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**Submission date:** 13-Jun-2024 03:16PM (UTC+0800)

**Submission ID:** 2401618588

**File name:** Jamaluddin\_Social\_Space\_4\_23\_2023\_1.pdf (225.45K)

**Word count:** 5775

**Character count:** 34616

## The Hermeneutics of Electoral Rules in the Policy of Organising Regional Head Elections in Indonesia (Case Study of the Facts of the Election Code of Ethics Hearing in Kotabaru District)

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### Abstract

This study endeavours to conduct a hermeneutic analysis of electoral regulations pertaining to the organization of regional head elections in Indonesia, focusing on a specific case involving the adjudication of violations of the election code of ethics in Kotabaru Regency, South Kalimantan. Employing an interpretative qualitative approach, the research method involves a comprehensive examination of the trial proceedings related to breaches of the election organizer's code of ethics in South Kalimantan Province. Researchers utilize the interpretative qualitative method within the framework of Legal Hermeneutics to scrutinize public policy, particularly the policy governing regional head elections in Indonesia. The legal hermeneutics inquiry reveals that both the plaintiff and the defendant in the trial failed to reference the Law on Regional Head Elections as the foundational basis for their arguments and defences, respectively, nor did they invoke the principles outlined in the election organizer's code of ethics. Furthermore, the study underscores the complexity of the Law on Regional Head Elections (Pilkada) and advocates for its simplification, emphasizing the absence of a legislative framework for amending this law.

**Keywords:** Hermeneutics, Electoral Rules, Policy, Regional Head Election.

### Introduction

Elections, fundamental to democratic governance, hold significant sway in the trajectory of societal progress. Beyond their function in leader selection, elections serve as a tangible arena for public engagement, the exercise of political liberties, and the fulfilment of societal aspirations (Noor & Marlina, 2023). General elections serve as a concrete enactment of constitutional democracy in Indonesia, facilitating the

exercise of citizen sovereignty through the rights to candidacy and suffrage (Olsson & Meek, 2013; Pal, 2017). Electoral frameworks continuously evolve over time, encompassing both technical advancements and refinements in electoral legislation (Siboy, 2021).

Nevertheless, empirical evidence reveals persistent violations and irregularities in elections, particularly in regional head elections (van Klinken, 2009). In the context of Indonesia's Regional Head Elections (Pilkada), smooth voting processes are not universal across all regions. Various factors contribute to delays in ratifying voting outcomes, including disputes arising from vote count discrepancies (Ariyanto, 2023). The success of regional elections hinges not solely on procedural stages but also on the effective resolution of accompanying disputes. To uphold the principles of democracy in direct regional elections, implementation necessitates a robust, integrative system founded on principles of freedom and fairness. This entails: (1) establishing comprehensive legal frameworks that are binding and serve as guidance for organizers, candidates, and voters, (2) executing all election-related activities in adherence to statutory provisions, and (3) integrating electoral law enforcement processes concerning administrative, criminal, ethical matters, and disputes resolution at all levels (Nasrullah & Lailam, 2017).

In this context, the existing judicial institutions exhibit limitations and inadequacies in achieving electoral justice. Deficiencies within the electoral dispute resolution (EDR) mechanism in Indonesia create loopholes, resulting in a lack of genuine justice for those involved and disadvantaged in electoral disputes (Ali, 2011). The fluctuations observed in the electoral dispute resolution institution stem from inherent issues, encompassing injustices, legal ambiguities in dispute resolution, and challenges in interpreting constitutional authority.

The transformation of regional head elections into a national agenda has engendered various challenges and apprehensions during implementation. Amidst these complexities, preparations for the 2024 elections entail deliberations on multiple options, including the continuation or alteration of the simultaneous election system, dividing them into either national and regional or executive and legislative components. Given the challenges encountered in the 2019 elections, particularly the

complexities of simultaneous elections, the government must reconsider the approach for the upcoming 2024 elections. The simultaneous conduct of national and regional elections has posed numerous challenges for electoral organizers, participants, and voters alike. Evaluating the technical intricacies of simultaneous elections has additionally burdened field officers (Ichwanuddin, 2020). This burden extends beyond mere workload to encompass managing public demands and grievances.

Within the realm of election administration in Kotabaru Regency, adherence to principles outlined in the organizer's code of ethics, notably the principle of legal certainty, is paramount. This principle necessitates a comprehensive understanding of the regulations governing the duties, functions, and authorities of organizers. However, practical observations reveal instances where officers assigned to PPK assume duties belonging to PPS, deeming their actions appropriate. Conversely, certain individuals lodge complaints regarding these actions as violations of the KPU members' code of ethics, prompting inquiry into the underlying biases or misinterpretations evident in both the complainant and the organizer (Mappiare, 2013). Thus, a legal hermeneutic examination of electoral regulations becomes imperative to address this issue. Hermeneutics, guided by four criteria, including the potential for multiple interpretations, underscores the significance of interpretation, as articulated by Anthony Giddens, who asserts that the core of social theory studies lies in the understanding of "action" and the "interpretation of action." Human actors navigate their actions based on their understanding and interpretation of their own actions or those of others (Callinicos, 1985). The interpretation of actors' actions, as manifested in the execution of the regional head election in Kotabaru Regency, has prompted grievances from a group of legal practitioners, leading to the adjudication of an election code of ethics case.

Given the complexities identified, it becomes imperative to address the concerns surrounding the organization of simultaneous regional head elections. Thus, there is a pressing need for a study employing legal interpretation, commonly referred to as legal hermeneutics, to examine the enforcement processes of electoral regulations governing the organization of regional head elections in Indonesia. This study will centre on the hermeneutical analysis of electoral regulations pertinent to the organization of regional head elections in Kotabaru Regency, South Kalimantan. Specifically, it will scrutinize

the case involving the General Election Organiser, as documented in case number 41-PKE-DKPP/I/2021, with the objective of refining the scope of inquiry.

### Research Methods

The research employs an interpretative qualitative approach, focusing on field observations, particularly within the context of the trial concerning violations of the Code of Ethics of the General Election Organiser in South Kalimantan Province during the 2021-2022 period. Utilizing the interpretative qualitative method, researchers delve into Legal Hermeneutics to analyse public policy, specifically regarding regional head election policies in Indonesia. Hermeneutics, fundamentally concerned with interpreting language, encompasses grammatical and psychological interpretations, elucidating the grammatical influences shaping linguistic expressions (Bungin, 2011). Researchers employ legal hermeneutics to decipher the meanings of the law from the perspectives of users and justice seekers. The study aims to comprehend the stance of the plaintiff involved in the trial concerning violations of the code of ethics for the organiser of the regional head election in Kotabaru Regency in 2021.

Structurally, the author undertakes a systematic approach in analysing the data. The initial step involves acquiring pertinent documents, namely: (a) the complainant's demands, (b) responses from the complainant, and (c) documents outlining the Pilkada Law. Subsequently, the author proceeds to record responses from both the complainant and the respondent, along with witness testimonies from the trial of case number 41-PKE-DKPP/I/2021. The third step entails coding data on events based on the documents and explanations provided by the involved parties, which the author correlates with provisions outlined in the Pilkada Law. The focus lies on determining whether the actions of the complainant and the respondent adhere to the principle of legal certainty, discerning whether specific articles of the Pilkada Law have been violated or referenced in their responses. Through these three steps, the author acknowledges that theoretical constructs emerge from the researcher's interpretation of the actions of the agents or actors under investigation.

### Research Results

#### Simultaneous Regional Elections and The Application of Legal Hermeneutics in Trial Facts

The examination of legal hermeneutics entails a methodical interpretation of textual rules and articles, with legal scholars, social scientists, and philosophers

recognizing it as a viable approach for comprehending normative texts ([Leyh, 1992](#)). Hermeneutics, alongside critical appraisal methods, is oriented towards grasping alternative perspectives stemming from communicative acts. Conversely, empirical analysis studies, geared towards controlling the processes of objective knowledge, stem from instrumental action ([Muchtar, 2016](#)).

The examination of simultaneous regional elections within this discourse is confined to the trial proceedings pertaining to a complaint report on violations of the election organiser's code of ethics against the Chairperson and Members of the Kotabaru Regency General Election Commission. When subjected to legal interpretation or legal hermeneutics, the provisions outlined in these two laws may potentially lead to misinterpretations for regional election organisers at the sub-district level or below, particularly regarding their duties and obligations as election organisers. However, such misinterpretations are less likely to occur among legal experts.

Illustratively, the trial proceedings reveal an instance where Abdul Kadir Jailani, the chairman of the PPK, acknowledged receiving information regarding a shortage of ballots at TPS 001 Banua Lawas Village, Kelumpang Hulu District, subsequent to the final sorting conducted by the Kelumpang Hulu PPK concerning the election's completeness. The ballot shortage, which exceeded the designated DPT plus 2.5%, prompted the PPK chairman to promptly coordinate with various parties, including TPS supervisors, who collectively agreed to procure and submit additional ballots with the approval of TPS supervisors, PPS representatives, and each witness from candidate pairs Number 1 and Number 2. Subsequently, special incident notes were generated at each polling station. This statement from Abdul Kadir Jailani parallels the declaration made by the Kotabaru Regency KPU commissioner, elucidating a shortage of 100 ballot papers during the 2020 Kotabaru Regent and Deputy Regent elections at polling station 1 Banua Lawas Village, Kelumpang Hulu District. In a pre-emptive measure to address the ballot shortage, 20 ballots were obtained from three polling stations and openly provided to the Banua Lawas Village Voting Organiser Group (KPPS) officers, witnessed impartially by representatives from both candidate pairs Number 01 and Number 02.

The action undertaken by the PPK Chairperson, Abdul Kadir Jailani, was construed by the complainant as a procedural lapse, attributing responsibility to the Kotabaru Regency KPU members. Consequently, this incident served as one of the grounds for the complaint, with the Regency KPU commissioners being accused and subjected to trial. However, this complaint is deemed misplaced, as the "procedural error" was committed by the PPK chairman and not at the behest of the Regency KPU commissioners.

Similarly, instances of misinterpreted or decontextualized legal interpretation or hermeneutics are evident in the response provided by the accused KPU commissioners of Kotabaru Regency during the trial. They argued that the process of obtaining 10 ballot papers from polling station 001 of Mangkirana Village, 5 ballot papers from polling station 001 of Cantung Kiri Hilir Village, and 5 ballot papers from polling station 002 of Cantung Kiri Hilir Village, conducted by the PPK Kelumpang Hulu District Chairperson to address the ballot shortage at polling station 001 of Banua Lawas Village, adhered to the provisions outlined in Article 88 of KPU Regulation Number 18 of 2020. The cited article dictates specific procedures in the event of a ballot shortage at single-polling-station villages or other designated sub-districts, emphasizing coordination among polling station personnel, the Panwaslu Kelurahan/Village, and the TPS Supervisor to secure additional ballots and ensure accurate record-keeping.

In this elucidation, no specific provisions pertaining to the role of PPK, represented by Abdul Kadir Jailani, are delineated; rather, the focus is on PPS. The delineation of duties and authorities assigned to PPK members is articulated as follows:

1. Assisting the KPU, Provincial KPU, and Regency/City KPU in updating voter data, temporary voter lists, and permanent voter lists.
2. Assisting the Regency/City KPU in organizing elections.
3. Executing all stages of organizing elections at the sub-district level as determined by the KPU, Provincial KPU, and Regency/City KPU.
4. Receiving and submitting the voter list to the Regency/City KPU.
5. Collecting the results of vote counting from all PPS within its jurisdiction.

6. Recapitulating the results of vote counting in a meeting attended by witnesses of election participants.
7. Announcing the results of vote counting recapitulation.
8. Submitting the results of vote recapitulation to all election participants.
9. Drafting minutes of vote counting and issuing a certificate of vote counting, which must be submitted to witnesses of election participants, Sub-district Panwaslu, and Regency/City KPU.
10. Promptly addressing findings and reports submitted by the Sub-district Panwaslu.
11. Evaluating and reporting on each stage of the election within its jurisdiction.
12. Verifying and summarizing the support of individual candidates.
13. Conducting public outreach on the implementation of elections and/or duties and authorities of PPK to the community.
14. Fulfilling any other duties, powers, and obligations assigned by the KPU, Provincial KPU, or Regency/City KPU in accordance with statutory regulations.
15. Fulfilling any other duties, powers, and obligations in accordance with statutory provisions.

The Chairman of PPK, despite possessing a constrained comprehension of legal regulations, is susceptible to misinterpretation, a circumstance applicable to both the complainant and the respondent. This limitation underscores the importance of acknowledging such constraints, particularly in the context of simultaneous national and regional elections encompassing legislative and executive components.

Regarding elections, Law Number 7 of 2017 stipulates the responsibilities of PPK, as outlined in Article 53(1), which include: (a) executing all stages of Election Implementation at the sub-district level as determined by the KPU, Provincial KPU, and Regency/City KPU; (b) receiving and submitting voter lists to the Regency/City KPU; (c) conducting and announcing the recapitulation of vote count results for various electoral positions, such as members of the DPR, DPD, President, Vice President, members of the Provincial DPRD, and members of the Regency/City DPRD in the respective sub-districts, based on polling station vote count result minutes and witnessed by Election Participant representatives; (d) evaluating and generating reports on each stage of Election Implementation within its jurisdiction; (e)



disseminating information on Election Implementation and/or tasks and authorities of PPK to the community; (f) executing additional tasks delegated by the KPU, Provincial KPU, or Regency/City KPU in alignment with legal provisions; and (g) fulfilling any other duties in accordance with legal regulations.

The actions of the PPK chairman do not match his duties outlined in relevant laws and regulations. The chairman's role includes gathering voting results, exercising authorities granted by election commissions, updating voter data, assisting in organizing elections, addressing reports from election monitoring bodies, and fulfilling other obligations as per legal regulations and statutory provisions.

It is imperative to highlight, based on information provided by the complainant, the discovery of alterations in the physical format of Model C-Copy of KWK forms, which were not issued by the KPU but rather generated by KPPS themselves or obtained from downloading [jdih.kpu.go.id](http://jdih.kpu.go.id). These alterations were observed at various polling stations, including TPS 003 and TPS 004 in Karang Payau village, <sup>3</sup> TPS 009 in Sungai Kupang village, and TPS 001, TPS 003, TPS 004, and TPS 006 in Bangkalan Melayu village. The leadership and members of the Kotabaru Regency General Election Commission acknowledged that certain KPPS officers deemed it necessary to maintain an archive of these forms. However, instead of retaining the downloaded results for archival purposes, they were handed over to witness number 02, thereby raising suspicions regarding the authenticity of the serial numbers involved.

Despite findings in the field and during the trial indicating that the alteration of the form did not affect the vote tally for each candidate, thereby rendering no evidence of unfair treatment in this instance, the occurrence has spurred legal hermeneutics from the complainant, who attributes the error to the District KPU commissioners.

Legal hermeneutics also surfaced during the Open Plenary Meeting for the Recapitulation of Votes in the Kotabaru Regent and Deputy Regent Elections, held on December 16, 2020, at the multipurpose building - Paris Barantai. The complainants were applauded during the meeting, leading to their perception of being undermined and perceiving a lack of neutrality, impartiality, and ethical conduct on the part of the

organizers, particularly the Kotabaru Regency General Election Commission. However, it is crucial to note that attendees at the plenary meeting included representatives not only from the organizing body but also from candidate pair number 02. Therefore, the applause was not solely directed at the complainants or reporters but was a general expression of support, also observed when incidents were attributed to the organizers.

To prevent erroneous legal hermeneutics, it is crucial for Bawaslu and/or the security forces present to discourage cheering during such events. Such admonitions are necessary as cheers may lead to varied interpretations, including feelings of being undervalued or fostering an atmosphere lacking in solemnity.

Another incident of significance concerning legal hermeneutics in this article pertains to a member of the KPPS at TPS 003 Muara Urie Village, Hampang District, who conducted vote counting on a blackboard instead of using the C. KWK results. This approach was adopted during the recapitulation at TPS 3 Hampang Subdistrict, Muara Urie Village, to mitigate potential errors in transcribing vote tallies as perceived by polling station officers. The use of a blackboard was mutually agreed upon by PTPS and KPPS witnesses (refer to Exhibit T-7), and no objections or irregularities were raised during the recapitulation reading.

The facts gleaned from both field observations and trial proceedings indicate that the recapitulation results remained unchanged and were consistent with those recorded in the C. Results-KWK TPS 3 and C. Copy-KWK TPS 03 Muara Urie Village forms. However, this scenario may engender legal hermeneutics that speculate on fraudulent conduct, leading the complainant to lodge accusations against the Regency KPU commissioners.

The application of legal hermeneutics to statutory and contextual regulations proves particularly insightful in comprehending the complexities surrounding events within the concurrent Regional Head Elections (Pilkada). A notable incident underscores this assertion, wherein the observer affiliated with Candidate Pair Number Urut 2 at TPS 002 Muara Urie Village, Hampang District, purportedly did not promptly receive the C.Copy-KWK results. Instead, the results were received the day subsequent to the voting process, devoid of signatures from the Chairman,

Members of the KPPS, and Witnesses of Candidate Pair for Regent and Deputy Regent of Kotabaru Number Urut 1. Subsequently, during the plenary vote count recapitulation in the Hampang sub-district, the proceedings were openly witnessed by both observers of Pair Number 01 and Pair Number 02. Notably, despite no disparities in the vote acquisition recorded in the C.Copy-KWK TPS 002 form, both by the TPS Supervisor and Witnesses of Candidate Pair for Regent and Deputy Regent Number 1, the overarching observation stands unchanged. The incomplete C.Copy-KWK results, albeit signed by KPPS TPS 002 during the Plenary in Hampang Sub-district, yielded a vote tally identical to that of the C.HASIL-KWK with a hologram (Exhibits T-1, T-2, T-3, T-4, T-5, T-7, T-11, and T-12). Furthermore, during the Plenary in the Hampang sub-district, photographic documentation of Pilkada activities at TPS 002 Muara Urie Village was presented, and witnesses of Candidates for Regent and Deputy Regent Number 2 endorsed the Sub-district's Plenary Results (Exhibits T-1, T-2, T-3, T-4, T-5, T-7, T-11, and T-12). These circumstances understandably elicited suspicion from the complainant. Notably, during the plenary recapitulation at the Regency level, no disparities in results were observed among the forms submitted by each participant, including those from Candidate Numbers 1 and 2, and the Kotabaru Regency Election Supervisory Agency (Bawaslu) (Exhibits T- and T-).

Upon thorough examination and factual scrutiny during the trial proceedings, it was discerned that there exists no substantiated evidence of partial treatment towards any candidate pairs. Nevertheless, this incident instigates legal hermeneutics or interpretations, naturally casting suspicion upon regional election organizers at levels beneath the District KPU commissioners, namely those functioning at the district level down to the polling stations.

A non-contextual legal hermeneutics lens provides further clarity upon reviewing the complainant's dossier, which asserts that the KPU commissioners (consisting of five individuals) have breached regulations. The complaint dossier specifically cites the violation of "Article 10 of the Joint Regulation of the General Election Commission, the General Election Supervisory Agency, and the Honorary Board of Election Organisers Number 13 of 2012 Number 11 of 2012 Number 1 of 2012 concerning the Code of Ethics of General Election Organisers Basic Principles of Ethics

and Conduct of DKPP rules No. <sup>6</sup> 2 of 2017 concerning the Code of Ethics."

This article delves into the application of the principles of independence and fairness within the electoral process. It stipulates the obligations incumbent upon Election Organizers, including:

(a) Maintaining neutrality and impartiality towards political parties, candidates, election participants, and mass media. (b) Ensuring equal treatment of all candidates, election participants, prospective voters, and other stakeholders involved in the electoral process. (c) Rejecting any factors that may undermine the execution of duties and avoiding interference from external entities. (d) Abstaining from issuing biased opinions or statements on ongoing electoral issues. (e) Refraining from influencing or engaging in partisan communication with voters. (f) Avoiding the display or endorsement of symbols, emblems, or attributes indicating a partisan stance towards specific political parties or election participants. (g) Avoiding the public declaration of personal political preferences and refraining from inquiring about others' political leanings. (h) Providing comprehensive and careful information to individuals or election participants regarding filed allegations or imposed decisions. (i) Ensuring each accused election participant receives an equitable opportunity to express their views on their respective cases or imposed decisions. (j) Listening to all concerned parties involved in the case and impartially considering all presented arguments. (k) Refusing any form of gifts from election participants, prospective candidates, companies, or individuals that may influence decisions made by the election management body.

The complainant alleged that during the Plenary Meeting for the Determination of the Recapitulation of Vote Counting Results for the 2020 Kotabaru Regent and Deputy Regent Elections held at Paris Barantai (Multipurpose Building) on Tuesday, December 15, 2020, an altercation occurred. Subsequently, the witness inquired about a suspected violation that appeared to contravene the transparency standards expected from the Election Organizers, specifically the Kotabaru KPU, concerning the Transfer of Ballots from Other TPS in Kelumpang Hulu Subdistrict. Notably, it was asserted that the Chairperson of the Subdistrict Election Committee

(PPK), Mr. Abdul Kadir Jailani, transported ballots for the Kotabaru Regency Regent election to Mangkiran Village, as mentioned. However, it is emphasized that there was indeed coordination and transparency maintained by the organizers.

The involvement of legal hermeneutics should have been considered when the complainant participated in the plenary session. Hence, it underscores the significance of paying heed to individuals responsible for revising laws and regulations. The process of revising laws and regulations pertaining to both general and regional elections necessitates thorough consideration of the multitude of laws addressing "revision or amendment of laws," as articulated below.

### **Legal Hermeneutics and the Election Law**

Legal hermeneutics aims to enhance the clarity and accessibility of laws and regulations, catering to a diverse audience, including non-law graduates or laypersons such as the author of this article. Examining the provided explanation, it is evident that the 2020<sup>4</sup> Simultaneous Regional Head Elections (pilkada) are governed by Law 6 of 2020, which pertains to the ratification of Government Regulation in Lieu of Law (Perppu) 2 of 2020, amending Law 1 of 2015, which in turn ratified Perppu 1 of 2014<sup>4</sup> concerning the Election of Governors, Regents, and Mayors into statutory law. This elucidation sheds light on the legislative framework governing regional head elections.

1) The Republic of Indonesia's Law Number 12 of 2008 addresses the second amendment to Law Number 32 of 2004 concerning Regional Government.

The reference to this law distinctly pertains to amendments concerning local government regulations, rather than general or regional head elections. However, the legal interpretation shifts when considering the "consideration" clause, which highlights changes in the implementation of local government elections specified in Law No. 32/2004 on Local Government, particularly following the Constitutional Court's ruling on individual candidates. It is noted that Law No. 32/2004 on Local Government does not address the procedure for filling vacancies in the deputy regional head position when the incumbent regional head dies, resigns, or is incapacitated for six consecutive months during their term. Recognizing the need for efficiency and effectiveness in organizing regional head and

deputy regional head elections, there arises a necessity to consolidate the scheduling of regional head elections, prompting the call for amendments to Law No. 32/2004 on Regional Government.

2) Law of the Republic of Indonesia Number 23 Year 2014 on Regional Government.

The legal interpretation or hermeneutics of this law is unequivocal, as it underscores that Law Number 32 of 2004 on Regional Government is no longer suitable considering the evolving circumstances, state administration, and the evolving needs of regional governance, necessitating its replacement. With the enactment of Law Number 23 of 2014 on Regional Government, Law Number 32 of 2004 is rendered obsolete. Consequently, all regulations concerning local government are now conveniently consolidated within Law Number 23 of 2014 and its associated implementing regulations. Subsequently, legal hermeneutics or interpretation may pose challenges when examining subsequent laws and regulations.

3) The Republic of Indonesia's Law Number 1 of 2015 concerns the incorporation of Government Regulation in Lieu of Law Number 1 of 2014 regarding the Election of Governors, Regents, and Mayors into statutory law.

This reference underscores that Law No. 1/2015 primarily pertains to the incorporation of PP into statutory law, rather than addressing Regional Head Elections. Nonetheless, engaging in legal hermeneutics or interpretation poses challenges when considering certain factors. Firstly, it is imperative to acknowledge the assertion of popular sovereignty and democratic principles, as delineated in subsection a, necessitating the validation of direct elections for Governors, Regents, and Mayors by the populace, while concurrently addressing inherent flaws in the existing direct election processes. Additionally, the contention arises from the widespread disapproval of Law Number 22 of 2014, which stipulates the mechanism for indirect regional head elections via the Regional People's Representative Council, and the ensuing procedural complications, thereby invoking a pressing necessity in compliance with the Constitutional Court Decision Number 138/PUU-VII/2009. This necessity is accentuated by the juxtaposition of Law Number 22 of 2014 alongside the title of the current legislation. Furthermore, the complexities of legal hermeneutics or interpretation are compounded by the interplay of subsequent laws and regulations.

- 4) The Republic of Indonesia's Law Number 8 of 2015 pertains to the amendment of Law Number 1 of 2015 regarding the incorporation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into statutory law.

The identification of Law No. 8 of 2015 distinctly conveys its nature as an amendment to existing legislation. Engaging in legal hermeneutics or interpretation proves challenging within the purview of this law due to several stipulations outlined therein. Firstly, it necessitates the amendment of various provisions concerning the conduct of elections for governors and deputy governors, regents and deputy regents, as well as mayors and deputy mayors, as prescribed by Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2014 regarding the Election of Governors, Regents, and Mayors, subsequently ratified as Law Number 1 of 2015. Secondly, guided by the considerations delineated in points a and b, there arises a compelling need to promulgate a legislative act specifically addressing amendments to Law Number 1 of 2015 concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2014 pertaining to the Election of Governors, Regents, and Mayors. Furthermore, navigating legal hermeneutics or interpretation presents challenges when confronted with subsequent laws and regulations.

- 5) The Republic of Indonesia's Law Number 10 of 2016 addresses the second amendment to Law Number 1 of 2015 concerning the incorporation of Government Regulation in Lieu of Law Number 1 of 2014 regarding the Election of Governors, Regents, and Mayors into statutory law.

Law No. 10 of 2016 is explicitly focused on the second amendment to Law No. 1 of 2015. However, legal interpretation faces challenges due to the need for amendments to provisions within Law No. 1 of 2015, as modified by Law No. 8 of 2015, pertaining to the elections of governors, deputy governors, regents, deputy regents, mayors, and deputy mayors. Given the considerations outlined, there is a necessity to enact a law specifically addressing the second amendment to Law No. 1 of 2015 concerning the incorporation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the election processes of regional officials.

- 6) The Republic of Indonesia's Law Number 6 of 2020 pertains to the ratification of

Government Regulation in Lieu of Law Number 2 of 2020, specifically addressing the third amendment to Law Number 1 of 2015 concerning the incorporation of Government Regulation in Lieu of Law Number 1 of 2014 regarding the Election of Governors, Regents, and Mayors into statutory law.

This law incorporates Government Regulations in lieu of laws into statutory legislation, specifically addressing measures related to the COVID-19 pandemic, including the postponement of certain elections in 2020 for democratic integrity and domestic stability. It is enacted under the authority of the Indonesian Constitution and aims to ensure the proper conduct of elections while addressing the national crisis.

Upon reviewing the comprehensive delineation from points 1) to 6), a fundamental inquiry arises regarding the accessibility and comprehensibility of the law governing regional head elections. It prompts consideration as to whether this legal framework is intended solely for legal scholars and experts in jurisprudence or extends to all stakeholders, encompassing election organizers at various administrative levels, including remote villages across Indonesia. These stakeholders, despite encountering numerous limitations, are exposed to diverse risks, ranging from potential lawsuits to varied interpretations posed by litigants.

### Conclusion

A legal hermeneutics study found that the complaining and election organizing parties in a trial failed to base their arguments on the Law on Regional Head Elections or the election organizer's code of ethics. It suggests simplifying the complex Law on Regional Head Elections, making it more accessible to all citizens. Policy recommendations include separating regional head elections from national elections to manage workload risks and advocating for a single, comprehensive law solely focused on regional head elections.

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### **Law Regulation**

Law of the Republic of Indonesia Number 6 of 2020 Concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020

Law of the Republic of Indonesia Number 10 of 2016 Concerning the Second Amendment to Law Number 1 of 2015

Law of the Republic of Indonesia Number 8 of 2015 Concerning the Amendment to Law Number 1 of 2015

Law of the Republic of Indonesia Number 1 of 2015 Concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014

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