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**AUTHORITY IN RESOLVING DISPUTES OVER THE RESULTS OF
SIMULTANEOUS VILLAGE HEAD ELECTIONS IN CENTRAL LOMBOK
REGENCY BASED ON APPLICABLE LAWS AND REGULATIONS**

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ABSTRACT

This study was conducted to determine the Authority for Settlement of Disputes over the Results of Simultaneous Village Head Elections in Central Lombok Regency Based on Applicable Laws and Regulations so that it discusses how to resolve disputes over the results of simultaneous Village Head Elections in Central Lombok Regency and how the legal rules for resolving disputes over the results of village head elections are by applicable laws and regulations. This study uses an empirical legal research method with an empirical juridical approach so that it is carried out by observing the events that occur in resolving disputes over the results of simultaneous village head elections in Central Lombok Regency which focuses on the period of 2022 and 2025 and examines the applicable laws and regulations to resolve disputes over the results of simultaneous village head elections. Conclusions are drawn by referring to the theory of Justice, Legal Certainty, Benefit, and Dispute Resolution. The implementation of the settlement of disputes over the results of simultaneous Village Head Elections in Central Lombok Regency has not been able to produce legal certainty for the parties who filed the dispute. Based on the theory of legal certainty, according to Jan Michiel Otto, one of the elements that causes the Determination of the Simultaneous Village Head Election Results Dispute Resolution Team to not be able to provide legal certainty is the lack of clear rules as a guideline for resolving Village Head Election Results Disputes. The legal rules for resolving disputes over the results of the simultaneous village head elections are quite comprehensive. However, in its implementation, there is regulatory space for regional governments (Regents/Mayors), which cannot yet be regulated clearly and effectively in order to provide legal certainty for the parties.

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P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

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1. INTRODUCTION

A village is a legal community unit that has the authority to regulate and manage the interests of the local community based on local origins and customs recognized in the national government system and located in the regency. Villages also have the power to organize their government within the bounds of the Unitary State of the Republic of Indonesia (NKRI). Villages in Indonesia hold a unique and strategic position within the framework of the Unitary State of the Republic of Indonesia (NKRI). Villages are recognized as a legal community unit that has territorial boundaries and is authorized to regulate and manage government affairs and the interests of its community. This indicates autonomy or the authority to manage its own “household”.

The implementation of the Village government is a sub-system of the governance system, so that the Village has the authority to regulate and manage the interests of the community in one way, namely, conducting Village Head elections in order to determine the Head of Government within the scope of the Village. The election of the Village Head is a democratic process of the village community that has been going on since ancient times. The formation of a leader who is able to protect the community from all problems based on community choice is a form of local democracy by the community as an implementation of political change that prioritizes community political participation.

The Village Head, as the top government leader at the village level in carrying out duties and obligations, must be accountable to the people through the Village Consultative Body and submit reports on the implementation of his duties to the Regent (Hamdani & Fauzia, 2022). Meanwhile, the Village Consultative Body has the task of determining the Village Head from the results of elections held by the Village community, and at the same time has the right to submit a proposal to the Regent so that the Village Head is dismissed.

Village Head Election (Pilkades) is a democratic process that gives the village community the right to elect leaders who will manage the village government. In the

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

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LEX JOURNAL: LAW & JUSTICE STUDIES

context of village autonomy as stipulated in Law No. 6/2014 on Villages, Pilkades is one of the manifestations of democracy at the village level that is expected to create a transparent, accountable government that is able to meet the needs of the local community.

Another relationship between the Village Consultative Body and the Village Head is related to the establishment of Village regulations, where Village regulations are only legally valid if they have been established by the Village Consultative Body. If one of the Village Consultative Body or the Village Head is not involved in the establishment of Village regulations, the regulations are not legally valid.

Village regulations established by the Village Consultative Assembly and the Village Head also include the determination of the Village's revenue and expenditure budget each year. Therefore, the premise of Law No. 32/2004 on Village Government Regulation is diversity, participation, genuine autonomy, democratization, and community empowerment. It then states that (Sirajuddin et al., 2011):

- a. The Village Government consists of the Village Head, or what is called by another name, and the Village apparatus.
- b. The Village Head is directly elected by the Village population from eligible candidates.
- c. Candidates for Village Head who are elected by obtaining the most votes are determined by the Village Consultative Body and ratified by the Regent.

However, in its implementation, Pilkades often causes various problems, one of which is disputes over election results. These disputes can arise due to allegations of fraud, dissatisfaction of certain parties with the results of the voting, or violations of established procedures. The resolution of disputes over Pilkades results is crucial to maintaining stability and conduciveness in the village and ensuring the legitimacy of the elected leadership.

Law No. 6/2014 on Villages and its derivative regulations have regulated the mechanism for resolving disputes over Pilkades results. Local governments have an

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E-ISSN: 2580-9113

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LEX JOURNAL: LAW & JUSTICE STUDIES

important role in facilitating the resolution of these disputes, both through administrative channels and through judicial institutions if necessary. However, in practice, the implementation of this regulation in various regions still faces obstacles, such as inaccurate dispute resolution procedures, limited resources, and the intervention of interested parties.

Central Lombok Regency, as one of the regions in West Nusa Tenggara Province that regularly conducts Pilkades, also faces dynamics in resolving disputes over village head election results. Various cases of disputes that occur can be used as material for study to evaluate the effectiveness of existing regulations and find more optimal solutions in handling democratic conflicts at the village level. The existence of Law 6/2014 on Villages as the most basic legal regulation for the implementation of Village Head Elections presumably requires regional-level legal regulations as further explanation and a mechanism for resolving disputes over Village Head elections.

These laws and regulations have provided sufficient space for the Regional Head (Regent/Mayor) to further regulate the mechanism for resolving disputes over the results of the Village Head election. Legal regulations that can be used by the Regional Head include Regional Regulations (Perda) and Regent/Mayor Regulations. Therefore, it is expected that regulations at the regional level will provide technical explanations related to the settlement of disputes over the results of the Village Head election.

Based on data from the Central Lombok Regency Community and Village Empowerment Office, it can be seen that every period of simultaneous Village Head Elections, there are always parties that submit disputes over the results. In the 2022 election period, there were two villages that filed disputes over the results, and in the 2025 election period, there was one village that filed a dispute. Because of this, it is necessary to conduct research related to the Authority to Settle Disputes over the Results of Simultaneous Village Head Elections in Central Lombok Regency Based on Applicable Laws and Regulations.

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

2. RESEARCH METHODS

This type of research includes empirical legal research, or called field research, which examines the applicable legal provisions and what happens in reality in society (Arikunto, 2015). Empirical legal research is legal research on the enactment or implementation of normative legal provisions in action on each specific legal event that occurs in society (Muhammad, 2004). Or in other words, it is research conducted on the actual situation or the real situation that occurs in society to know and find the facts and data needed. After the required data is collected then go to problem identification, which ultimately leads to problem solving (Waluyo, 2002).

In this study, the approach used to solve the problem is to use the empirical juridical approach method. The intended juridical approach is that the law is seen as a norm or *das sollen*, because in discussing the problems in this study using legal materials, both written law and unwritten law, or both primary, secondary, and tertiary legal materials. While the empirical approach is to see the law as a social, cultural reality or *das sein*, because in this research, the data used is primary data obtained directly from the research location.

So, the empirical juridical approach intended in this research is that in analyzing the problems that have been formulated, it is carried out by combining legal materials, both primary, secondary and tertiary (which are secondary data) with primary data obtained in the field, namely the implementation of the settlement of disputes over the results of simultaneous village head elections in 2022 and 2025 in Central Lombok Regency according to Law Number 6 of 2014 concerning Villages.

3. DISCUSSION

The regulation of the settlement of disputes over village head elections into District/City regulations has gained a legal footing based on Article 31 of Law No. 6 of 2014, especially if it is associated with the provisions of Article 37 paragraph (6) which stipulates that “in the event of a dispute over the results of the Village Head election, the Regent/Mayor must resolve the dispute within the period referred to in paragraph (5)”,

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

namely: 30 (thirty) days from the receipt of the determination of the elected Pilkades results. Based on 2 (two) provisions in Law Number 6 Year 2014, namely Article 31 paragraph (2) and Article 37 paragraph (6), Regency/City Regions should be able to regulate more technically, operationally, and systematically. The settlement of disputes over the results of village head elections is not just a repetition of content material or norms that have been regulated in the Law on Villages and its implementing regulations, both in Government Regulations and Permendagri.

Law Number 6 Year 2014, Article 37 paragraphs (5) and (6) determine 2 (two) limitations in the event of a dispute over the results of a village head election, namely: first, the official who is obliged and authorized to resolve the dispute is the regent/mayor; and second, the time available to resolve is a maximum of 30 (thirty) days. Regulations at the Regional level should regulate how to complete the provisions that have not been regulated by the regulations above, especially those related to the stages, mechanisms, and procedures for settlement, if necessary, providing instruments also in the event of violations of the process of implementing the Village head election. This can be done because the order for the formation of regional regulations is given directly as an attribution authority, by Law Number 6 Year 2014, in the implementation of Village Head elections (Attamimi, 1993).

Democracy and the rule of law are two conceptions of power mechanisms in running the wheels of the State government. At a practical level, the principle of democracy or popular sovereignty can guarantee the participation of the community in the decision-making process, so that every law and regulation that is applied and enforced truly reflects the people's sense of justice (Asshiddiqie, 2010).

The settlement of disputes over the results of the village head election, which is regulated in the laws and regulations that mandate the settlement to the Regent/Mayor, means that there is no participation of the village community, whereas the settlement of disputes over the results of the village head election should be adjusted to the democratic culture that exists in the village. As it is known that the village community as a whole is

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

accustomed to solving problems through deliberation and kinship, this means that the participation of the village community in decision-making can be carried out in order to create a peaceful atmosphere and by the principles of democracy (Rahardjo, 1981).

It is more appropriate if the process of resolving disputes over Pilkades results should first be given a means of resolving it locally through a kind of Village deliberation or other terms that refer to the deliberation of all Village stakeholders, including the election organizing committee, Village government elements, Village representative bodies, traditional leaders, and community leaders. This is because the true democracy that takes place in the Village government system is a democracy that is imbued with the principles of togetherness, cooperation, and kinship.

The settlement of disputes over the results of the Village Head election should be free from interference from the government, in this case, the Regent or Mayor. This is consistent with the mandate of the 1945 Constitution of the Republic of Indonesia, which emphasizes that villages have the right of origin. Article 18 of the 1945 Constitution states that the phrase “recognizes and respects customary law communities and their traditional rights”. This regulation explains the settlement of disputes over the results of the election of the Village Head, so the State should not interfere and ignore the right of origin. Furthermore, with the authority to resolve disputes over the results of the election of the Village Head given to the Regent or Mayor, it is clear that the State has ignored the right of origin. This means that the regulation of the settlement of disputes over the results of the election of the Village Head, which is resolved by the Regent or Mayor, is not in the 1945 Constitution, especially Article 18 B Paragraph (2) (MD, 1993).

To deal with the problems that exist in the election of the Village Head or after the election of the Village Head, it is important to define whether or not the Village Head election is included in the Election legal regime. The Indonesian Constitution, namely the 1945 Constitution of the Republic of Indonesia, states limitatively what elections are included in the General Election regime, namely in Article 22E paragraph (2): “General elections are held to elect members of the House of Representatives, the Regional

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

Representatives Council, the President and Vice President and the Regional Representatives Council”. There is no phrase “Village Head Election” in the General Election Regime regulated in the 1945 Constitution of the Republic of Indonesia. Village arrangements are regulated separately in Chapter VI of the 1945 Constitution, namely on Regional Government, not in Chapter VIIB on General Elections (Hoessein, 2018).

The fact that the legal arrangements for resolving disputes over the results of the election of the Village Head, the Village Law, which authorizes the Regent and Mayor branches of power, are not in line with the theory of trias politica adopted in the Indonesian State system. Of course, the control mechanism (checks and balances) cannot be fulfilled (*Pro Justitia*). This can lead to the arbitrariness of the Regent/Mayor in resolving legal issues in the judicial domain.

Furthermore, the settlement of disputes over the results of village head elections cannot be said to be an administrative court, as this is because what is meant by administrative court normatively is only the State Administrative Court. Therefore, the settlement at the Regent or Mayor is not *Pro Justitia* (Asshiddiqie, 2006). Furthermore, in this case, there is one way that we can make a solution for the government in resolving disputes over the results of village head elections. Dispute resolution through non-litigation channels is recognized in Indonesian legislation as Article 3 of Law Number 14 of 1970 concerning Judicial Power, which states that “Settlement of cases outside the court, based on peace or through arbitration is still allowed” (Harahap, 2005).

In a case or legal dispute in Indonesia, two ways of dispute resolution are known, namely litigation and non-litigation processes. Non-litigation dispute resolution is a dispute resolution process carried out outside the court (Damayanti & Marwiyah, 2025). This effort is known as alternative dispute resolution. Basically, there are two types of non-litigation dispute resolution, namely Arbitration and Alternative Dispute Resolution, in accordance with Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Arbitration is an alternative out-of-court dispute resolution based on an arbitration agreement made in writing by the parties to the dispute. Furthermore, non-

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

litigation dispute resolution can also be done through Alternative Dispute Resolution. Alternative Dispute Resolution outside the court, based on consensus or agreement of the parties, or further assisted by a third party in resolving the dispute. According to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution in Article 1 Point 10, it is stated that (Mertokusumo, 2009):

“Alternative Dispute Resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely out-of-court settlements using consultation, negotiation, mediation, or expert judgment.”

Starting from the culture of kinship and cooperation in the life of the village community, settlement through non-litigation channels is one of the best solutions that can be done to regulate the settlement of disputes over the results of village head elections. From several forms of dispute resolution contained in the non-litigation system, we can determine which procedures are appropriate and can add several new forms and ways of settlement that are by local traditions and culture.

If the process of resolving disputes over the results of the Village Head election through non-litigation channels still cannot end the dispute over the results of the Village Head election, then the last resort is to involve the court institution for the settlement process. Namely, the judiciary, establishing the judiciary as the resolving party, is rational. As for the matter of which court will be authorized to resolve, in the author's view, the State Administrative Court (PTUN) is more relevant to be considered to be given this authority by the legislator.

This solution will not be implemented without the amendment of Law Number 6 Year 2014 by the legislator. So, with the authority possessed by the legislators in Indonesia, the regulation of the settlement of disputes over the results of village head elections in Indonesia can be improved and adjusted, as it should be applied in villages without violating or ignoring existing norms.

Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: LAW & JUSTICE STUDIES

4. CLOSING

The implementation of the settlement of disputes over the results of the simultaneous Village Head Election in Central Lombok Regency has not been able to produce legal certainty for the parties to the dispute. Based on the theory of legal certainty, according to Jan Michiel Otto, one of the elements that causes the determination of the Simultaneous Village Head Election Results Dispute Resolution Team to not be able to provide legal certainty is the unavailability of clear rules as guidelines for resolving disputes over the results of the Village Head Election. The legal rules for the Settlement of Disputes over the Results of Simultaneous Village Head Elections have been quite comprehensive. However, in its implementation, there is regulatory space for local governments (Regent/Mayor) that cannot be regulated clearly and effectively in order to provide legal certainty for the parties.

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Available online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

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