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**ALTERNATIVE SETTLEMENT OF DISPUTE RESULTS FOR THE ELECTION OF  
VILLAGE HEAD TO REALIZE DEMOCRACY IN SOUTH BUTON**

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**Abstract**

The emergence of prolonged Village Head Election Conflicts due to fanaticism and the harsh confrontation of supporters of the village head candidates who face to face fight for the victory of their respective candidates. Sometimes they even forget the value of democracy and undermine the ethical values that have been embedded in village communities. The purpose of this study was to determine the resolution of the dispute over the election results of the Lawela Village Head in realizing democracy in South Buton and to find out the legal consequences of the South Buton Regent's decision on the cancellation of the results of the Lawela Village Head election, South Buton Regency. The method used in this research is normative juridical. The stages of the research method are preparation and administration, inventory of relevant laws and regulations, research, analysis of research results, preparation of research reports and Focus Group Discussion. Based on the above explanation, the legal consequence of the South Buton Regent's Decree Number 341 of 2019 concerning the Dispute Resolution of the Election Results of the Lawela Village Head, Batauga District, South Buton Regency in 2019 is that the results of the Lawela Village Head election in the Lawela Village Head Election become non-binding from the moment it is canceled or fixed. The legal consequences for the elected Village Head candidate in Lawela Village are being canceled as the elected Village Head candidate or as Lawela Village Head for the 2019-2015 periods and/or as the winner who has succeeded in obtaining the most votes based on the determination of the Lawela Village Head Election Committee in 2019.

**Keywords:** Democracy, Dispute Resolution, Village Head election

**I. INTRODUCTION**

Historically, village head elections have been going on for a long time and are direct, general, free, confidential, honest and fair and have been understood as an acknowledgment of the diversity of political attitudes of community participation in democratization at the village level.

The emergence of prolonged village head election conflicts due to fanaticism and the harsh confrontation of supporters of the village head candidates who face to face fight for the victory of their respective candidates. Sometimes they even forget the value of democracy and undermine the ethical values that have been embedded in village communities. The conflict started with dissatisfaction, various suspicions about the victory of the elected candidate due to fraud and manipulation as a result of the very tight vote, and the reactions of a number of interested parties in this case tended to be excessive. The fanaticism of the population groups blaspheming each other, being suspicious, the loss of mutual respect and appreciation for the superiority of the opponent are disgraceful attitudes which in turn lead to conflict. The rise of the Village Head Election dispute to gain power is not reluctant to accept defeat by committing disgraceful acts such as sealing the Village office, paralyzing the government, and harming people's rights in getting services only because of the interests and egos of a few people.

Polemic disputes over village head elections, post-elections often experience a stalemate even though efforts have been made by way of deliberation, or recounting of votes, even rescheduling the village head election. South Buton Regent Regulation Number 23 of 2017 concerning Village Head Elections as amended by South Buton Regent Regulation Number 4 of 2014 concerning Amendments to Regent's Regulation Number 23 of 2017 concerning Village Head Elections as a sub-delegation of Law Number 6 of 2014 concerning Village, giving authority to the Regent to settle disputes over the results of the village head election in Lawela Village, Batauga District, South Buton Regency. Through this authority and at the same time as material for consideration in implementing the provisions of Article 53 of South Buton Regent Regulation Number 23 of 2017 concerning Village Head Elections, the South Buton Regent issued Decree Number 341 of 2019 concerning Dispute Resolution of the Election Results of Lawela Village Head, Batauga District, South Buton Regency year 2019.

## II. RESEARCH METHOD

Soerjono Soekanto that normative doctrinal legal research is divided into 4 (four) types, namely; "Research to find legal principles, Research on legal systematics from the set of legal rules, which are collected in a codification or certain statutory regulations, Research on the level of synchronization (level of consistency) of laws and regulations, both vertically as well as horizontally" (Benuf & Azhar, 2020).

The stages of the research plan are as follows

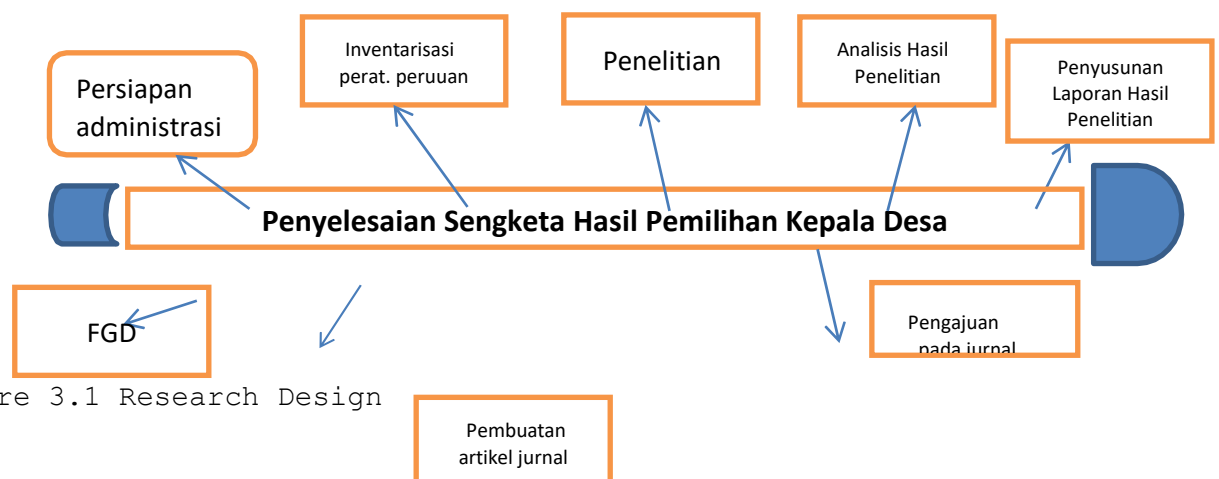


Figure 3.1 Research Design

## III. RESULTS AND DISCUSSION

### 1. Dispute Resolution on the Results of the Lawela Village Head Election Based on the Decree of the South Buton Regent Number 341 of 2019

The dispute over the results of the 2019 Lawela village head election which took place on June 24, 2019 is a dispute over the results of the vote, not a dispute over the stages of the process or whether or not the administrative requirements for the nomination of village head candidates are fulfilled. In the dispute over the results, there are 2 (two) non-winning village head candidates on behalf of Samula

(No. 01) and Murilu (No. 03) who objected to the results of the Lawela Village Head election regarding the vote count that affected the election of the village head candidate on behalf of the name of Muslihi (Order Number 4) with a total of 204 (two hundred and four) votes to the District Election Committee for the election of the Lawela Village Head. The reason for the objection explains that there are 1 (one) person who is not a resident of Lawela Village using their right to vote and 5 (five) people who are obliged to vote for Lawela Village residents who are registered in the Permanent Voters List are not given their right to vote by the Committee. The objections raised by the two Village head candidates actually violated the agreement made jointly between the Village head candidates in the statement that prior to the Lawela Head Elections, each of the 4 (four) Lawela Village Head Candidates who were entitled to be elected had made a statement that they were ready to vote, lose and ready to win whatever the result in the election.

If examined further, the reasons for the objection to the determination of the results of the Lawela Village Head election are intended not to be related to the results of the Lawela Village Head Election vote count as referred to in Article 53 Paragraph (3) Regent Regulation Number 23 of 2017 which states:

"Objection as meant in Paragraph (2) that only relates to the results of the vote count that affect the election of a Candidate for Village head" and also the submission of the objection is not in accordance with the proper procedure. In fact, the submission of an objection to the determination of the results of the Lawela Village Head election must be submitted to the South Buton Regent as intended by Article 53 Paragraph (3) of the South Buton Regent Regulation Number 23 of 2017 concerning the Election of the Village Head, which states that:

"An objection to the determination of the results of the Village head election may be submitted by a candidate entitled to be elected to the Regent within 3 (three) days after the determination of the result of the Village head election.

The procedural non-procedure of submitting objections to the 2 (two) village head candidates named Samula and Murilu, namely filing an objection to the determination of the results of the Lawela Village Head election on 27 June 2019 to the South Buton Regency Election Committee to resolve it.

## **2. The Legal Consequences of the South Buton Regent's Decree Number 341 of 2019 on the Cancellation of the Lawela Village Head Election Results**

With the Decree of the South Buton Regent Number 341 of 2019 concerning the Dispute Resolution of the Results of the Election of the Lawela Village Head, Batauga District, South Buton Regency in 2019, it clearly provides a legal consequence, both for the legal consequences of decisions issued by the South Buton Regent, as well as for legal consequences generated for the elected village head candidate in the results of the 2019 Lawela Village Head Election.

Decision Number 341 of 2019 concerning Dispute Resolution of the Election Results of the Village Head of Lawela Village, Batauga District, South Buton Regency in 2019 issued by the South Buton Regent is a government administrative decision made by government officials. In Law Number 30 of 2014 concerning Government Administration, it is stated that:

Article 1 number 7 :

"Government Administration Decisions, which are also called State Administrative Decisions or State Administration Decrees, hereinafter referred to as Decisions, are written decisions issued by Government Agencies and/or Officials in the administration of government".

Regarding the decision issued by the South Buton Regent, there were several reasons that were taken into consideration including the existence of a Village head election dispute submitted by one of the Lawela Village Head Candidates based on a recommendation from the District Election Committee for the 2019 Simultaneous Village Head Election which explained that it had been proven 1 (one) resident outside of Lawela Village who exercises their right to vote and 5 (five) obligatory people registered in the DPT are not given their right to vote by the Lawela Village Head Election Committee, so that it becomes a result that has an impact on obtaining valid votes for the Village Head candidate. The content of the decision is as follows:

THIRD :

Based on the recommendation of the Regency Election Committee for the 2019 Simultaneous Village Head Election as referred to in the SECOND dictum letter e, it has been proven that 1 (one) resident

outside Lawela Village who has exercised their right to vote and 5 (five) obligatory voters registered in the permanent voter list are not eligible to vote. given the right to vote by the Lawela Village Head Election Committee, so that it becomes a dispute over the results that have an impact on the valid votes for each candidate for the Village Head (South Buton Regent Decree Number 341 of 2019)

Based on the recommendations submitted by the District Election Committee Committee for the 2019 Simultaneous Village Head Election as mentioned above, thus making the South Buton Regent through the decision he made stipulates that First, cancel the results of the 2019 Lawela Village head election, and Second, include the Lawela Village head election simultaneously in 2021. The contents of the decision are as follows:

FOURTH :

In accordance with the provisions of Article 53 paragraph (3) of the Regent's Regulation Number 23 of 2017 concerning Village Head Elections as amended by Regent's Regulation Number 4 of 2018 concerning Amendments to Regent's Regulation Number 23 of 2017 concerning Village Head Elections, hereby resolve the Village Head Election Dispute in Lawela Village it was decided as follows:

- a. accept the complainant's application by canceling the results of the 2019-2025 Lawela Village head election dated June 24, 2019; and
- b. participate in the Lawela Village Head Election in the 2021 Simultaneous Village head election (South Buton Regent Decree Number 341 of 2019, 05 August 2019).

The legal consequences of decisions issued by government officials are 2 (two) consequences, namely: First, the legal consequences of invalid decisions; and Second, the legal consequences of an irrevocable decision. The legal consequences of invalid decisions are stated in Law Number 30 of 2014 concerning Government Administration:

Article 70

- (1) Decisions and/or Actions are invalid if:
    - a. made by an unauthorized Government Agency and/or Official;
    - b. made by the Agency and/or Government Officials who exceed their authority; and/or
    - c. made by Government Agencies and/or Officials acting arbitrarily.
  - (2) The legal consequences of decisions and/or actions as referred to in paragraph (1) are:
    - a. not binding since the Decision and/or Action is enacted; and
    - b. any legal consequences that arise are deemed to have never existed.
  - (3) In the event that a decision resulting in the payment of state money being declared invalid, the Agency and/or Government Official is obliged to return the money to the state treasury
- Similarly, the legal consequences of an irrevocable decision are stated:

Article 71

- (1) Decisions and/or Actions can be canceled if:
  - a. there is a procedural error; or
  - b. there is a substance error.
- (2) Legal consequences of decisions and/or actions as referred to in paragraph (1):
  - a. is not binding from the time it is canceled or remains valid until the cancellation is made; and
  - b. ends after cancellation.
- (3) The decision to cancel is made by the Government Official and/or the Official's Superior by stipulating and/or executing a new Decision and/or Action of the Government Official or based on a court order.

Referring to the review above, in accordance with the provisions of Law Number 30 of 2014 concerning Government Administration, in examining the decision to cancel the dispute resolution of the election results of the Lawela Village Head Number 341 of 2019 issued by the Regent of South Buton, the author is of the opinion that the decision can be annulled. , because there are defects in authority, procedural errors, and not in accordance with the substance.

Article 66 of Law Number 30 of 2014:

- (1) Decisions can only be canceled if there are defects:
  - a. authority;
  - b. procedure; and/or
  - c. substance.

- (2) In the event that a decision is cancelled, a new decree must be stipulated by stating the legal basis for the cancellation and taking into account the general principles of good governance.
- (3) The decision to cancel as referred to in paragraph (1) may be made by:
  - a. Government Officials who make decisions;
  - b. the official's superior who makes the decision; or
  - c. on the court's decision

Based on the above description, the decision to cancel the dispute resolution result of the Lawela Village Head election Number 341 of 2019 by the South Buton Regent which implies procedural errors, defects in authority, and does not match the substance, which can be hospitalized in several cases as follows:

- a. Based on the official report on the validity of the Voting for the Election of the Lawela Village Head, Batauga District, South Buton Regency in 2019 on Monday, there are no records of special events and/or objections to the validity of the Lawela Village Head election proposed by the Lawela Village Head candidate and witnesses of the Village head candidate against Lawela Village Head Election Committee
- b. Based on the official report on the results of the Vote Count for the Election of the Lawela Village Head, Batauga District, South Buton Regency in 2019, on Monday, there were no records of special events and/or objections to the Lawela Village Head candidate and witnesses of the Village head candidate on the results of the Vote Count against the Committee. The election of the Village Head of Lawela, so that the results of the Vote Count are obtained for each participant of the Village Head Candidate.
  - 1) Candidate for Village Head on behalf of Samula with serial number 1 (one) obtained 82 (eighty two) votes;
  - 2) Candidate for Village Head on behalf of Abdul Wahid. S, with Serial Number 2 (two) obtaining 11 (eleven) votes;
  - 3) Candidate for Village Head on behalf of Murilu with Serial Number 3 (three) received 201 (two hundred and one) votes;
  - 4) Candidate for Village Head on behalf of Muslihi with Serial Number 4 (four) received 204 (two hundred four) votes;
- c. The Lawela Village Head Election Committee based on Decree Number: 02 of 2019 concerning the Determination of the Elected Village Head of Lawela Village, Batauga Subdistrict in 2019 has determined the Candidate for the Elected Village Head of Lawela Village on behalf of Muslihi Number 4 by obtaining the most votes of 204 (two hundred four) votes.
- d. The objection to the determination of the results of the Lawela Village Head election submitted by the complainant is not related and/or does not relate to the results of the Lawela Village Head Election as referred to in Article 53 Paragraph (3) of South Buton Regent Regulation Number 23 of 2017 concerning Village Head Election stating " Objection as meant in Paragraph (2) that only relates to the results of the vote count that affect the election of a Village head candidate.
- e. The decision issued by the South Buton Regent was not in accordance with the procedure and substance. Ideally, the South Buton Regent is limited to resolving disputes over the results of the Lawela Village Head election, not deciding the dispute over the results of the Village Head election. It is clear that this is contrary to Article 37 Paragraph (6) of Law Number 6 of 2014 concerning Villages, Article 41 Paragraph (7) Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, Article 41 Paragraph ( 7) Government Regulation Number 47 of 2015 concerning Amendments to Government Regulation Number 43 of 2014 concerning Implementing Regulations for Law Number 6 of 2014 concerning Villages, and Article 53 Paragraph (1) of South Buton Regent Regulation Number 23 of 2017 concerning Election of Village Heads states "In the event of a dispute over the results of the village head election, the Regent is obliged to settle the dispute within 30 (thirty) days after the determination of the results of the Village Head election".
- f. The settlement of the dispute over the results of the Lawela Village Head election by the South Buton Regent has passed the time period or has taken 39 (thirty nine) days in the settlement process, starting from the filing of the objection from 27 June to 27 July 2019, but the South Buton Regent resolved it on August 5, 2019. The dispute should be resolved within 30 (three) days

according to the provisions. This is clearly a form of non-procedural settlement and a form of protracted delay (maladministration).

Based on the above explanation, the legal consequence of the South Buton Regent's Decree Number 341 of 2019 concerning the Dispute Resolution of the Election Results of the Lawela Village Head, Batauga District, South Buton Regency in 2019 is that the results of the Lawela Village Head election in the Lawela Village Head Election become non-binding from the moment it is canceled or fixed. valid until cancellation; and ends upon cancellation. The decision to cancel the said decision must be made by the Government Official and/or the Official's Superior by stipulating and/or executing a new Decision and/or Action of the Government Official or based on a court order.

With the issuance of the South Buton Regent's Decree Number 341 of 2019 concerning the Dispute Resolution of the Election Results of the Lawela Village Head, Batauga District, South Buton Regency in 2019 on August 5, 2019, it has caused losses and legal consequences for the elected Lawela Village Head candidate. The loss experienced by the elected Lawela Village Head candidate is the loss of rights for the Lawela Village Elected Village Head Candidate which has been determined by the Lawela Village Head Election Committee on June 24, 2019 based on Decree Number: 02 of 2019 concerning the Determination of the Elected Village Head Candidate in Lawela Village, Batauga District in 2019 on behalf of Muslihi with serial number 4 by obtaining the most votes of 204 (two hundred four) votes.

The legal consequences for the elected Village Head candidate in Lawela Village are being canceled as the elected Village Head candidate or as Lawela Village Head for the 2019-2015 period and/or as the winner who has succeeded in obtaining the most votes based on the determination of the Lawela Village Head Election Committee in 2019. Likewise, the Lawela Village Head candidate who is elected based on the majority of votes determined by the Village Head Election Committee, will experience a change or disappearance of the legal situation in the form of a decision letter regarding the ratification and appointment of the Lawela Village Head will not be issued no later than 30 (thirty) days after receiving it. a report from the Village Consultative Body, and will not be appointed and inaugurated a candidate for the head of the Lawela Village elected as the Head of the Lawela Village by the South Buton Regent or an appointed official.

#### **IV. CONCLUSION**

##### **1. Conclusion**

Based on the explanation above we can conclude that:

- a. The legal consequence of the South Buton Regent's Decree Number 341 of 2019 concerning the Dispute Resolution of the Election Results of the Lawela Village Head, Batauga District, South Buton Regency in 2019 is that the results of the Lawela Village Head election in the Lawela Village Head Election become non-binding from the moment it is canceled or fixed. valid until cancellation; and ends upon cancellation. The decision to cancel the said decision must be made by the Government Official and/or the Official's Superior by stipulating and/or executing a new Decision and/or Action of the Government Official or based on a court order.
- b. With the issuance of the South Buton Regent's Decree Number 341 of 2019 concerning the Dispute Resolution of the Election Results of the Lawela Village Head, Batauga District, South Buton Regency in 2019 on August 5, 2019, it has caused losses and legal consequences for the elected Lawela Village Head candidate. The loss experienced by the elected Lawela Village Head candidate is the loss of rights for the Lawela Village Elected Village Head Candidate which has been determined by the Lawela Village Head Election Committee on June 24, 2019 based on Decree Number: 02 of 2019 concerning the Determination of the Elected Village Head Candidate in Lawela Village, Batauga District in 2019 on behalf of Muslihi with serial number 4 by obtaining the most votes of 204 (two hundred four) votes. The legal consequences for the elected Village Head candidate in Lawela Village are being canceled as the elected Village Head candidate or as Lawela Village Head for the 2019-2015 period and/or as the winner who has succeeded in obtaining the most votes based on the determination of the Lawela Village Head Election Committee in 2019. Likewise, the Lawela Village Head candidate who is elected based on the majority of

votes determined by the Village Head Election Committee, will experience a change or disappearance of the legal situation in the form of a decision letter regarding the ratification and appointment of the Lawela Village Head will not be issued no later than 30 (thirty) days after receiving it. a report from the Village Consultative Body, and will not be appointed and inaugurated a candidate for the head of the Lawela Village elected as the Head of the Lawela Village by the South Buton Regent or an appointed official.

## 2. Suggestion

Suggestions that the author can convey in this study, namely:

- a. To government officials so that in administering the government they must always prioritize the principles of General Good Governance (AUPB)
- b. To the Village Head Election Committee, in carrying out the village head election event, it is mandatory to pay attention to the political rights of every community registered in the Permanent Voter List.

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