemen Era Reformasi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2014), p. 10.

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Article 6A Paragraph (1) of the 1945 Constitution of the Republic of Indonesia Third Amendment, explains that the President and Vice President are elected in one pair directly by the people. Then in Article 6A Paragraph (2) of the Constitution of the Republic of Indonesia 1945 Third Amendment, it is also explained if the pair of candidates for President and Vice President is proposed by a political party, or a combination of political parties that meet the requirements to be participants in the election before the election is held. Then further in Article 22E Paragraph (1) of the Constitution of the Republic of Indonesia states that "General elections are conducted directly, publicly, freely, secretly, honestly, and fairly every five years". It is understandable if the constitution expressly states that elections are regulated to be held once every 5 (five) years. Fair as stated in the provisions of Article 22E Paragraph (1) of the Constitution of the Republic of Indonesia is a principle in the implementation of elections. The fair principle should represent the electoral system that is as good as the opinion of the electoral law and the electoral process.[3] However, the holding of elections is the embodiment of the people's sovereignty.

Moh. Kusnardi and Harmaily Ibrahim argue that in the sovereignty of the people, it is the people who are considered as the owners and holders of the highest power in a country.[4] It is the people who determine the pattern and how the government process takes place. It is the people who provide input to determine the goals to be achieved by a government. This is where through election activities, people can voice their opinions and have the right to be heard, no one can close their votes. However, some time ago, it was actually shocked by issues related to the implementation of the 2024 elections. At the beginning of 2022, namely in January, the issue arose for the first time if there would be a postponement of the 2024 election.

The issue of postponing the election was first heard by the public by the Minister of Investment, Bahlil Lahadalia,[5] not only by the Minister of Investment, the issue of postponing the 2024 election was also conveyed by a number of ministers from President Joko Widodo,

[3] Mohammad Syaiful Aris, "Penataan Sistem Pemilihan Umum Yang Berkeadilan Untuk Penguatan Sistem Presidensiil Di Indonesia," *Yuridika* 33, no. 2 (2018): 290–315, https://doi.org/10.20473/ydk.v33i2.7379.

[4] Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Rajawali Pers, 2014), p. 1414.

[5] CNN Indonesia, "Bahlil Kembali Bicara Penundaan Pemilu, Singgung Perubahan Konstitusi," www.cnnindonesia.com, 2022, https://www.cnnindonesia.com/nasional/20220920170137-32-850395/bahlil-kembali-bicara-penundaan-pemilu-singgung-perubahan-konstitusi.

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which was also rumored as an alternative to extending President Joko Widodo's term. Another reason given regarding postponing this election is for the benefit of the nation, namely to maintain the stability of the country's economy from the covid 19 pandemic crisis. The issue of postponing the election is getting stronger, after the flame of support from the three party chairmen who are members of the Joko Widodo Government coalition, namely the National Awakening Party (PKB), the National Mandate Party (PAN), and the Golkar Party.

Leaders of these parties are said to support the issue of postponing the 2024 election. The reasons conveyed were to restore socio-political and economic stability affected by the covid 19 pandemic. He considers this reason to be rational to postpone the implementation of the 2024 elections. President Joko Widodo emphasized that he will obey and comply with the constitution related to the presidential term, which is for 5 (five) years for one term.

The issue of postponing the 2024 election seemed to be clear, when the Central Jakarta District Court on March 2, 2023 decided that the General Election Commission of the Republic of Indonesia should stop the stages of the 2024 election and repeat all stages from the beginning within a period of 2 years, 4 months and 7 days. That means, the election, which was actually held on February 14, 2024, must be postponed to July 2025. Through Decision Number 757/Pdt.G/2022/PN.Jkt.Pst, the Central Jakarta District Court decided on a civil case of Unlawful Acts filed by the Adil Makmur People's Party (hereinafter referred to as PRIMA) against actions taken by the General Election Commission of the Republic of Indonesia which did not pass PRIMA as a political party participating in the General Election.

Decision Number 757/Pdt.G/2022/PN Jkt.Pst., states that the General Election Commission of the Republic of Indonesia committed an Unlawful Act, punishes the General Election Commission of the Republic of Indonesia for failing to complete the remaining stages of the 2024 Election, and orders the General Election Commission of the Republic of Indonesia to repeat the election stages from the beginning. Based on the scope of its jurisdiction, the District Court should not have the authority to decide on Unlawful Acts committed by Government Agencies and/or Officials, let alone postpone the Election. There is no provision in the laws and regulations, including the General Election Law, that allows the District Court to order the

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postponement of the election. This indicates that the Central Jakarta District Court's Decision has deviated from the provisions of laws and regulations and exceeded its authority. The implementation of elections is regulated through Law Number 7 of 2017 concerning General Elections. Article 167 Paragraph (1) of the General Election Law states that elections are held every 5 (five) years. The decision to postpone the election violates the constitution. Elections are conducted directly, publicly, freely, secretly, honestly, and fairly every five years, meaning that the constitution stipulates that elections must be held every five years.

Previous research has been conducted by Fikri Hadi, Suwarno Abadi, and Farina Gandryani with the title "Juridical Review of the Postponement of General Elections Through District Court Decisions (Analysis of the Central Jakarta District Court Decision Number 757/Pdt.G/2022/PN Jkt.Pst)". It has been published in the journal "Wijaya Putra Law Review" in 2023. This study is only focused on discussing the study of the Central Jakarta District Court Decision Number 757/Pdt/G/2022/PN Jkt. Pst related to the lawsuit for unlawful acts by the Prima Party against the General Election Commission. The findings of this study show that if the Central Jakarta Court's handling of the situation results in the loss of absolute competence that must be replaced by the Election Supervisory Agency and the State Administrative Court, it can be seen that this study only focuses on the issue at hand, without delving into broader legal theories.[6] Meanwhile, the research conducted by the author focuses more on the implications of the post-decreed decision on the sovereignty of the people. In addition, the approach used in studying and analyzing legal materials by the author has a different point of view from previous research, which puts more on the view of people's sovereignty.

Based on the background mentioned above, the author is interested in making legal research related to the position of Decision Number: 757/Pdt.G/2022/PN Jkt.Pst when it is related to the Indonesian election system. Based on the determination of Decision 757/Pdt.G/2022/PN Jkt.Pst by the Central Jakarta District Court, what legal action was taken by the KPU RI to respond to the Decision. For this reason, the author formulates the following problem

[6] Fikri Hadi, Suarno Abadi, and Farina Gandryani, "Tinjauan Yuridis Penundaan Pemilihan Umum Melalui Putusan Pengadilan Negeri (Analisis Putusan PN Jakarta Pusat Nomor 757/Pdt.G/2022/PN Jkt.Pst)," *Wijaya Putra Law Review* 2, no. 1 (2023): 77-94., https://doi.org/10.38156/wplr.v2i1.92.

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formulation: (1) What is the position of Decision Number: 757/Pdt.G/2022/PN.Jkt.Pst in the electoral legal system in Indonesia? (2) what are the implications of the Decision on the sovereignty of the people?.

METHODS OF THE RESEARCH

This research is a normative legal research, which investigates whether a legal regulation is the same in legal norms or in legal principles, principles, and theories, in this case the object of the research is Decision Number: 757/Pdt.G/2022/PNJkt.Pst. Peter Mahmud Marzuki's opinion, legal research is a scientific process to find solutions to legal issues that arise with the aim of providing a prescription of what should be the legal issues that arise appeared.[7] Furthermore, based on Van Hoecke's view, legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced. The approaches used to analyze the problems in this study are the statutory approach (Statute Approach), the conceptual approach (Conceptual Approach) and the case approach (Case Approach). The Statute Approach is a problem approach that is carried out by studying positive laws, namely the applicable laws and regulations, in this case regulations related to General Elections in Indonesia. As for the Conceptual Approach, which is an approach that moves from the doctrines that develop in legal science, the conceptual approach is carried out by examining the doctrines that develop in Indonesian positive law, such as the concept of the Court's authority in deciding a legal case. The Case Approach in this case examines the issue of postponing elections based on Decision Number: 757/Pdt.G/2022/PNJkt.Pst issued by the District Court based on the electoral system in Indonesia.

RESULTS AND DISCUSSION

A. Legal Action of the General Election Commission Against Decision Number: 757/Pdt.G/2022/PN.Jkt.Pst

Since the existence of Decision Number 757/Pdt.G/2022/PN.Jkt.Pst, it has caused pros and cons among academics and legal practitioners. The reason is that through the decision, problems arise that are considered improper. Initially, PRIMA registered its party to participate

[7] Peter Mahmud Marzuki, *Penelitian Hukum,* (Jakarta: Kencana, 2016), p. 83.

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as a candidate for political party participants in the 2024 election contest. However, PRIMA was declared not to have passed the administrative selection as a candidate for political party participants in the 2024 election. Of course, this is based on several reasons that caused the failure to pass the PRIMA administrative selection.

PRIMA then filed a lawsuit against the General Election Commission of the Republic of Indonesia to the Central Jakarta District Court. However, PRIMA has made several efforts to fight for its political rights in the 2024 elections, as follows: 1) PRIMA sued the General Election Supervisory Agency, then issued a Decision of the General Election Supervisory Agency of the Republic of Indonesia Number: 002/PS REG/BAWASLU/X/2022 which ordered the General Election Commission to provide an opportunity for PRIMA to submit documents for improvement requirements; 2) The General Election Commission ignored the Bawaslu Decision by still issuing a Letter from the General Election Commission of the Republic of Indonesia Number: 1063/PL.01.1-SD/05/2022 which ultimately stated that PRIMA was not eligible, resulting in not being able to participate in the selection of candidates for political party participants in the 2024 election; 3) PRIMA sued the General Election Commission of the Republic of Indonesia to the Jakarta State Business Court with Number: 468/G/SPPU/2022/PTUN. JKT, however, stated that PRIMA does not have a legal relationship between interests and the existing State Administration, namely the Letter of the General Election Commission of the Republic of Indonesia Number: 1063/PL.01.1-SD/05/2022, resulting in PRAMA's lawsuit being rejected by the State Administrative Court.

Based on the legal measures that have been taken, PRIMA wants its political rights to be fulfilled, which according to PRAMA's opinion its political rights have been limited by the General Election Commission. Until finally PRIMA filed a lawsuit against the General Election Commission of the Republic of Indonesia to the Central Jakarta District Court. Furthermore, Decision Number: 757/Pdt.G/2022/PN.Jkt.Pst. Through this decision, the Central Jakarta District Court decided and declared that the General Election Commission committed an Unlawful Act. Furthermore, it punishes the General Election Commission not to carry out the remaining stages of the 2024 Election, and orders the General Election Commission to restart

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the election stages from the beginning. The decision postponed the implementation of the election which was supposed to be held in February 2024.

The Central Jakarta District Court's decision on postponing the election is considered to be beyond its absolute competence, this indicates that the existing legal remedies are not able to protect the rights of PRIMA who feel aggrieved. It should be noted that in the concept of court proceedings, there is a division of court competence into two, namely absolute competence and relative competence.

In Sjachran Basah's opinion, competence is defined as authority, power, or a right related to a body that has judicial power, which results in the authorization of the body. Competence can be defined as the delegation of power, authority, or rights to bodies and/or courts that exercise judicial power. The absolute competence of a court to give justice to the matter or object of the case. This is because this authority is only owned by the court, not owned by other courts. Meanwhile, relative competence is related to the provisions of the boundaries of the jurisdiction of a court that is the authority of the court. The court will be declared authorized to examine a case if a party to the dispute resides in a jurisdiction that is the jurisdiction of the court,[8] of course, other courts do not have the authority to adjudicate cases that are outside their jurisdiction.

Decision Number: 757/Pdt.G/2022/PN.Jkt.Pst, when referring to Article 467 paragraph (1) of Law Number 7 of 2017, states that "the General Election Supervisory Agency, the Provincial General Election Supervisory Agency, and the Regency/City General Election Supervisory Agency accept applications for the settlement of election process disputes as a result of the issuance of the General Election Commission Decision, the Provincial General Election Commission Decision, and the Regency/City General Election Commission Decision". In the article above, it has been clearly stated that the dispute over the election process as a result of issuing the Decision of the General Election Commission, the Provincial General Election Commission, and the Regency/City General Election Commission is the authority of Bawaslu, including related to the Decision of the General Election Commission related to the verification

[8] Budi Aspani, "Kompetensi Absolut Dan Relatif Peradilan Tata Usaha Negara Menurut Undang-Undang Nomor 5 Tahun 1986 Jo. Undang-Undang Nomor 9 Tahun 2004," *Jurnal Fakultas Hukum Universitas Palembang* 16, no. 3 (2018): 344–52.

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of political parties that passed in the 2024 election to the dispute over the results of the General Election Commission's Decision on the provision of PRIMA not passing as a candidate for party participants politics in the 2024 election, this should also be submitted to Bawaslu.

Solving problems arising from the election process, the Bawaslu Decision is final and has permanent legal force, but there are several categories that have exceptions, the most important of which is the Decision related to disputes over the results of political party verification as regulated in Article 469 paragraph (1) of Law Number 7 of 2017. This implies that in the event that the parties reject the Bawaslu Decision regarding the dispute over the results of the verification of political parties participating in the election, they still have access to other legal options. Law Number 7 of 2017 'Article 469 paragraph (2) regulates if the parties can apply for legal proceedings to the State Administrative Court, and the Decision of the State Administrative Court is final and binding at that level, and there are no other legal remedies that can be submitted as appeals and cassation legal remedies, as in Article 471 paragraph (7) of Law Number 7 of 2017.

Viewed from the point of view of the material of the case, the Jakarta State Administrative Court issued a Decision rejecting the lawsuit filed by PRIMA against the General Election Commission. As a result, PRIMA then filed an application for an Unlawful Acts case to the Central Jakarta District Court. The evolution of the legal system in Indonesia has brought changes in the way government bodies and/or officials (onrechtmatige overheidsdaad) resolve disputes of Unlawful Acts. Currently, related to the settlement of disputes over Unlawful Acts by Government Agencies and/or Officials, it has been transferred to the authority of the State Administrative Court, in accordance with the provisions of Supreme Court Regulation Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Prosecute Unlawful Acts by Government Agencies and/or Officials.[9] Considering that Unlawful Acts against Government entities and/or Officials are part of the State Administration Law.

[9] Yadhy Cahyady, "Implementasi Peraturan Mahkamah Agung Nomor 2 Tahun 2019 Terhadap Perbuatan Melanggar Hukum Oleh Badan Dan/Atau Pejabat Pemerintahan Dalam Rangka Penagihan Pajak Dengan Surat Paksa," *Jurnal Pajak Dan Keuangan Negara (PKN* 3, no. 1 (2021): 165–77, https://doi.org/10.31092/jpkn.v3i1.1232.

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Based on Law Number 30 of 2014, the public has the right to sue the Agency and/or State Administrative Officer for the Decision and/or State Administrative Action issued, but because the law does not specifically mention the competence of the court to adjudicate the case, the Supreme Court took the initiative to issue Perma Number 2 of 2019. When establishing the State Administrative Court as a justice institution that has the authority to provide justice for cases of Unlawful Acts filed by State Administrative Bodies and/or Officials, then the case is automatically transferred to the State Administrative Court, no longer to the District Court, so that in terms of the General Election Law and the idea of Unlawful Acts by the State Administrative Agency and/or Official (in this case the General Election Commission), therefore, the District Court does not have absolute authority to adjudicate the PRIMA lawsuit.

Meanwhile, if you look at the role of the Court in resolving election disputes in the United States, the approach is very judicial and decentralized, there is no special institution such as Bawaslu or the Constitutional Court (in Indonesia). Election disputes, both procedural and outcome-related, are handled directly by the general courts, the *state courts* and in certain cases handled by *the federal* courts. The settlement of election disputes in the United States is entirely based on *the common law* principle, which allows parties to bring lawsuits in court at various stages of an election, including before, during, and after the election.

The fundamental difference between Indonesia and the United States lies in the institutional structure and legal principles used. Indonesia applies a special and tiered model, separating between process and outcome disputes, involving supervisory bodies and constitutional courts. Meanwhile, the United States leaves all dispute resolution to the ordinary court mechanism, without any specialized institution. Therefore, regarding the case filed by PRIMA against the Central Jakarta District Court, it is definitely not the domain of the District Court's authority, because there are different institutional structures for resolving election disputes in each process.

Decision Number: 757/Pdt.G/2022/PN Jkt.Pst. is a decision that has a juridical defect (legally defective), both in the procedure, this case is not included in the absolute competence of the Central Jakarta District Court, and in terms of the substance of the decision, which is to

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postpone the 2024 election. Therefore, the steps taken by the General Election Commission to appeal Decision Number: 757/Pdt.G/2022/PN Jkt.Pst are appropriate. Upon the General Election Commission's legal action (filing an appeal), then the Jakarta High Court accepted the General Election Commission's appeal and stipulated Decision Number 230/Pdt/2023/Pt Dki.

Based on the legal considerations of the judges, through the Decision, the Jakarta High Court stated that the Central Jakarta District Court did not have absolute competence authority to adjudicate the case of Unlawful Acts filed by PRIMA. In addition, the Jakarta High Court also decided to cancel the Central Jakarta District Court Decision Number: 757/Pdt.G/2022/PN Jkt Pst., of course this makes the Decision have no legal force which means it does not have an impact on the implementation of the 2024 elections. However, after the issuance of the decision by the Jakarta High Court, PRIMA again took legal action with an appeal for cassation. Although the effort also ended with the amar being rejected, so it returned to the original position of Decision Number: 757/Pdt.G/2022/PN Jkt.Pst which was canceled and had no legal force.

B. The Consequences of the Decision to Postpone the 2024 General Election by the Central Jakarta District Court Against People's Sovereignty Opinion of Law Number 7 of 2017

If the Central Jakarta District Court Decision has legal force and must be carried out, then the election that should be held in 2024 must be postponed by the General Election Commission and the election stage is carried out, at the beginning of approximately 2 (two) years, 4 (four) months and 7 (seven) days, according to the Central Jakarta District Court Decision. Some of the consequences arising from the decision to postpone the election are one of which is the injury to the sovereignty of the people in democratic life. In the 1945 Constitution of the Republic of Indonesia, it has been regulated about restrictions on political power. If there is no restriction of power, it will result in the following things: 1) authoritarianism; 2) abuse of power; 3) Dictatorial rulers.[10]

The limitation of power in this case is also to control the authorities held by the ruler so that there is no arbitrariness. Postponing the election will trigger a decline in public trust in the

[10] Abdhy Siagian, Habib Ferian Fajar, and Rozin Falih Alify, "Konstitusionalitas Penundaan Pelaksanaan Pemilihan Umum Tahun 2024," *Jurnal Legislasi* 5, no. 2 (2022): 2, https://doi.org/10.20956/jl.v5i2.21026.

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government. This will certainly make the public skeptical of the government and law enforcement in Indonesia. The Central Jakarta District Court's decision raises public assumptions about the interests of certain groups to postpone the 2024 elections. So it is feared that it will affect the level of public participation in the implementation of elections. In fact, elections are a fundamental right of citizens who will be the principal in the form of the sovereignty of the people. Elections are a way and means to inform the will of the people about the direction and direction of the country in the future.

A legitimate government is a government that is recognized by the public through elections. As a result, elections allow the country's leaders to gain public credibility.[11] The election is intended to elect the people's representatives who will later sit in the legislature and also elect the president and vice president who will be led by the executive institution (government).[12] The purpose of holding elections is at least 3 (three), namely: a) Possible transition of government in a safe and orderly manner; b) To exercise the sovereignty of the people; c) In order to exercise the Human Rights of Citizens.[13]

Elections are a fundamental right of citizens and a manifestation of the sovereignty of the people. The government that postpones the election can be judged in the form of violating the human rights and sovereignty of the people. If viewed from the Constitutional Law, which is related to constitutionality, then the benchmark test is the constitution, which is related to the Indonesian political system, namely the Constitution of the Republic of Indonesia in 1945. This is stated in the 1945 Constitution of the Republic of Indonesia, Chapter VIIB concerning General Elections, especially Article 22E paragraph (1), which states that "General elections are conducted directly, publicly, freely, secretly, honestly, and fairly every five years."

It should also be noted that this is not a legal policy based on an open legal policy, but a legal policy that relies on the Law to implement the laws contained in the Constitution. The absence of an open legal policy is due to the fact that the Constitution does not explicitly and

[11] Nanik Prasetyoningsih, "Implementasi Hak Politik Warga Negara Didalam Pemilihan Umum Legislatif 2009," *Jurnal Konstitusi* 2, no. 1 (2009): 24–41.

[12] Iwan Satriawan and Tanto Lailam, "Open Legal Policy Dalam Putusan Mahkamah Konstitusi Dan Pembentukan Undang-Undang," *Jurnal Konstitusi* 16, no. 3 (2019): 559–84, https://doi.org/10.31078/jk1636.

[13] Moh. Kusnardi and Harmaily Ibrahim, *Pengantar Hukum Tata Negara Indonesia* (Jakarta: Pusat Studi Hukum Hukum Tata Negara Universitas Indonesia, 1988), p. 330.

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comprehensively define the constitutional basis for public policy. Furthermore, Article 22E is clear, concise, specific, and elaborative, stating that elections are held every 5 (five) years. Article 431 paragraph (1) of Law Number 7 of 2017 states "In the event that in part or all of the territory of the Unitary State of the Republic of Indonesia there is a riot, security disturbance; natural disasters, or other disturbances that result in some stages of the Election Implementation not being able to be carried out, a follow-up election will be held. (2) The implementation of the follow-up election as intended in paragraph (1) starting from the stage of holding the election is stopped Article 432 paragraph (1) In the event that in part or all of the territory of the Unitary State of the Republic of Indonesia there is a riot, security disturbance; natural disasters, or other disturbances that result in all stages of the Election Implementation not being able to be carried out, follow-up elections are held. (2) The implementation of follow-up elections is carried out for all stages of the implementation of the elections".

Based on the above articles, it is clear that follow-up and follow-up elections are only made for special reasons that regulate clearly and specifically. Therefore, it does not make sense if the 2024 General Election is postponed due to the issuance of a Central Jakarta District Court Decision which is not his absolute competence to adjudicate, other than that the Decision will be contrary to the constitutional mandate for elections to be held every five years. If examined more deeply, the decision will have no impact on the parties (in this case PRIMA and the General Election Commission), but also on all political parties participating in the 2024 General Election and all Indonesian people. The verdict in a civil lawsuit should only be binding on the parties involved. Meanwhile, the decision to postpone has an impact on all Indonesian citizens.

It is important to emphasize that the right of citizens to vote, in addition to being a constitutional right, is a Human Right, in this case it refers to the political right of one person who recognizes not only national, but also universal rights in all the world. Therefore, the decision to postpone the election not only violates the constitution, but also endangers the political rights of all citizens. A most important component in a democratic system is the mechanism for the periodic expression of public opinion through elections. Therefore, elections

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function as a mechanism to ensure equality of basic rights of citizens.[14] Juridically, the decision to postpone the 2024 election by the Central Jakarta District Court cannot be carried out because it violates several matters related to people's sovereignty in the electoral system in Indonesia.

CONCLUSION

The legal action taken by the General Election Commission on the decision Number: 757/Pdt.G/2022/PN.Jkt.Pst is appropriate, namely by submitting an appeal to the DKI Jakarta High Court, this shows that the 2024 election should be held in accordance with the provisions of the constitution, namely once every 5 (five) years. As a legal result, if the 2024 General Election is postponed according to the content of Decision number 757/Pdt.G/2022/PN.Jkt.Pst, it will violate the sovereignty of the people, as the General Election system in Indonesia should be held every five (5) years, and without any term, the General Election will be postponed. The provisions for the implementation of the General Election period are certain and clear, the District Court does not have the authority to postpone the General Election at all. Furthermore, the author recommends that the Court institution continue to develop the ability of human resources and infrastructure to realize and fulfill the justice of the community.

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