

ABSTRAK

The Constitutional Court has the authority to decide electoral dispute. Is petition to decision of the election commission about the votes candidate and the determination of the candidate elected. As an important issue in realizing election integrity, (free and fair elections). Research questions, whether The Constitutional Court decision was able to restore electoral integrity?

Surabaya election in 2010, as an example the case of settlement of disputed election through a petition to the Constitutional Court, an institution that has the authority to investigate and adjudicate disputes the results of the election. Decision of the election commission on the results of the election may be suspended by the court, if the Constitutional Court found evidence of systematic, structured and massive, affecting the votes the candidate and the determination of the candidate elected, inaccurate or invalid. If so, the decision of the Constitutional Court ordered the election commission to implement a mechanism to restore the integrity of the disputed election. The mechanism is the implementation of voting and vote counting again, as the basis for the Constitutional Court ruled the election results are accurate or valid.

Election integrity theoretically explain the universal standards as indicators to assess or measure, process and results of the election, if consistently applied rules of free and fair elections. Also set standards of law enforcement in the election, if consistently applied rules, procedures and decisions independently and impartially, objectively and accountable, transparent, simple procedures, astringent and inexpensive, and fair decision.

Results of the analysis is the decision of the Constitutional Court is able to restore the integrity of the elections, which consistently provide assurance of compliance aspects and principles of certainty in the law. However, have not been able to restore the integrity of the elections in the aspect of political justice. Criticism of the decision of the Constitutional Court is the practice of "Obuse of power" in the election law enforcement. The decision of the judicial process that raises beyond the demands of the applicant or referred to as "ultra petita". The Constitutional Court using the paradigm of substantive justice other than procedural paradigm, a new gap in understanding because jurisdictional boundaries and the object of dispute in the electoral justice system. Electoral system needs to be improved, among the rules with other rules, a predictable procedurel, more detailed set limits of authority intended. Election monitoring system should be more effective, and can complete all forms of election disputes that led to the election law enforcement, decisions independently and impartially, objectively and accountable, transparent, simple and low-cost, and fair decision.

Keywords: Constitutional Court, electoral disputes, and electoral integrity.