

## **KEWENANGAN MENGADILI PENGADILAN TATA USAHA NEGARA TERHADAP KEPUTUSAN KOMISI PEMILIHAN UMUM**

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### **INTISARI**

Penelitian ini bertujuan untuk menjelaskan secara konseptual tentang kedudukan kewenangan mengadili Pengadilan Tata Usaha Negara Terhadap keputusan Komisi Pemilihan Umum pada tataran empiris, serta memberikan rekomendasi tentang kewenangan mengadili Pengadilan Tata Usaha Negara terhadap keputusan Komisi Pemilihan Umum di masa mendatang.

Penelitian ini merupakan penelitian hukum normatif. Data yang digunakan adalah data sekunder, yaitu terdiri dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Untuk memperoleh data tersebut dilakukan dengan cara studi kepustakaan, proses analisis data dengan mengumpulkan data sekunder berupa dokumen, peraturan, dan teori terkait yang kemudian di analisis secara kualitatif sehingga menghasilkan data deskriptif analitis.

Kewenangan Peratun dalam menyikapi keputusan KPU sebagai salah satu kompetensinya dapat dilihat dalam beberapa kedudukan, amandemen keempat UUD 1945 menempatkan KPU sebagai lembaga negara independen, hal ini berdampak pada penerapan regulasi yang bersinggungan dengan cabang kekuasaan lainnya. Secara umum kedudukan keputusan KPU dilihat dari berbagai peraturan perundang-undangan digolongkan menjadi KTUN dan menjadi kompetensi absolut Peratun setelah melewati proses penyelesaian upaya administratif. Secara khusus keputusan KPU mengenai hasil pemilihan umum dikecualikan dalam pengertian KTUN. Selama proses pemilihan umum, keputusan KPU yang disengketakan di Peratun harus diputus dengan himbauan tidak mengganggu jadwal pemilihan umum. Kewenangan mengadili PTUN, PTTUN, dan MA terhadap keputusan KPU selama proses pemilihan umum besar pengaruhnya sehingga mengganggu independensi KPU, menabrak prinsip pelaksanaan pemilihan umum dan prinsip *checks and balances*. Kedudukan keputusan KPU seharusnya dikurangi dari kewenangan PTUN selama pemilihan umum, serta diperlukan pembaharuan mekanisme penyelesaian sengketa pemilihan umum dengan membentuk badan peradilan pemilu pada Bawaslu.

**Kata Kunci:** KPU, PTUN, KTUN, *beschikking*, *checks and balances*, Pemilihan Umum, Peradilan Administrasi

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***THE AUTHORITY TO ADJUDICATE OF ADMINISTRATIVE COURT  
(PTUN) AGAINST THE DECISION OF GENERAL ELECTION  
COMMISSIONS (KPU)***

***ABSTRACT***

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This study aims to conceptually explain the position of the decision of the General Election Commission on the authority to try of State Administrative Court at the empirical level, and provide recommendations on the position of the decision of the General Election Commission on the authority to try of the Administrative Court in the future.

This research is normative legal research. The data used is secondary data, which consists of primary legal materials, secondary legal materials and tertiary legal materials. To obtain the data carried out by means of library research, the process of data analysis by collecting secondary data in the form of documents, regulations, and related theories which are then analyzed qualitatively so as to produce analytical descriptive data.

The authority of the Peratun in responding to the KPU's decision as one of its competencies can be seen in several positions, the amendment of 1945 Constitution places the KPU as independent agencies, this has an impact on the application of regulations that intersect with other branches of power. In general, the position of the KPU's decision seen from various legislations is classified as a KTUN and becomes the absolute competence of the Peratun after going through the process of resolving administrative efforts. In particular, the KPU's decision regarding the results of the general election was excluded in terms of the KTUN. During the electoral process, the disputed KPU decision in the Peratun must be decided with an appeal not to disrupt the electoral schedule. The authority to adjudicate PTUN, PTTUN, and MA on the KPU's decision during the process of a large election influences the KPU's independence, collides with the principle of implementing elections and the principle of checks and balances. The position of the KPU's decision should be reduced from the authority of the Administrative Court by excluding the authority of the Administrative Court regarding decisions issued by the KPU during the general election, as well as renewing the mechanism of dispute resolution in general elections by establishing an election court body at Bawaslu.

***Keywords:*** *KPU, PTUN, KTUN, beschikking, checks and balances, General Election Commission, Administrative Court*

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