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REFORMING THE IDEAL ELECTION LAW THROUGH THE OMNIBUS LAW

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Abstract

The Omnibus Law concept consolidates multiple laws into a single legislative framework. In Indonesia, the regulation of elections is currently fragmented across separate laws for different types of elections and related sectoral laws. Consequently, various challenges often hamper its implementation. These challenges can be addressed by Omnibus Law which integrates all election-related laws into one comprehensive Election Law. This juridical-normative research examined this topic through legislative, conceptual, and case methods. The results of the analysis show that the Omnibus Law provides a solution to the overlapping regulations. In this context, Omnibus Law serves as a formal Gesetz within the legislative process and suggests that an ideal electoral system would merge the Election Law with relevant sectoral laws—such as the Population Administration Law, Political Party Law, Mass Organization Law, Administrative Court Law (PTUN), and Constitutional Court Law—into a unified legal framework.

***Keywords**: Election, Ideal, Omnibus Law*

A. Introduction

The concept and practices of elections in Indonesia present a compelling area for analysis. The former involves general elections for members of the House of Representatives (*DPR*) and the House of Local Representatives (*DPRD*), as well as the Presidential and Vice Presidential elections, while the latter pertains to the election of Regional Heads and Deputy Regional Heads. This dichotomy in Indonesia's democratic processes, despite both concepts being grounded in the same fundamental principles, reveals a significant conceptual differentiation.

The distinction between these concepts has practical implications for the implementation of elections as seen from the two distinct legal frameworks governing the democratic processes: Law Number 7 of 2017 and Law Number 1 of 2015, as last amended by Law Number 10 of 2016.[1] The laws differ significantly in terms of implementation, supervision, dispute resolution,

[1] Edward Aspinall and Wawan Mas'udi, "The 2017 'Pilkada' (Local Elections) in Indonesia: Clientelism, Programmatic Politics and Social Networks," *Contemporary Southeast Asia* Pilkada (L (2017).

and violation handling, leading to confusion among organizers, participants, and voters. For instance, administrative violations under Law Number 7 of 2017 are addressed through an open trial method within a maximum of fourteen working days, whereas under Law Number 10 of 2016, the violations are resolved through a clarification process within a maximum of five calendar days.

Other sectoral statutes also bring considerable influence on election processes due to their direct or indirect association with the electoral framework.[2] These sectoral statutes have shaped the conduct of both general and local elections at different stages, from the updating of voter data to the finalization of election results. Laws that share indirect association with election process include the Law No. 23/2006 on Population Administration, Law No. 2/2008 on Political Parties, Law No. 17/2013 on Mass Organizations, Law No. 24/2003 on the Constitutional Court, and Law No. 5/1986 on the State Administrative Court. An in-depth analysis of the provisions within the Election Law and the Regional Elections reveals that nearly all of their norms intersect with these sectoral statutes.

Voter data updating stage and the accuracy of the population database are crucial aspects that are governed by the Population Administration Law. Furthermore, significant issues arise in resolving disputes related to the electoral process and outcomes due to the involvement of multiple legal frameworks. In the 2018 Makassar City election dispute, conflicting decisions were made by General Elections Supervisory Agency (*Bawaslu*), the State Administrative High Court, and the Supreme Court. This issue has led to legal uncertainty of candidate pairs' constitutional rights.[3] Similarly, during the 2019 simultaneous elections, the case of Oesman Sapta Odang's nomination for the Regional Representatives Council highlighted conflicts between the decisions of election organizers (*Bawaslu and KPU*) and those of the Administrative Court, Supreme Court, and Constitutional Court.[4]

The Omnibus Law (OL) approach offers an alternative for the formulation, synchronization, and harmonization of laws related to general elections.[5] This approach aims to eliminate the dichotomies that have previously existed between various laws, thereby fostering the implementation of ideal elections in Indonesia. In light of this, it is pertinent to consider the following research questions: First, what is the urgency of employing the Omnibus Law in legislative formation? Second, what is the position of the Omnibus Law within the hierarchy and formation of legislation? Third, how can the Omnibus Law be applied to achieve the ideal administration of elections?

In this normative juridical research, several approaches were used; statutory approach, conceptual approach, comparative approach, and case approach. These approaches allow for critical examination of relevant legal materials, which include primary sources such as Law No. 7/2017 on General Elections, Law No. 23/2006 on Population Administration (Adminduk Law), Law No. 2/2008 on Political Parties (Political Party Law), Law No. 17/2013 on Mass Organizations (Mass Organization Law), Law No. 24/2003 on the Constitutional Court (Constitutional Court Law), and Law No. 5/1986 on Administrative Courts (*PTUN* Law). This research also examined Constitutional Court decisions and secondary legal materials, such as

[2] Aminuddin Kasim dan Supriyadi, "Money Politics Pada Pemilu 2019 (Kajian Terhadap Potret Pengawasan Dan Daya Imperatif Hukum Pemilu)," *Jurnal Adhyasta Pemilu* Vol. 6 No. (2019).

[3] Muhtadi Muhtadi and Zulkarnain Ridlwan, "Reinstatement of National Guidelines of State Policy Within Indonesian Presidential System: The Possibility," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 2 (2023): 133–44, https://doi.org/10.25041/fiatjustisia.v17no2.2909.

[4] Rizki Bagus Prasetio and Febri Sianipar, "The Relevance of the Application of the Presidential Threshold and the Implementation of Simultaneous Elections in Indonesia," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 267, https://doi.org/10.30641/dejure.2021.v21.267-284.

[5] Supriyadi Supriyadi, "Menakar Nilai Keadilan Penyelenggaraan Pilkada 2020 Di Tengah Pandemi Covid-19," *Kanun Jurnal Ilmu Hukum*, 2020, https://doi.org/10.24815/kanun.v22i3.17466.

books, research reports, journal articles featuring expert opinions, legal theories or doctrines, and election-related data from both print and online media. All legal materials were subjected to critical analysis and were then qualitatively assessed using legal reasoning.[6]

B. Discussion

1. The Urgency of Using the Omnibus Law Concept

The concept of the Omnibus Law (OL) has become a significant and widely debated topic since the government introduced legislation aimed at consolidating multiple regulations into a single, unified law. This policy has elicited diverse responses from various sectors of society. While many have expressed support for the implementation of the OL concept, a considerable number of people have voiced opposition and rejected the OL system in the legislative process. Empirically, the use of OL in the formation of laws in Indonesia has already been practiced, albeit without explicitly labeling it as such. Substantively, the legislative process has employed the OL scheme. This raises an intriguing question: What is OL?.

The term Omnibus Law (OL) originates from the word "*Omnibus*," which is derived from Latin and means "for everything." According to Bryan A. Garner's Black's Law Dictionary (Ninth Edition), "*omnibus*" refers to something that relates to or deals with numerous objects or items simultaneously; it includes many things or serves various purposes.[7] Thus, when combined with the word "Law," Omnibus Law can be understood as a law that addresses a wide range of issues or serves multiple purposes under a single legal framework.[8]

Countries around the world, whether they follow the Civil Law System or the Common Law System, have used the Omnibus Law (OL) approach in their legislative processes. Notable examples include the United States (The Omnibus Act of June 1868, The Omnibus Act of February 22, 1889), Canada (Criminal Law Amendment Act, 1968-69), and the Philippines (Tobacco Regulation Act of 2003). Argentina, Australia, Austria, Belgium, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, and Thailand have also practiced this concept in various forms.[9]

Ekawestri Prajwalita Widiati explained that the Omnibus Law is a legislative technique that consolidates several laws and regulations into a single package that allows for better accessibility of legal provisions. The final legal product of this system remains the unchanged.[10] Jimmy Z Usfunan describes the Omnibus Law as a method for drafting legislation, noting that its application is more aligned with the Anglo-Saxon legal tradition (Common Law).[11] In civil law systems, legislation is typically more structured and codified, while in common law systems, judges have traditionally played a central role.[12] However, as the common law system has evolved, legislation has become increasingly important in regulating societal activities.

From a legal perspective, the term "omnibus" is typically paired with "law" or "bill," indicating a regulation created through the compilation of multiple rules with varying substance and scope. Audrey O'Brien defines an omnibus law as a bill that encompasses multiple aspects, merged into a single law. Meanwhile, Barbara Sinclair points out that an omnibus bill represents a complex legislative process that often requires considerable time to finalize due to its

[6] Muhammad Abdul Kadir, "Hukum Dan Penelitian Hukum.," *Bandung : PT. Citra Aditya Bakti.*, 2015.
[7] Adhi Setyo Prabowo, Andhika Nugraha Triputra, and Yoyok Junaidi, "Politik Hukum Omnibus Law Di Indonesia," *Pamator Journal*, 2020, https://doi.org/10.21107/pamator.v13i1.6923.
[8] Eko Noer Kristiyanto, "The Urgency of Omnibus Law to Accelerate Regulatory Reform in The Perspective of Progressive Law," *Jurnal Penelitian Hukum* 20, no. 2 (2020): 233–44.
[9] Georgio Agamben, *The Omnibus Homo Sacer*, *Standford University Press*, 2017.
[10] Public Law, "Omnibus Appropriations ACT , 2009 An Act," *Public Law*, 2009.
[11] Firman Freaddy Busroh, "Konseptualisasi Omnibus Law Dalam Menyelesaikan," *Arena Hukum*, 2017.
[12] Shidarta, *Hukum Penalaran Dan Penalaran Hukum* (Yogyakarta: Genta Publishig, 2013).

extensive material, even though the subjects, issues, and programs involved may not always be directly related.[13]

Omnibus Law (OL) is a relatively new approach in Indonesia. While Indonesia has already applied the OL concept in certain sectoral laws, it has not cover broader legislative framework. OL is expected to synchronize statutory regulation and address various issues such as the overlap between laws, such as between the Election Law (UU No. 7 of 2017) and the Regional Election Law (UU No. 10 of 2016).

Within the field of legal science, the Omnibus Law is not a novel concept which has been applied by common law and civil law countries. Meanwhile, Indonesia adheres to the rule of law and utilizes positive law to regulate society. Indonesian legal practice has started to incorporate elements from both civil and common law systems, including in Constitutional Court that applies common law jurisdictions.

The integration of legal traditions indicates that Indonesia's legal system is not strictly bound to civil law principles, thereby Omnibus Law concept is applicable and compatible with Indonesian legal constitution. The Omnibus Law concept offers several advantages in resolving regulatory disputes in Indonesia, including:

1. Overcome conflicts over laws and regulations, both vertically and horizontally, quickly, effectively and efficiently.
2. Uniform government policies at the central and regional levels to support the investment climate;
3. Trimming licensing management to be more integrated, efficient and effective;
4. Able to break the convoluted bureaucratic chain;
5. Improved coordination relations between related agencies because it has been regulated in an integrated omnibus regulation policy;
6. There is a guarantee of legal certainty and legal protection for policy makers.

The Omnibus Law consolidates multiple regulations with diverse legal provisions into a single comprehensive regulation that serves as an umbrella act. Although Indonesia follows a civil law system, while the concept of Omnibus Law originates from the common law tradition, embracing this approach is not incongruent with Indonesia's legal evolution, particularly in the context of a digital ecosystem and global governance. For instance, the Philippines has undertaken legal reforms in the investment sector through the enactment of its own Omnibus legislation. Similarly, Vietnam has explored the use of Omnibus Law techniques as part of its regulatory reform initiatives.[14] The advantages of adopting the Omnibus Law approach, as observed in various countries, include: first, the legislative drafting and deliberation process becomes more streamlined and efficient; second, the principles of harmonization and synchronization of laws and regulations are better realized; third, there is an increase in the effectiveness and efficiency of law-making; and fourth, the resulting legal norms are more cohesive and consistent.

2. Position of Omnibus Law in Formation of Legislation Invitation

The formulation of laws and regulations is an essential function of the Indonesian state, which is characterized by its adherence to the rule of law. In this context, positive law serves as a crucial instrument for realizing the state's objectives. The process of lawmaking involves the discipline known as statutory science (*gesetzgebungswissenschaft*). According to Burkhardt

[13] Ekawestri Prajwalita Widiati, "Local Legislative Drafting In The Unitary States: A Comparison Between Indonesia And Philippines," *Yuridika*, 2013, https://doi.org/10.20473/ydk.v28i3.348.

[14] Agus Darmawan, "Politik Hukum Omnibus Law Dalam Konteks Pembangunan Ekonomi Indonesia," *Indonesian Journal of Law and Policy Studies*, 2020, https://doi.org/10.31000/ijlp.v1i1.2655.

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Krems, statutory science is the interdisciplinary study of the formation of state regulations (*interdisziplinäre Wissenschaft von der staatlichen Rechtssetzung).*[15]

Krems further divides statutory science into two primary components: the theory of legislation and the science of legislation. The theory of legislation (*gesetzgebungstheorie*) is concerned with achieving conceptual clarity and cognitive understanding, providing a foundation for interpreting the meanings and implications of legal concepts. In contrast, the science of legislation (*gesetzgebungslehre*) is focused on the normative aspects of lawmaking, specifically the creation and structuring of legal norms.[16]

The theory and science of legislation are integral components in the establishment of the rule of law. The theory of legislation is primarily concerned with elucidating the meanings and conceptual underpinnings of legal principles, while the science of legislation focuses on the practical creation and structuring of legal norms. The application of legislative science in the lawmaking process is structured into three key subfields: the legislative process, legislative methods, and legislative techniques. The legislative process (*Gesetzgebungsverfahren*) consists of various stages; preparation, adoption, implementation, assessment, and reintegration of the final legislative product. The statutory method (*Gesetzgebungsmethoden*) involves the systematic formation of legal norms to achieve their intended goals, addressing the formulation of elements such as the object, subject, operator, and conditions of the norm. Legislative techniques (*Gesetzgebungstechniken*) pertain to the drafting of statutes, focusing on the external and internal structure of the legislation, as well as the language used in legal texts.

The Omnibus Law (OL) can be regarded as statutory science, as it represents a legislative approach that combines multiple regulations into a single legal product. This merging process, characteristic of the OL concept, is applied to laws and regulations that have both conceptual and practical relevance. For instance, the Job Creation Law integrates several sectoral laws, all of which are conceptually interconnected. In the context of elections, sectoral laws that fall outside the scope of Law No. 7 of 2017 share not only conceptual commonalities but also philosophical, juridical, and sociological foundations, originating from a unified basis.

The lawmaking process is mostly based on the classical legal theories proposed by Hans Kelsen which were futher developed by his student named Hans Nawiasky. Nawiasky's theory, known as *Theorie von Stufenbau der Rechtsordnung* outlines the hierarchical structure of norms within a legal system. According to this theory, the hierarchy of norms includes: the fundamental norms of the state (*staatsfundamentalnorm*), basic state rules (*staatsgrundgesetz*), formal legislation (*formelles gesetz*), and implementing regulations and autonomous regulations (*verordnung und autonome satzung*)[17]

From the perspective of positive law, the formation of laws and regulations in Indonesia is guided by the provisions outlined in Law Number 12 of 2011 concerning the Establishment of Legislation, which defines the hierarchy of legal norms within the country. While the concept of the Omnibus Law (OL) is not explicitly recognized as a source of law in this framework, it can be interpreted within the broader context of Hans Nawiasky's theory of hierarchical norms. According to Nawiasky, *formell gesetz* should not be narrowly understood as a single law or regulation but rather as encompassing a broader category of norms. These norms can include both primary and secondary legal norms, where primary norms establish fundamental legal principles and secondary norms provide the mechanisms for their implementation.

In the Indonesian legal system, the term *formell gesetz* or *formele wetten* is generally translated as "law" without the qualifier "formal." However, interpreting *formell gesetz* strictly as "formal law" would be inconsistent with the existing legal framework in Indonesia. *Formell*

[15] Maria Farida Indrati, *Ilmu Perundang - Undangan Jenis, Fungsi Dan Materi Muatan* (Yogyakarta, 2007).
[16] Merdi Hajiji, "Legal and Political Relations in Law System of Indonesia," *Hukum Indonesia*, 2013.
[17] Jazim Hamidi, *Revolusi Hukum Indonesia Makna, Kedudukan Dan Implikasi Hukum Naskah Proklamasi 17 Agustus 1945 Dalam Sistem Ketatanegaraan RI* (Jakarta: Konstitusi Press, 2006).

gesetz is further grouped in to *wet in formele zin* and *wet in materiele zin*. In the Netherlands, *wet in formele zin* refers to decisions made by the general government (*genera regering*) and parliament (*staten*), which may take the form of stipulations (*beschikking*) or regulations (r*egeling*). The focus of *wet in formele zin* is on the authority or body that enacts the law, regardless of the content. On the other side, *wet in materiele zin* refers to decisions that contain general binding regulations, regardless of the authority that enacts them. Unlike *wet in formele zin*, which emphasizes the process of lawmaking, *wet in materiele zin* concerns with the substance of the law, focusing on its content rather than its origin.

The concept of *formell gesetz* should not be narrowly limited into either a single law or formal aspects of legislation (*wet*). *Formell gesetz* conceptually extends beyond a purely formal understanding, encompassing both formal and material dimensions of law. The Omnibus Law (OL) exemplifies this broader interpretation. OL concept aligns with *formell gesetz* in terms of material aspect, as it integrates multiple legal provisions under a unified framework.

3. Omnibus Law Approach in Realizing the Ideal Election

The position of the Omnibus Law (OL) within the Indonesian legal system can be categorized under *formell gesetz* within the *wet in materiele zin* aspect. Thus, OL is part of the formal legal framework but it is defined by the substance of the legal norms that are combined into a single legislative act. From the perspective of the science of legislation, OL is regarded a law formation method within the legislative practices in Indonesia. Indonesia is a state governed by law yet the law system does not strictly adhere to the civil law system. Indonesia's legal system remains open to adopting beneficial elements from other legal systems, particularly common law, especially in terms of lawmaking practices.

The implementation of general elections and local elections (as distinguished by the Constitutional Court) in Indonesia is a key aspect of democratic governance that relies on a robust legal framework. The enactment of the Election Law (Law No. 7 of 2017) has been a significant step forward in strengthening democracy in Indonesia. However, the changes introduced by this law seem incomplete, as they only combine three election-related laws. The partial nature of these changes is likely due to the fact that there are still other laws that should have been integrated into a single comprehensive framework.[18]

The Local Election Law (Law No. 10 of 2016) emphasizes the provisions of Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia; "Governors, regents, and mayors as heads of provincial, district, and city governments are democratically elected." Whereas, Election Law (Law No. 7 of 2017) in Article 22E of the 1945 Constitution offers different concept. Although these two laws and their underlying election concepts originate from different constitutional provisions, their practical implementation is based on the same democratic principles. General elections and local elections must adhere to the principles of *LUBER* (direct, general, free, and secret) and *JURDIL* (honest and fair). Elections are managed by the same institutions—the General Elections Commission (*KPU*) and the Election Supervisory Body (*Bawaslu*). This alignment is further reinforced by the Constitutional Court's Decision No. 48/PUU-XVII/2019, which provides legal authority to the Regency/City *Bawaslu* to oversee local elections, underscoring that general elections and local elections should not be regulated by separate laws. Other sectoral laws are directly or indirectly related to the conduct of general elections as described in the following section.

[18] Andi Intan Purnamasari et al., "Redesigning: Handling Of Indonesian Election Violations Abroad To Realizing Quality 2024 Elections," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 1 (2023): 75–92, https://doi.org/10.25041/fiatjustisia.v17no1.2637.

a. The Population Administration Law

Voter data administration and update are based on the Population Administration Law. This law governs the voter information data update based on the population data of potential voters (*DP4*) provided by the government or regional authorities to the election organizers. The process begins with the submission of *DP4* by the government to be verified and corrected by voter data updating officers (PPDP) based on adjustments from neighborhood units (*RT*), community associations (*RW*), or other relevant bodies.

The Population Administration Law regulates and oversees the issuance of population documents and data through mechanisms such as Population Registration, Civil Registration, and the management of Population Administration information. This law determines an individual's eligibility to vote. Specifically, the process of updating voter data relies on population information submitted by the government to the General Elections Commission (*KPU*), which manages the technical aspects of elections. To be eligible to vote, individuals must not only be listed in the Permanent Voter List (DPT) but must also possess an electronic identity card.

The accuracy and validity of population data directly influence the precision of voter data. The integrity of voter data is crucial for the success of both general and local elections, as it determines the reliability of the Permanent Voter List (*DPT*). This list relies on population data provided by the government and local authorities, making the accuracy of this data a fundamental factor in electoral processes.

Voter data update is challenging as population database often lacks of accuracy due to outdated information such as records of deceased individuals, residents who have moved, or individuals who have not obtained their electronic identity cards *(E-KTP*), frequently arise. These problems complicate the process of updating voter data and contribute to disputes regarding the *DPT*, which remains a contentious issue in electoral result disputes.

b. The Law on Political Parties and The Law on Mass Organizations

The Law on Political Parties is integral to the implementation of elections. Political parties are key participants and proponents of candidate pairs in the electoral process and they are essential pillars in the execution of both general and local elections, alongside voters and election organizers.

Political parties are significant elements of democratic system that connect government processes and citizens. Schattschneider argues that political parties are fundamental to the existence of democracy "political parties created democracy." Schattschneider further emphasizes that “modern democracy is unthinkable save in terms of the parties.”[19]

Political parties are national organizations formed by Indonesian citizens who voluntarily unite based on shared goals and ideals. Their purpose is to advocate for and defend the political interests of their members, society, and the nation, while upholding the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution.[20]

Article 1, number 1 of Law No. 17 of 2013 states that "Social organizations, hereinafter referred to as *Ormas*, are organizations established and formed by the community voluntarily based on common aspirations, desires, needs, interests, activities, and goals to participate in development and achieve the objectives of the Unitary State of the Republic of Indonesia based on Pancasila." Within the context of elections, there are community organizations involved in the electoral process as election observers. These observers are organizations formed to supervise and monitor the implementation of general elections. The Election/Local Election

[19] Philip Norton, “The Constitution,” in *Blair’s Britain, 1997-2007*, 2007, https://doi.org/10.1017/CBO9780511490828.007.
[20] M. Marzuki, “Konstitusi Dan Konstitusionalisme,” *Jurnal Konstitusi*, 2010.

Law recognizes the role of these observers as an integral part of the electoral process; however, the regulatory framework provided by the Election Law/Local Election Law for election observers is quite limited.

Political parties are also considered as community organizations and legal entities, which establishment is governed by specific conditions outlined in Article 3, paragraph (2) of Law No. 2 of 2008. This provision stipulates that for a political party to acquire legal entity status, the following criteria must be fulfilled.

1. A notarial deed of the political party establishment.
2. A name, symbol, or image that is distinct and does not resemble, in principle or in its entirety, the name, symbol, or image of another legally registered political party, as per statutory regulations.
3. Management structures established in each province, as well as in at least 75% of the regencies or municipalities within the province, and at least 50% of the sub-districts within the regencies or municipalities.
4. Permanent offices maintained at the central, provincial, and district/city levels throughout the election period.
5. A bank account registered in the name of the political party.

Article 3, paragraph (2) of the Political Party Law outlines the criteria for political parties to be recognized as legal entities. However, meeting these requirements alone does not automatically qualify political parties as participants in elections. To become election participants, political parties must first complete the registration process with the General Elections Commission (*KPU*). The *KPU* then conducts both administrative and factual verifications to assess compliance with the registration requirements. The criteria for political parties to be registered as election participants are specified in Article 173, paragraph (2) of the Election Law. This provision states that political parties may become election contestants after fulfilling the following requirements.

1. The political party must be legally recognized as a legal entity under the Law on Political Parties.
2. The party must have established management structures in all provinces.
3. The party must have management structures in at least 75% of the total regencies and cities within each province.
4. The party must have management structures in at least 50% of the total sub-districts within each district or city.
5. The party must ensure that at least 30% of its central-level management is composed of women.
6. The party must have a minimum of 1,000 members or 0.1% of the total population, with membership evidenced by ownership of a membership card.
7. The party must maintain permanent offices at the central, provincial, and district/city levels throughout the election period.
8. The party must submit its name, symbol, and logo to the General Elections Commission (KPU).
9. The party must provide the KPU with the account number for its election campaign funds.

Political parties must be registered by *KPU* before being declared eligible. *KPU* is responsible for conducting both administrative and factual verification of the registration documents submitted by political parties. This verification process is governed by the norms established in the Election Law, while the Political Party Law also includes technical regulations relevant to political parties. The differing provisions of these two laws can lead to challenges in the implementation of the verification process for political parties seeking to participate in elections.

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c. The Law of State Administrative Court Law

Elections are inherently followed disputes. Electoral disputes are to be resolved by the Election Supervisory Board (*Bawaslu*). The Election Law and the Local Election Law also allow for lawsuits to the State Administrative Court (*PTUN* for elections) and the High State Administrative Court (*PTTUN* for local elections). The resolution processes delineated by these laws reveal notable differences, and the Administrative Court Law does not offer comprehensive guidelines for resolving disputes in the election or local election processes.

Currently, individuals seeking justice in electoral or local election disputes interact directly with the *PTUN*/*PTTUN*, which is the judicial body responsible for reviewing decisions made by election organizers (KPU, Provincial KPU, and Regency/Municipal KPU). According to the Election Law, the *PTUN* plays a specific role in dispute resolution within the election process. Article 469, paragraph (2) underscores this by stating, "In the event that the dispute resolution carried out by *Bawaslu*, as referred to in paragraph (1) letters a, b, and c, is not accepted by the parties, the parties may submit legal remedies to the state administrative court." This provision indicates that the *PTUN* serves as a legal recourse for parties who contest the outcomes of *Bawaslu*'s decisions or are dissatisfied with the resolution provided by *Bawaslu*.

The Local Election Law also addresses dispute resolution, albeit with variations compared to the Election Law, particularly concerning the jurisdiction of the courts involved. While the Election Law designates the State Administrative Court (*PTUN*) as the appellate body, the Local Election Law assigns this role to the High State Administrative Court (*PTTUN*). This distinction is evident in Article 154, paragraph (2) of the Local Election Law, which stipulates that "Submission of a lawsuit over an election state administrative dispute to the High State Administrative Court is carried out after all administrative remedies at the Provincial *Bawaslu* or Regency/City *Panwaslu* have been exhausted." The differences between the two laws highlight a significant divergence in how legal remedies are conceptualized and applied. Such inconsistencies create challenges in implementing a coherent democratic process. The discrepancies in the norms of the Election Law and the Local Election Law underscore a lack of uniformity that complicates the electoral dispute resolution process.

Further complicating this issue, Article 153, paragraph (2) of the Regional Head Election Law specifies that "The State Administrative Court, in receiving, examining, and deciding on electoral state administrative disputes, shall use the State Administrative Procedure Law unless otherwise stipulated in this law." Additionally, Article 155, paragraph (1) mandates that "In examining, adjudicating, and deciding on electoral state administrative disputes, a special panel shall be formed consisting of career judges within the State Administrative High Court and the Supreme Court of the Republic of Indonesia." This arrangement underscores the procedural complexity and the need for specialized judicial panels in resolving electoral disputes.

The two normative concepts can be interpreted through systematic interpretation, which involves understanding legal provisions within the broader legal framework. The formulation of the articles indicates that state administrative disputes must be resolved by a specialized panel of judges. The term "special" denotes that these judges should have specific expertise in organizing general and local elections, rather than being general judges. Therefore, the provisions in the Administrative Court Law related to election disputes should be integrated with the Election Law and Local Election Law, ensuring that disputes are adjudicated by judges with the necessary knowledge and experience in electoral matters.

d. The law of Constitutional Court

Electoral disputes extend beyond procedural disagreements addressed by the Election Supervisory Board (*Bawaslu*) or the Administrative Court (*PTUN/PTTUN*). They also encompass disputes concerning election results, which fall under the jurisdiction of the

Constitutional Court. The Constitutional Court is endowed with the authority to adjudicate disputes over election results and regional elections. This authority is categorized as a conditional constitutional authority, meaning that the Constitutional Court's role in resolving election result disputes is contingent upon the non-establishment of a special election court, as mandated by Article 157, paragraph (3) of the Local Election Law. This provision states: "Disputes concerning the final stage of vote acquisition results are to be examined and adjudicated by the Constitutional Court until a special judicial body is formed."

The resolution of election result disputes by the Constitutional Court necessitates a framework within the Constitutional Court Law that aligns with both national and local election legislation. The Constitutional Court is empowered to render final and binding decisions on disputes related to general and local election results. This authority is derived from the 1945 Constitution, which stipulates that the Constitutional Court is responsible for: reviewing the constitutionality of laws, adjudicating disputes concerning the authority of state institutions as granted by the Constitution, deciding on the dissolution of political parties, resolving election result disputes, and ruling on whether the President or Vice President has committed legal violations.[21]

It is necessary to examine these relationships within the framework of the OL concept. Laws that are directly related to the Election Law/Local Election Law are integrated into these primary laws. Political Party Law has a direct and explicit connection with electoral processes are within category. On the other hand, laws that do not have a direct relationship are not fully integrated into the Election Law/Local Election Law as they only share relevance in certain contexts such as the Population Administration Law, Law on Mass Organizations, the Administrative Court Law, and the Constitutional Court Law.

The five sectoral laws previously mentioned are substantially related to the Election Law/Local Election Law. Many of these laws contain provisions that could be effectively regulated through an omnibus law approach. This aligns with Jimly Asshiddiqie's perspective, which advocates for omnibus laws to be broad, comprehensive, and integrated based on the principles of Pancasila and the 1945 Constitution. Legal system needs to consolidate the overlapping regulations into a single cohesive law.

In the context of Indonesian lawmaking, it is feasible to alter the substance and revoke existing laws through new legislation. OL concept, the Election Law and the Local Election Law, along with other sectoral laws can be integrated into a single comprehensive statute called the Election Criminal Code (*KUHPemilu*). The establishment of such a code would facilitate a more orderly and effective electoral process, ultimately achieving the goal of an ideal and well-regulated election system.

C. Conclusion

In regards to the results and discussion of this research, several insightful conclusions can be drawn. First, the Omnibus Law concept addresses the challenge posed by the proliferation of laws and regulations, providing a solution for their consolidation and simplification. Second, in the context of lawmaking, the Omnibus Law is incorporated into the legislative process and hierarchy of norms. It is categorized as a formal Gesetz, reflecting its role as a comprehensive and substantive legal framework. Third, for an ideal electoral system, it is proposed that the Election Law should integrate the content of related sectoral laws—namely, the Population Administration Law, Political Party Law, Mass Organization Law, Administrative Court Law (*PTUN*), and Constitutional Court Law—into a single cohesive legal product specifically termed as Election Law.

[21] Jimly Asshiddiqie, *Konstitusi Bernegara Praksis Kenegaraan Bermartabat Dan Demokrasi* (Malang: Setara Press, 2015).

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