



**Original Article**

**THE AUTHORITY OF ADMINISTRATIVE COURTS IN VILLAGE HEAD ELECTION DISPUTES**

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**ABSTRACT**

**Background.** Although village elections are inherently political, they also entail administrative dimensions subject to legal scrutiny, particularly regarding the regent's decree confirming election results. The absence of a consistent legal interpretation has generated uncertainty within administrative judicial practice. This study examines the jurisdictional authority of the State Administrative Court (PTUN) in adjudicating village head election disputes, using the case of Ngarum Village, Lamongan Regency, as a focal point.

**Research Method.** Employing a normative-empirical legal approach, this study integrates doctrinal analysis of administrative law and statutory frameworks with empirical observations of PTUN Surabaya's handling of election disputes.

**Findings.** The research identifies significant judicial inconsistency across PTUN jurisdictions in classifying regents' decrees; some deem them political acts, while others recognize them as administrative decisions open to judicial review. Such divergence undermines legal certainty and equitable access to justice.

**Conclusion.** PTUN possesses legitimate authority when a regent's decree fulfills the characteristics of an administrative decision. Institutional reinforcement and uniform judicial guidelines are imperative to enhance accountability, ensure procedural fairness, and strengthen democratic governance at the local level.

**Keywords:** Administrative Law; Legal Certainty; PTUN Authority; State Administrative Court; Village Head Election Dispute.

**BACKGROUND**

In a democratic society, the selection of public officials, including village heads, is a vital manifestation of people's sovereignty and participatory governance. In Indonesia, village head elections (pilkades) are regulated by Law No. 6 of 2014 concerning Villages, granting communities the authority to democratically elect their leaders. These elections, while rooted in political processes, are heavily regulated by administrative mechanisms, especially in the issuance of official decisions by regional heads (Regents or Mayors) regarding the final appointment of elected candidates. This intersection of administrative action and local democracy creates a complex legal landscape, particularly when disputes arise [1].

In practice, the pilkades process frequently triggers legal contention and administrative disputes. Empirical data demonstrate that electoral conflicts at the village and local levels are not isolated incidents but rather systemic. For instance, during the 2024 simultaneous regional

elections (Pilkada Serentak), the Election Supervisory Agency (Bawaslu) recorded 195 cases of alleged neutrality violations by village heads across 29 provinces in Indonesia, indicating a high level of local administrative involvement in political contests [2]. Similarly, the Constitutional Court received 310 petitions challenging regional election results out of 545 regions, representing approximately 57 percent of all local elections held that year [3]. Earlier data show comparable patterns: in the 2015 elections, 152 out of 264 regions (about 57.5 percent) filed disputes, and the proportion slightly increased to 59 percent in 2017 [4]. These figures illustrate the prevalence of legal and administrative conflicts surrounding local elections and demonstrate the urgent need to clarify the jurisdiction of the State Administrative Court (PTUN) in handling pilkades-related disputes. Without clear judicial authority, such conflicts risk undermining the principles of legal certainty and democratic accountability at the grassroots level, especially when there are allegations of procedural violations or bias in the final decision. Disappointed candidates frequently file complaints to the State Administrative Court (Pengadilan Tata Usaha Negara, PTUN), challenging the legality of the regent's decision to validate election results. However, a significant legal uncertainty persists regarding whether such decisions qualify as objects of state administrative disputes (objek sengketa TUN) as defined by Law No. 5 of 1986 in conjunction with Law No. 9 of 2004 and Law No. 51 of 2009 [5–7]. This ambiguity results in inconsistent rulings across PTUN jurisdictions and creates barriers for legal redress, undermining citizens' constitutional rights to fair and impartial justice [8].

The core problem examined in this study is whether PTUN has the legal competence to adjudicate disputes arising from village head elections, particularly when the disputed object is a regent's decision legitimizing the elected candidate. Furthermore, this research seeks to investigate how PTUN Surabaya implemented its authority in a real case involving Ngarum Village, Sekaran District, Lamongan Regency.

Prior research on this issue remains limited and fragmented. For instance, in Hasdi's research focused on administrative violations and non-judicial mechanisms of dispute resolution at the local government level in Bantaeng, without engaging PTUN's normative authority or case law analysis [9]. Similarly, and also Mahendra's research examined the dismissal of a village official by an acting village head, analyzed through a *siyasah dusturiyah* (Islamic constitutional law) perspective, rather than the formal competence of PTUN in electoral disputes [10]. While both studies offer valuable insight, they fall short of addressing the doctrinal and empirical analysis of PTUN's jurisdiction over pilkades disputes, especially those stemming from final administrative decisions such as the issuance of regent decrees.

Therefore, this article fills a critical analytical gap by conducting a normative-empirical analysis on the authority of PTUN in adjudicating village election disputes. This study is original in its integration of legal theory, statutory interpretation, and field-based empirical evidence. The case study from Ngarum offers concrete insight into how legal theory translates into practice, particularly when the PTUN's jurisdiction is contested by respondents on the grounds of finality or political character of the decision.

Urgency emerges from the increasingly frequent electoral disputes at the village level, which, if unresolved through legitimate legal forums, risk escalating into prolonged social unrest and governance instability [11]. As discussed in recent administrative law scholarship, a resilient rule of law framework must adapt to address such local-level contestations through judicial mechanisms that ensure legal certainty, administrative fairness, and access to justice [12].

This research contributes new knowledge to the discourse on the scope of administrative court jurisdiction, particularly in politically charged administrative decisions. By clarifying the

criteria that constitute an "administrative decision" under Indonesian law, this study offers doctrinal consistency and practical guidance for judges, legal practitioners, and policymakers. The novelty of this study lies not only in its legal classification framework but also in its practical implication: proposing reforms that enable PTUN to handle village election disputes through simplified and adaptive judicial procedures. Accordingly, the primary purpose of this research is to examine and determine the legal boundaries and practical implementation of PTUN's authority in resolving village head election disputes, in order to strengthen legal certainty, administrative justice, and democratic accountability at the local governance level.

## RESEARCH METHOD

This research adopts a normative-empirical legal method that combines doctrinal legal analysis with field-based investigation. The normative aspect focuses on interpreting statutory provisions, particularly those stipulated in Law No. 5 of 1986 concerning the State Administrative Court, Law No. 9 of 2004, Law No. 51 of 2009, and Law No. 6 of 2014 on Villages [5–7]. This dimension provides the conceptual framework for assessing the scope and limits of PTUN's authority in resolving administrative disputes arising from village head elections. Meanwhile, the empirical component explores the implementation of these legal norms in practice, with a particular emphasis on the village head election dispute in Ngarum Village, Sekaran District, Lamongan Regency [13].

The study applies several legal approaches to examine the problem comprehensively. The statute approach is used to analyze the written legal norms regulating the jurisdiction and object of disputes before the State Administrative Court [14]. The conceptual approach is employed to understand the theoretical foundations of administrative law, including the criteria for identifying an "administrative decision" (*beschikking*) and the principles of legal certainty, justice, and state responsibility [15]. The case approach is used to study judicial decisions issued by PTUN, particularly the ruling in the Ngarum Village case, and to compare it with similar cases across different regions [12]. Finally, the comparative approach is applied to highlight disparities in legal interpretation and enforcement between jurisdictions, which is essential for understanding the current inconsistencies in PTUN jurisprudence [11].

Legal materials for this research consist of primary, secondary, and tertiary sources. Primary legal materials include statutory laws, government regulations, regional regulations, and judicial decisions, especially those related to village head elections [16]. Secondary materials encompass scholarly writings, law journals, expert commentaries, and legal textbooks relevant to administrative law and electoral dispute resolution [17]. Tertiary materials such as legal dictionaries and encyclopedias are also used to support conceptual clarity and terminological precision.

Data collection is conducted through documentary studies, including a thorough review of legislation and relevant court rulings. Empirical data is gathered through in-depth interviews with key stakeholders directly involved in the village head election dispute in Ngarum, such as election candidates, village officials, and representatives of the local government. This triangulation ensures that the legal findings are contextualized within the actual dynamics occurring in the field.

The analysis of legal materials and empirical data is carried out using a qualitative descriptive method. The normative data are interpreted systematically, using grammatical, historical, and teleological interpretations to ensure alignment with the objectives of administrative law [18]. The empirical data is thematically analyzed to identify patterns, inconsistencies, and

critical issues in the application of law by PTUN [19]. This integrated approach enables the research to bridge the gap between doctrinal legality and administrative practice, thereby offering both academic insight and practical recommendations for legal reform in the context of village-level electoral disputes.

## **FINDINGS**

### **1. The Legal Status of Regent Decisions in Village Head Election Disputes as State Administrative Objects**

The first legal issue in this study concerns whether the decision of a regent to appoint an elected village head can be classified as a state administrative decision (*beschikking*) that falls within the jurisdiction of the State Administrative Court (PTUN). According to Article 1 point 9 of Law No. 5 of 1986, a state administrative decision is defined as a written decision issued by a state administrative official in the field of administrative law, which is concrete, individual, and final, and has legal consequences [5]. In the context of village head elections, the regent's decision to ratify the election result clearly meets these criteria. It is a written act, issued by an authorized official, addressed to a particular individual, and produces legal consequences, namely the formal establishment of one as village head.

However, in legal practice, this classification remains contested. Some PTUN rulings have dismissed cases involving village election disputes on the grounds that the regent's decision is political rather than administrative. For instance, in the case of Slamet vs. Bupati Sampang, the PTUN Surabaya declared the regent's decree as non-justiciable, considering it part of a broader political process [20]. Conversely, the PTUN Makassar and PTUN Semarang have accepted similar cases and ruled on the legality of the regent's decisions, affirming that such decisions meet the requirements of an object of dispute under administrative law [21,22]. The inconsistency in judicial interpretation reveals a regulatory and doctrinal gap that undermines the principle of legal certainty. This supports Indroharto's argument that the fundamental role of PTUN is to test the legality of administrative decisions, regardless of their political implications, provided they fulfill the criteria of *beschikking* [15]. Additionally, state administrative courts are not concerned with the substance of political choice but rather with the procedural legality of administrative actions [14].

This argument is further reinforced by the theory of legal protection developed by Satjipto Rahardjo, who asserts that law should be an instrument of justice, especially for citizens facing power abuse from state authorities [23]. When the regent's decision results from a flawed electoral process, such as procedural violations or bias, the citizen's right to legal remedies must be protected.

The empirical data from the Ngarum case reveals that the complainant candidate filed a lawsuit to PTUN Surabaya due to alleged irregularities in the election, including the involvement of unauthorized election officials and the lack of transparency in the vote-counting process. However, PTUN Surabaya rejected the case, stating that the regent's decision was final and non-justiciable.

The following table summarizes comparative decisions from PTUNs in different regions regarding village head election disputes:

**Table 1. Comparison of PTUN Decisions on Village Head Election Disputes**

No.	Case	PTUN Decision	Legal Reasoning	Outcome
1	<i>Sl vs. Bt Spg</i>	Rejected	Not an administrative decision	No review
2	<i>Ah vs. Bt Bkl</i>	Accepted	Meets <i>beschikking</i> criteria	Decree annulled
3	<i>Ys vs. Bt Wj</i>	Accepted	Procedural defect found	Reelection ordered

Source: Author's synthesis based on regional PTUN rulings, 2023–2024

These variations demonstrate the urgent need for judicial harmonization. A consistent interpretive guideline by the Supreme Court is essential to clarify the classification of such decisions and protect citizens' rights uniformly throughout Indonesia.

## DISCUSSIONS

### The Implementation of PTUN Authority in the Ngarum Village Dispute

The second problem examined in this study is how PTUN Surabaya implemented its authority in handling the village head election dispute in Ngarum. The complainant, who was one of the candidates, alleged that the election committee violated several administrative procedures, including the ineligible involvement of local officials as campaigners and the absence of a formal report validating the vote count. Despite these allegations, PTUN Surabaya ruled that the regent's decision did not constitute a state administrative decision as it related to a political event. This legal stance contrasts sharply with the principles of administrative law and previous rulings in other jurisdictions.

From a normative perspective, the decision undermines the legal definition provided in Law No. 5 of 1986 and its amendments [6]. In his scholarly analysis, Ridwan HR notes that when a state official makes a concrete and individual decision that causes legal consequences for citizens, that decision must be open to judicial review regardless of the political setting [24]. The refusal to adjudicate the Ngarum case by PTUN Surabaya highlights not only the limitation of judicial willingness to intervene in politically sensitive matters but also reflects the institutional conservatism that hinders the development of administrative law jurisprudence in Indonesia [8].

It is also worth noting that empirical findings from the Ngarum case suggest that the rejection of the lawsuit further fragmented the community and led to prolonged tension between supporters of both candidates. Local government programs were delayed, and public trust in electoral justice significantly deteriorated. The findings in this study affirm the theoretical discourse previously stated in the introduction. The judicial inconsistency noted by Setyawati and Nugraha in their analysis of administrative electoral disputes is not only a doctrinal issue but also a practical barrier to local governance [11]. Saputra and Pratama argue that reforming PTUN procedures for local electoral cases is not merely a procedural demand but a constitutional necessity to safeguard democratic values at the grassroots level [12,25].

Thus, the study suggests that the PTUN should assert its jurisdiction over village election disputes that meet the legal characteristics of state administrative decisions. Judicial reform should include a fast-track procedure for electoral cases and clearer interpretive guidance from the Supreme Court.

Beyond the legal and empirical findings, this study provides both doctrinal and practical contributions that are directly relevant to judicial actors and policymakers[26-28]. Doctrinally, it reinforces a coherent interpretation of what constitutes an administrative decision (*beschikking*) within the framework of Indonesian administrative law[29]. The clarification of this concept ensures that judges and legal practitioners can consistently identify the legal parameters of justiciable acts, thereby reducing interpretive divergence across PTUN jurisdictions. This doctrinal consistency is vital to achieving uniformity in administrative justice, especially in politically sensitive contexts such as village head elections[30].

Practically, the study serves as a guideline for judges, legal advisers, and local government officials in assessing the legality of regent decrees concerning election ratification. By establishing a clear analytical framework, one that emphasizes the written, individual, concrete, and final characteristics of administrative acts, this research enables practitioners to distinguish between political discretion and administrative legality[31,32]. Such differentiation is crucial in ensuring that administrative courts focus on procedural justice rather than political outcomes.

Furthermore, the study's recommendations have significant policy implications. Policymakers at the national and regional levels can adopt these findings to refine legal regulations, particularly by formulating clearer statutory provisions that explicitly include regent decrees in village elections as objects of administrative review. This would enhance the predictability of legal outcomes, strengthen accountability mechanisms, and foster public trust in administrative justice institutions. Ultimately, by bridging doctrinal analysis and administrative practice, this study contributes to a more coherent jurisprudence and provides actionable insights that support both judicial professionalism and evidence-based policy reform.

## CONCLUSION

Based on the legal and empirical analysis conducted in this study, it can be concluded that the regent's decision to determine the elected village head qualifies as a state administrative decision (*beschikking*) under Indonesian administrative law. This is because the decision is issued in written form, by a state official, addressed to a specific individual, and results in legal consequences. Despite this legal construct, State Administrative Courts (PTUN) have not applied a consistent interpretation across different jurisdictions. Some courts have rejected such cases on the grounds that they fall under the political domain, while others have adjudicated and annulled similar decisions. This inconsistency highlights the urgent need for legal certainty and uniformity in judicial reasoning. Theoretically, there is sufficient foundation in both legislation and doctrine to assert that such decisions are justiciable under PTUN jurisdiction.

With regard to the case study in Ngarum Village, the implementation of PTUN authority has not been optimal. PTUN Surabaya declined to examine the case, considering the regent's decree as outside its jurisdiction. This position contrasts with the practice in other regional courts and does not reflect the progressive role of PTUN in ensuring legal accountability in administrative actions. The rejection has contributed to prolonged uncertainty and weakened public trust in the justice system at the village level. Therefore, although the normative foundation exists for PTUN to exercise jurisdiction in village head election disputes, its implementation remains fragmented and hesitant.

In view of these findings, it is recommended that the Supreme Court issue a unified guideline or judicial interpretation to clarify the legal status of regent decisions in village election disputes. Additionally, regulatory revisions are necessary to explicitly include village head election decrees

as part of administrative objects under the jurisdiction of PTUN. Strengthening procedural mechanisms and the capacity of PTUN to adjudicate such disputes will contribute to the development of administrative justice and the consolidation of democratic governance at the local level.

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