

Ratio Decidendi of Court of Appeals Decision Reversing District Court's Rulling on Election Process Dispute

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Abstract

In practice, disputes related to the General Election process must be brought before the State Administrative Court. Decision Number 757/Pdt.G/2023/PN Jkt.Pst went beyond its jurisdictional limits. This is because the Central Jakarta District Court ruled over the dispute, when it did not have the authority to do so. The decision was revoked by decision Number 230/Pdt/2023/PT DKI due to its violation of applicable regulations regarding absolute competence. The legal basis for this revocation has been underscored in Article 470 of Law Number 7 of 2017 concerning General Elections and Article 25 of Law Number 48 of 2009 concerning Judicial Power. This study aims to determine the legal principle of decision Number 230/Pdt/2023/PT DKI, which overturned the Central Jakarta District Court's decision regarding the dispute over the General Election process. The research methodology utilized in this inquiry is normative legal research incorporating a statutory, conceptual, and case-based approach. The legal materials utilized include primary legal materials, such as laws, regulations, and court decisions, along with secondary legal materials, including legal books, research journals, and theses that are pertinent to the research area. The findings indicate that the verdict issued by the DKI Jakarta High Court Judges' Panel was justified. As part of the Supreme Court's vooorpost function, the Court of Appeals is responsible for addressing judicial technical and administrative matters that arise at the initial level.

Keywords: General Election; Process Dispute; Ratio Decidendi

Introduction

Absolute competence within the judicial system refers to the court's power to hear specific disputes as prescribed by the law. When a judicial body possesses absolute competence, the court's decision holds permanent legal force (inkracht). Such decisions operate under the legal principle of "Res Judicata Pro Veritate Habetur," which denotes that the judge's decision must be considered correct (Widarto 2018). Every decision rendered by a judge must be respected irrespective of its content (Hutajulu 2018). Nevertheless, this principle contradicts reality as some court decisions exceed absolute competence and do not comply with legislation provisions. Agus Priyono, the General Chairperson of the Central Leadership Council of the Prima Party, and Dominggus Oktavianus Tobu Kiik, the Secretary General of the Prima Party Central Leadership Council, were the plaintiffs. One example is Decision Number 757/Pdt.G/2022/PN Jkt.Pst which concerns a lawsuit brought by the Adil Makmur People's Party (Prima Party) against the General Election Commission of the Republic of Indonesia (KPU RI). Hasyim Asy'ari, S.H., M.Si., Ph.D, the Chairman of KPU RI, represented the commission. The case arose as the Plaintiff felt aggrieved by the Defendant's actions following the disqualification (TMS) of the Prima Party during the Administrative Verification phase of Political Party Candidates for the General Election. This was detailed in Minutes Number: 232/PL.01.1-BA/05/2022 regarding Recapitulation of Administrative Verification Results of Political Parties Candidates for Elections dated October 13, 2022. As a result, the Prima Party is unable to participate in the upcoming election stage for the Factual Verification of Political Party Candidates for the 2024 Election.

The Central Jakarta District Court (PN Jakarta Pusat) has granted the Prima Party's lawsuit entirely, directing KPU RI to restart all stages of the election and forbidding them from pursuing the remaining stages. Additionally, the court found KPU RI guilty of unlawful behavior (PMH) and ordered them to pay Rp. 500 million in material damages. Furthermore, the KPU RI has been sentenced to halt the remaining stages of the Election after the verdict on March 2, 2023. They must restart the Election cycle, which will take around 2 years, 4 months, and 7 days, and pay court costs

of Rp. 410 thousand. Postponing elections can undermine the legitimacy of the government as it can lead to a loss of public trust in the democratic process, ultimately weakening the authority and credibility of the elected officials (Kurniawan 2023). Furthermore, this delay can potentially spark social and political unrest, including protests and demonstrations (Anriani 2020). Based on the aforementioned ruling, it is evident that the Central Jakarta District Court lacks jurisdiction to adjudicate disputes concerning election procedures. The legal foundation for this matter is outlined in Article 471 of the General Elections Law (Law No. 7/ 2017), which clarifies that disputes regarding the electoral process, including those linked to the identification of political parties taking part in the elections, are forwarded to the State Administrative Court (PTUN) after the Election Supervisory Body (Bawaslu) has undertaken administrative inquiries.

The Central Jakarta District Court made a decision regarding the election postponement, followed by an appeal filed by KPU RI, resulting in Decision Number: 230/Pdt/2023/PT DKI. KPU RI requested the panel of judges at the DKI Jakarta High Court (PT DKI Jakarta) to declare that the Central Jakarta District Court lacked the authority to hear the respondent's (formerly Plaintiff's) lawsuit. Additionally, the PT DKI Jakarta panel of judges ruled that the Central Jakarta District Court lacked the absolute competence to preside over the case, resulting in the cancellation of Decision Number: 757/Pdt.G/2022/PN Jkt.Pst. This study is based on previous research titled "Analisis Putusan Mahkamah Agung yang Membatalkan Putusan Pengadilan Tinggi Kupang dalam Perkara Pembunuhan Berencana" written by Ridho Hadiansyah. Ridho Hadiansyah's research indicates that judges should base their decisions on the factual evidence presented in court to ensure legal certainty for the community (Hadiansyah 2022). This study differs by focusing on how judges should take into account the court's absolute competence when making their judgments. The second citation is a prior study titled "Ratio Decidendi Hakim dalam Perera Tindak Pidana Asal Penipuan dengan Tindak Pidana Lanjutan Pencucian Uang" conducted by Berry Ballen Saputra, Fien Mangiri, Roberto Sossi, and Puguh Prastyawan. The research findings indicate that the judges in their decision emphasized that the defendant's appeal could not be justified because the *Judex Facti* did not commit any errors in applying the law. The defendant in the present case was tried by the court according to the relevant criminal procedure law, and the court did not exceed its jurisdiction (Saputra and others 2021). This study differs from previous research as the author aims to investigate the grounds for the Panel of Judges of PT DKI Jakarta's nullification of Decision Number: 757/Pdt.G/2022/PN Jkt.Pst. Avoiding biased or emotional language and using precise, formal vocabulary, this research will present a logical flow of information with clear causal connections between statements. Technical term abbreviations will be explained when first used, and the text will adhere to standardized formatting and citation conventions. And, the third reference is a previous study titled "Ratio Decidendi Putusan Mahkamah Agung yang Membatalkan Putusan Pengadilan Negeri yang Dikuatkan oleh Putusan Pengadilan Tinggi Bandung terkait Pengoperan Tanah Garapan" authored by Sinta Ayu Puteri. The study indicates that the Supreme Court decision overruled the Bandung District Court's decision, which was subsequently affirmed by the Bandung High Court decision, related to the transfer of cultivated land (Puteri 2022). The distinction in this study is that the author will concentrate on the CA's ruling that reversed the District Court's decision about the election process conflict.

The three preceding studies are valuable sources for further research on ratio decidendi. Further research on the ratio decidendi is necessary because some judges are less observant while adjudicating or deciding a case due to misperceptions or lack of knowledge of the laws and regulations governing a dispute, leading to court decisions that surpass absolute competence. Therefore, the author aims to investigate the ratio decidendi of Decision Number 230/Pdt/2023/PT DKI, which invalidated Decision Number 757/Pdt.G/2022/PN Jkt.Pst. The study will focus on objective evaluation, clear and concise language, conventional structure, clear and objective language, formal register, logical structure, balance, precise word choice, and grammatical correctness. The research will adhere to American English spelling, grammar, and style.

Methods

This study uses a normative legal research methodology with a conceptual approach, a focus on statutes, and an analysis of relevant cases. The study draws upon primary legal sources, including laws, regulations, and court decisions, as well as relevant secondary legal materials such as books, journals, and theses. The collection of primary legal materials involves searching for literature on the laws and regulations relevant to the issues under examination. This search is conducted through a process that includes categorization, inventorying, identification of relevant laws and regulations, and the classification of legal materials based on research problems. In contrast, the collection of secondary legal materials involves conducting literature studies. The prescriptive analysis technique is utilized to create legal argumentation with objectivity. Standard methods in legal science can accomplish this technique.

Results and Discussion

Basic Considerations in Decision Number 230/Pdt/2023/PT DKI

The PT's reasoning in Decision Number 230/Pdt/2023/PT DKI states, namely:

Considering, that the Court of Appeal will analyze the plaintiffs' arguments in the lawsuit, the primary issue in question pertains to the issuance of Minutes Number: 232/PL.01.1-BAA/05/2022 dated October 13, 2022 and Minutes Number: 275/PL.01.1-BA/05/2022 dated November 18, 2022 reports the Recapitulation of the Results of Administrative Verification of Political Party Candidates for the 2024 Elections. The defendant in the Administrative Verification issued BA 232/2022 and BA 275/2022, which precluded plaintiffs from proceeding to the factual verification stage. As a result, the plaintiffs were not designated as candidates for political parties participating in the 2024 elections;

Considering, in accordance with the provisions of Article 466 Jo. Article 470 of Law No. 7/ 2017 Jo. Article 4, paragraph (1), letter d of Law No. 30 of 2014 on Government Administration specifies that the State Administrative Court (Law No. 30/ 2014) has jurisdiction over disputes pertaining to the election process between election participants and disputes between election participants and organizers resulting from decisions made by the General Election Commission (KPU), Provincial KPU, and Regency/City KPU;

Considering, that the aforementioned provisions comply with the guidelines set forth in Article 2, paragraph (1) of Supreme Court Regulation Number 2 of 2019, which addresses the resolution of governmental actions and the authority concerning illegal acts by government agencies and/or officials (Perma No. 2/ 2019), it is determined that cases of illegal actions by government agencies and/or officials fall under the jurisdiction of the State Administrative Court;

Considering, that although the plaintiff's lawsuit is classified as a tort lawsuit under Article 1365 of the Civil Code (KUHP), the subject matter of the dispute in this case arises from a decision made by the KPU. As a result, the authorities have categorized it as a tort, making it fall under the absolute competence of the State Administrative Court;

Considering, the above-mentioned reasons and legal considerations, the Court of Appeal disagrees with the Court of First Instance's assertion that there was a legal vacuum in relation to the subject matter of the lawsuit in question, which falls outside the scope of Law No.7/ 2017. Consequently, the Decision of the Court of First Instance which claims the authority to hear the case in question must be overturned;

Considering, that the General Court or Central Jakarta District Court has been declared not authorized by absolute competence to hear the case at hand, the defendant's objection regarding the unclear lawsuit and subject matter of the case no longer requires consideration. Consequently, the remainder of the lawsuit must be declared invalid;

Considering, that the appellants have been defeated, they are hereby ordered to pay the court costs incurred jointly and severally at both levels of court. Additionally, for the appeal level, the amount specified in the amended decision must be paid by the appellants.

Based on the above considerations, the PT DKI Jakarta judges panel declared the plaintiffs' lawsuit inadmissible and stated that the general court, specifically the Central Jakarta District Court, lacks absolute competence to hear the case at hand. Additionally, the decision of Central Jakarta District Court Number 757/Pdt.G/2022/PN Jkt.Pst was nullified. Articles 466 and 470 of Law No. 7/ 2017 Jo serve as the legal basis for this ruling. Article 4, paragraph (1), letter d of Law No. 30/ 2014 states that disputes arising from the election process between participants and disputes between participants and organizers resulting from KPU decisions, Provincial KPU decisions, and Regency/City KPU decisions fall under the jurisdiction of PTUN. In addition, according to Article 2, paragraph (1) of Perma No. 2/ 2019, cases involving unlawful acts committed by government agencies or officials (onrechtmatige overheiddaad) fall under the jurisdiction of PTUN.

Legal certainty is crucial in court decisions. Properly determined and correct court decisions reflect legal certainty for the community (Permanasari 2021). According to Sudikno Mertokusumo, legal certainty guarantees the proper implementation of the law. The court's reasoning in deciding a case involves several factors, such as legal, juridical, ethical, and principles of justice. Understanding and applying positive law and referencing previous decisions as legal guidance are important aspects of legal practice. Fundamental legal principles, including justice, legal certainty, and legal expediency, must be taken into account (Mertokusumo 2019).

Legal certainty is closely related to justice, although the two concepts differ. This contrast highlights that justice and law are separate entities, emphasizing the importance of legal certainty in implementing the law according to its words. The law is general, binding on every individual, and equalizing; whereas justice has a subjective, individualistic nature that does not equalize (Islamy 2018). The community can guarantee the enforcement of existing laws. It is important to note that legal certainty is closely related to positive legal instruments and the state's role in actualizing them (Marzuki 2021). Legal certainty refers to a consistent, regular, and objective life system that is not affected by subjective circumstances. Technical abbreviations will be explained at their first use to ensure clarity and understanding. Certainty is an essential feature inherent in norms, particularly written legal norms. If legal norms lack certainty, then their value becomes nullified since they cannot function as a behavioural standard for the wider society (Mertokusumo 2019).

In line with the aforementioned description, the author believes that the DKI Jakarta Regional Court panel of judges' grounds for annulling Decision Number: 757/Pdt.G/2022/PN Jkt.Pst are accurate. This conclusion stems from the fact that the decision contravenes Article 25, paragraph (2) of Law Number 48 of 2009 (Law No. 48/ 2009), which outlines the exclusive jurisdiction of the general court in hearing and resolving civil and criminal cases. Then, according to Article 466 in conjunction with Article 470 of Law No. 7/ 2017, and Article 4(1)(d) of Law No. 30/ 2014, disputes arising from the election process between participants, and disputes between participants and organizers resulting from decisions made by the KPU, Provincial KPU, and Regency/City KPU fall under the jurisdiction of the PTUN. In accordance with Article 2, paragraph (1) of Perma No. 2/ 2019, cases involving unlawful conduct by government agencies and/or officials (onrechtmatige overheiddaad) fall under the jurisdiction of the PTUN. Therefore, it is evident that the decision made by the Central Jakarta District Court exceeds the limits of absolute competence as outlined by the law. This serves as the basis for the PT DKI Jakarta's decision to revoke Decision Number: 757/Pdt.G/2023/PN Jkt. Pst to ensure legal certainty for the community.

Legal Effects of Decision Number 230/Pdt/2023/PT DKI.

Compliance or violation of legal rules has consequential outcomes. Complying with the law creates legal certainty, protects rights, and provides societal stability. Conversely, breaking the law results in negative ramifications, such as criminal penalties, fines, or revocation of licenses. Legal consequences extend across numerous fields, inclusive of criminal law, civil law, administrative law and other areas. Understanding the legal ramifications of an action is beneficial in avoiding potential negative outcomes and ensuring compliance with the law to uphold justice and social stability (Simarmata 2019).

In legal studies, three distinct categories of legal effects are recognized. The first type encompasses the legal effects that lead to the initiation, alteration, or termination of a particular legal situation. This legal outcome carries substantial consequences in the legal system. Specifically, it creates a new legal status resulting from actions recognized and regulated by law, reflects a change in an existing legal status due to transformation or modification, and signifies the disappearance of a legal status where it no longer applies or exists, often due to events that terminate the previous legal status' validity. Second, legal implications result in the creation, alteration, or termination of a specific legal relationship. This effect has a vital role in the legal system as it reflects the interactions among individuals, organizations, and/or legal entities. The birth of legal relationships pertains to the establishment of new legal relationships as a result of events or actions governed by the law. The modification or transformation of pre-existing legal relations is reflected in changes of legal relations (Hamidi 2006).

The termination of a legal relationship signifies that said relationship is no longer applied or in effect. Comprehending and navigating the legal repercussions related to the creation, alteration, and termination of a legal relationship can assist in ensuring adherence to the law, upholding justice, and promoting safety and order within society. Additionally, a legal subject (tort) can unintentionally face legal sanctions as a result of said consequences. Legal sanctions are the negative consequences that result from committing unlawful acts. When an individual or entity violates legal regulations, they may face sanctions imposed by the legal system which may include fines, penalties, deprivation of certain rights, or even imprisonment. It is important to always adhere to applicable legal rules to avoid such consequences. When an individual or entity violates legal regulations, they may face sanctions imposed by the legal system which may include fines, penalties, deprivation of certain rights, or even imprisonment. Criminal penalties may entail imprisonment or fines, significantly affecting the liberty and reputation of individuals. Additionally, civil sanctions such as financial and reputational damages may be imposed on legal entities. These lawful outcomes commonly drive conformity with regulations to maintain societal order and equity. Therefore, it is crucial for all parties to comprehend the legal ramifications of illegal actions to enable wise and responsible decision-making in compliance with relevant legal tenets (Zaman 2023).

In accordance with the aforementioned explanation, Syarifin asserts that legal consequences comprise all the resultant effects stemming from legal activities performed by legal entities on legal objects, or other outcomes arising from specific legal events that are recognized as legal consequences by the relevant law. To determine whether a legal effect has come to pass, the following factors must be taken into consideration (Syarifin 1999):

1. The occurrence of lawful subjects performing actions against lawful objects or the resulting consequences of an action, which have been standardized by law;
2. The performance of instantaneous actions intersects with the exercise of rights and obligations that are governed by laws and regulations.

Based on the reasoning outlined in decision Number: 230/Pdt/2023/PT DKI concerning the DKI Jakarta District Court's overturning of the Central Jakarta District Court's decision regarding the electoral dispute, it can be clarified that according to Minutes Number: 232/PL.01.1-BA/05/2022 dated October 13, 2022 and Minutes Number: 275/PL.01, issued by the Defendant for the administrative verification of political party candidates for the 2024 Election, summarizes the results of the verification process based on BA 232/2022 and BA 275/2022. The report states that Prima Party failed to proceed to the factual verification stage and therefore was not selected as a candidate political party. The decision concluded that the Central Jakarta District Court's decision exceeded its jurisdiction due to its inconsistency with Article 466 Jo. Article 470 of Law No. 7/ 2017 Jo. Article 4, paragraph 1, letter d of Law No. 30/ 2014 stipulates that disputes arising from the electoral process between participants or between participants and organizers due to decisions issued by the KPU, Provincial KPU, and Regency/City KPU shall be under the jurisdiction of the PTUN. Maintaining a clear, objective, and formal style, technical term abbreviations are explained where first used, with a logical structure of concise language and causal connections to ensure comprehensibility and balance. Consistent with American English spelling conventions, it is free from grammatical errors or unnecessary filler words with high-level, standard language and an

objective, passive tone. The text strictly adheres to formal register and technical vocabulary where necessary for precise word choice. Furthermore, Section 2(1) of Perma No. 2/ 2019 clarifies that the PTUN has jurisdiction over cases involving unlawful actions committed by government agencies and/or officials (onrechtmatige overheidsdaad). While the lawsuit mentioned in Decision Number: 757/Pdt.G/2023/PN Jkt.Pst falls under the jurisdiction of PMH as outlined in Article 1365 of KUHPer, the dispute concerns the KPU's decision. Consequently, the case involves PMH committed by the authorities, which falls within the PTUN's absolute competence.

From the considerations, PT DKI Jakarta, through decision number 230/Pdt/2023/PT DKI, has canceled decision number 757/Pdt.G/2022/PN Jkt.Pst and stated that the Central Jakarta District Court lacks absolute competence to hear the case. Therefore, the decision contained in decision number 230/Pdt/2023/PT DKI is correct. This decision necessitates that the KPU RI proceed with the ongoing 2024 Election stages as per the prescribed timeline specified by applicable laws and regulations. This decision has effectively averted violations of Article 22 letter e of the 1945 Constitution (UUD 1945), which mandates that elections must be conducted every five years.

Conclusions

The ruling by PT DKI Jakarta Number 230/Pdt/2023/PT DKI to invalidate decision Number 757/Pdt.G/2022/PN Jkt.Pst due to exceeding absolute competence was appropriate. The PT's judges determined that the State Administrative Court has the jurisdiction to resolve the electoral process dispute. This reasoning is supported by Article 466 Jo. Article 70 of Law No. 7/ 2017. Article 4, paragraph 1, letter d of Law No. 30/ 2014 states that cases of unlawful acts by government agencies and/or officials (onrechtmatige overheidsdaad) are under the authority of the PTUN. Additionally, according to Article 2, paragraph 1 of Perma No. 2/ 2019, the PTUN has the responsibility for such cases. Furthermore, Article 2 of Law No. 48/ 2009 has established the absolute competence of judicial institutions. Canceling decision number 757/Pdt.G/2022/PN Jkt.Pst by the Judges Panel of PT DKI Jakarta will result in legal consequences requiring KPU RI to proceed with the 2024 Election stage on a predetermined schedule based on relevant laws and regulations. According to the aforementioned findings, there are court rulings that surpass the absolute competency of judicial bodies in Indonesia. This occurrence needs to be closely monitored by the Supreme Court, which serves as the institution responsible for overseeing the judicial entities in the country. To prevent such incidents from happening again, the Supreme Court ought to enhance its supervision. Moreover, a judge should maintain professionalism and objectivity when evaluating and adjudicating a case. It is necessary for them to comprehend the laws and regulations that pertain to the case to ensure that their decision falls within the scope of their jurisdiction.

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