

The Development of Constitutional Law in Presidential and Vice-Presidential Election Disputes: A Comparison Between Indonesia, Algeria, and Ethiopia

Fakhry Amin

Sekolah Tinggi Ilmu Ekonomi Enam Enam, Indonesia, email: fakhry.amin2gmail.com

Abstract

The development of constitutional law studies necessitates that constitutional law be understood broadly, including various developments in constitutional law in other countries. One important aspect in the development of constitutional law studies is related to disputes over the results of the Presidential and Vice Presidential elections. Many dynamics occur regarding the disputes over the results of the Presidential and Vice Presidential elections. This research focuses on analyzing the comparative legal development of constitutional law related to presidential and vice-presidential election disputes between Indonesia, Algeria, and Ethiopia. This research is a normative legal study with a conceptual, legislative, and comparative legal approach. The research findings affirm that the court is deemed to have the authority to ensure the implementation of principles in elections as part of the general principles in constitutional law, thus the court is also authorized to assess the dimension of justice in disputes over the results of the Presidential and Vice-Presidential elections. The legal comparison of the regulation of presidential and vice-presidential election disputes in Indonesia, Algeria, and Ethiopia does not actually have significant differences. In all three countries, elections can also be challenged in court. The main difference lies in the effectiveness of the judicial review of the Presidential and Vice-Presidential election results, where this has been quite successful in Indonesia but less impactful in addressing societal polarization as seen in Algeria and Ethiopia.

Keywords: *Constitutional Law, General Elections, Comparative Law, Election Disputes.*

1. INTRODUCTION

Globalization has brought significant changes to national legal systems, including constitutional law, which affects various aspects of law domestic to state sovereignty.¹ Countries must adapt their constitutional laws to be relevant to global dynamics. This shows that there is a complex interaction between international norms and domestic law..² Globalization has had a significant impact on various aspects of life, including the legal system, which requires adaptation and adjustment from countries around the world.³

1 Muhammad Alwi, Al Maliki, and Asmawi Muslimin, J M, "Equality of Rights and Courts : Constitutional-Based Arguments on the Fixed- Standard of Minimum Age for Marriage in Lights of Maq ā Shid Al-Syar ī Ah Introduction The Minimum Age of Marriage Is One of the Provisions of the Marriage Law , Which Is Anticip," *Mazahib* 20, no. 2 (2021): 285–320.

2 Sharon Stein, Vanessa Andreotti, and Rene Suša, "Pluralizing Frameworks for Global Ethics in the Internationalization of Higher Education in Canada," *Canadian Journal of Higher Education* 49, no. 1 (2019): 22–46, <https://doi.org/10.7202/1060822ar>.

3 Jackie Smith and Michael Goodhart, "Human Rights Globalization: How Local and Global Actions Institutionalize Human Rights," *Journal of Human Rights* 23, no. 2 (March 2024): 125–33, <https://doi.org/10.1080/14754835.2024.2324202>.



Globalization has changed the way we view state sovereignty. Sovereignty is no longer monopolized by the state, but is shared between various entities, both national and international. This results in legal interactions that cross national borders, so that countries must adapt their constitutional laws to global norms.⁴ Countries are required to harmonize their domestic laws with international standards, especially on issues such as human rights, international trade, and the environment, even up to the general election (Pemilu).⁵ Elections have become one of the “*global identities*” for countries that are considered democratic countries based on global standards.⁶

Elections are a primary requirement for a modern democratic state. An election can be said to be democratic if it meets the following requirements: legal certainty of elections, independent organizers, inclusive community participation, and enforcement of election law. One important aspect in elections is the existence of fair law enforcement and ensuring that elections are carried out according to procedures and guarantee the substantive rights of the community.⁷ Law enforcement efforts in Election One of them is related to legal efforts related to election result disputes. Election result disputes are legal efforts to ensure that the election has been in accordance with the principles and principles of elections, including ensuring that the elections are conducted fairly.⁸ Election result disputes are handled by judicial institutions or courts according to the characteristics of each country. Election result disputes in various countries are resolved by the Constitutional Court and some are resolved through the Supreme Court.⁹ However, in principle, the resolution of disputes over election results, whether carried out by the Constitutional Court or the Supreme Court, is oriented towards to ensure the resolution of election result disputes based on due process of law.¹⁰ One of the interesting election result disputes that often attracts public attention is the dispute over the results of the Presidential and Vice Presidential Elections.

The dispute over the results of the Presidential and Vice Presidential Elections is one of the things that attracts public attention. This is because in the dispute over the results of the Presidential and Vice Presidential Elections, There are legal and non-legal dimensions. The legal dimension is that in the dispute over the results of the Presidential and Vice Presidential Elections, it becomes a momentum where the law and constitution in a country are tested, especially to the Panel of Judges who resolved the dispute over the results of the Presidential and Vice Presidential Elections.¹¹ The Panel of Judges who resolve disputes over the results of the Presidential and Vice Presidential Elections will

4 Nicolò Paolo Alessi, *A Global Law of Diversity* (London: Routledge, 2024).

5 Ridho Al-Hamdi et al., “Designing Open-List Proportional Representation System in Indonesia’s Legislative Election during the Global Pandemic Era,” *Proceedings of the International Conference on Public Organization* 209, no. 1 (2022): 12–23.

6 Muhammad Syafei and Muhammad Rafi Darajati, “Design of General Election in Indonesia,” *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 1 (2020): 97–111, <https://doi.org/10.14710/lr.v16i1.30308>.

7 Junaidi Ahmad and Agmar Media, “Penegakan Hukum Kepemiluan Untuk Pemilu Bermartabat,” *Jurnal Sosial Humaniora Sigli* 4, no. 1 (2021): 77–86, <https://doi.org/10.47647/jsh.v4i1.448>.

8 Dicky Eko Prasetyo Hananto Widodo, “Penataan Kewenangan KPU Dan Bawaslu Dalam Melakukan Pengawasan Dan Menangani Sengketa Proses Pemilu,” *Perspektif Hukum* 21, no. 2 (2021): 17–38.

9 Johansyah Johansyah, “Kedudukan Mahkamah Konstitusi Sebagai Lembaga Negara Berdasarkan Undang-Undang Dasar 1945,” *Solusi* 17, no. 2 (2019): 94–105, <https://doi.org/10.36546/solusi.v17i2.167>.

10 Dodi Jaya Wardana, Sukardi, and Radian Salman, “Public Participation in the Law-Making Process in Indonesia,” *Jurnal Media Hukum* 30, no. 1 (2023): 66–77, <https://doi.org/10.18196/jmh.v30i1.14813>.

11 Anifatul Kiftiyah, “Upaya Rekonsiliasi Politik Identitas Pasca Pelaksanaan Pemilu 2019 Di Indonesia Reconciliation Efforts of Identity Politics Post of Election 2019 in Indonesia,” *Jurnal Analis Kebijakan* 3, no. 1 (2019): 63–75, <http://jurnalpusaka.lan.go.id/index.php/jurnalpusaka/article/view/59>.

be tested for their independence, neutrality and professionalism in handling the case. Viewed from a non-legal aspect, the dispute over the results of the Presidential and Vice Presidential Elections is a momentum to minimize the existence of conflict in which the conflict over the results of the Presidential and Vice Presidential Elections which has the potential to cause unrest in society will be attempted to be suppressed and resolved centrally through legal mechanisms.¹²

The importance of disputes over the results of the Presidential and Vice Presidential Elections has led several countries to directly include the authority to handle disputes over the results of the Elections. The President and Vice President in its constitution, one of which is Indonesia. The Indonesian Constitution, namely the 1945 Constitution of the Republic of Indonesia in Article 24C paragraph (1) actually confirms that disputes over the results of the Presidential Election and The Vice President is one of the authorities of the Constitutional Court.¹³ Of course, many dynamics occurred in relation to the dispute over the results of the Presidential and Vice Presidential Elections in Indonesia even though until the 2024 election, the lawsuit has not been successful was once granted by the Constitutional Court. As in Indonesia, disputes over the results of the Presidential and Vice Presidential Elections carried out by court institutions have also become an interesting topic in various countries around the world. Therefore, this study focuses on analyzing the comparative law of the development of constitutional law related to dispute over the results of the Presidential and Vice Presidential Elections between Indonesia, Algeria and Ethiopia. The legal comparison between Algeria and Ethiopia is intended to provide a proportional legal comparison especially since both Algeria and Ethiopia can be said to be is a country that is quite prone to conflict related to politics and elections. In addition, in terms of economic level, Algeria and Ethiopia are also countries with a high level of developed so that it is relevant when compared to Indonesia.

This research is a normative legal research that emphasizes doctrinal-based analysis of legal products in the form of statutory regulations..¹⁴ The primary legal materials in this study are the 1945 Constitution of the Republic of Indonesia and the constitutions in Algeria and Ethiopia as well as laws and regulations that discuss disputes over election results. President and Vice President. Secondary legal materials are books, journal articles, and research and study results related to constitutional law, especially disputes over the results of the presidential and vice presidential elections. Non-legal materials is a legal dictionary. The analysis is done prescriptively by formulating what should be done in relation to the existing legal issues.¹⁵ The approaches used are conceptual, legislative and comparative legal approaches.

2. ANALYSIS AND DISCUSSION

2.1. Global Dynamics of the Development of Constitutional Law and Its Relevance to the Dispute over the Results of the Presidential and Vice Presidential Elec-

12 Jerry Indrawan, Anwar Ilmar, and Ardli Johan Kusuma, "Rekonsiliasi Politik Pasca Pilpres 2019 : Menumbuhkan Semangat Kebangsaan Dalam Konstruksi Sosial Budaya," *Journal of Political Issues* 4, no. 1 (2022): 50–61.

13 Ali Marwan, *Putusan Mahkamah Konstitusi* (Medan: Enam Media, 2020).

14 Suteki and Galang Taufani, *Motodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*, Cetakan 3 (Depok: RajaGrafindo Persada, 2020).

15 Prasetyo Rijadi Jonaedi Efendi, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Kencana, 2022).

tions

Constitutional law as part of the study of legal science is not actually stagnant and static. Constitutional law as the development of legal science others also develop along with the times.¹⁶ Initially, the study of constitutional law was often identified as the study of a country's basic law. This view actually leads to constitutional law being a narrow study of a country's constitution.¹⁷ However, in its development, constitutional law has experienced significant development and even tried to analyze or examine the constitutional aspects broadly. This broad constitution is simply not only the constitution of a country that is currently in force or positive law alone, but also includes the study of universal values, principles and norms which also develops not only in one country but in other countries as well.¹⁸

The development of the study of constitutional law has made constitutional law must be understood broadly including various developments in constitutional law in other countries. One important aspect in the development of constitutional law studies is related to the phenomenon of globalization. Globalization in the field of constitutional law then gave birth to a concept commonly known as *global constitutionalism*.¹⁹ *Global constitutionalism* is an idea that functions as an umbrella concept (*umbrella concept*) which brings together many different ideas or policies on an international scale, or application of constitutional processes at the global level.²⁰ One of the important aspects is the application of the "Three Cs" in practice *global constitutionalism* which has three main elements, namely: *constitution*, *constitutionalisation*, dan *constitutionalism*.²¹ *Constitution* formed to ensure that the political process remains based on constitutional norms. *Constitutionalisation* is a phenomenon that has been observed in supranational or international organizational environments, reflecting the need to put in place regulations that are in accordance with the constitution.²² *Constitutionalism* as a new concept, has evolved from more familiar observations about *modern constitutionalism*.²³

Global constitutionalism aims to increase the effectiveness and justice of the international legal order by applying constitutional principles within the scope of international law.²⁴ This involves the emergence of constitutionalist features in international law. A constitutionalist approach to international law can serve as a hermeneutic device, and constitutionalist vocabulary expose the deficit in international legal legitimacy and suggest solutions. *Global constitutionalism* does not necessarily imply

16 Teuku Saiful Bahri Johan, *Hukum Tata Negara Dan Hukum Administrasi Negara Dalam Tataran Reformasi Ketatanegaraan Indonesia*, 1st ed. (Sleman: Deepublish, 2018).

17 Martin Loughlin, "AV Dicey and the Making of Common Law Constitutionalism†," *Oxford Journal of Legal Studies* 42, no. 1 (March 2022): 366–82, <https://doi.org/10.1093/ojls/ggab021>.

18 Ahmad Gelora Mahardika, "Constitutional Convention in Indonesian National Law System After the Reformation," *Jurnal Rechtsvinding* 8, no. April (2019): 55–68, <https://rechtsvinding.bphn.go.id/artikel/4>.

19 Nkechi Emmanuella Eneh Chidiogo Uzoamaka Akpuokwe, Seun Solomon Bakare and Adekunle Oyeyemi Adeniyi, "Corporate Law In The Era Of Globalization: A Review Of Ethical Implications And Global Impacts," *Finance & Accounting Research Journal* 6, no. 3 (2024): 304–19.

20 Aydin Atilgan, *Global Constitutionalism: A Socio-Legal Perspective*, 1st ed. (Berlin: Springer Nature, 2018).

21 Guillaume Tusseau, ed., *Debating Legal Pluralism and Constitutionalism: New Trajectories for Legal Theory in the Global Age* (New York: Springer Nature, 2020).

22 Katharina Holzinger et al., "The Constitutionalization of Indigenous Group Rights, Traditional Political Institutions, and Customary Law," *Comparative Political Studies* 52, no. 12 (October 2019): 1775–1809, <https://doi.org/10.1177/0010414018774347>.

23 Tanto Lailam, Putri Anggia, and Irwansyah Irwansyah, "The Proposal of Constitutional Complaint for the Indonesian Constitutional Court," *Jurnal Konstitusi* 19, no. 3 (2022): 693–719, <https://doi.org/10.31078/jk1939>.

24 Benito Aláez-Corral, "Constitutional Amendment and Concept of Constitution," *International Journal of Human Rights and Constitutional Studies* 7, no. 2 (2020): 1–28.

a world state or a global centralized government, but rather the constitutionalization of a polyarchival and hierarchical global governance..²⁵ If we refer to various related developments *global constitutionalism* above, it can be concluded that developments in the global scope also influence the study of constitutional law.

In Indonesia, the development of constitutional law and its impact due to globalization is a complex and dynamic topic. Since the 1998 Reformation Era, constitutional law The Indonesian state has undergone significant transformation, which is reflected in the amendments to the 1945 Constitution of the Republic of Indonesia and structural changes in state institutions country. After the Reformation, Indonesian constitutional law became more responsive to social and political changes..²⁶ Amendment The 1945 Constitution introduced new norms that emphasized the importance of the rule of law and popular sovereignty. Constitutional law functions as an instrument for regulates the relationship between state organs and society, and guarantees human rights. With technological advances and the demands of globalization, constitutional law must adapt to stay relevant. This includes regulating personal data protection, information transparency, and responding to issues such as cybercrime. Law enforcement is also faced with the challenge of maintaining a balance between national interests and global demands, which often requires collaboration with international actors..²⁷

Globalization has actually weakened the state's monopoly on legal sovereignty. States must now consider international standards in the formation of laws domestik, which covers issues such as human rights and international trade..²⁸ This encourages legal harmonization but also raises the risk of violating sovereignty. The development of information technology affects the way constitutional law is applied. The state needs to developing a legal framework to address new challenges in the digital world, including personal data protection and cybersecurity. Overall, The development of constitutional law in Indonesia shows that the legal system must continue to adapt to changes global while maintaining the basic principles of the rule of law. This adaptation includes strengthening domestic institutions and cross-disciplinary collaboration to address emerging new challenges.

Jimly Asshiddiqie noted that the "*positive*" view of constitutional law in the 21st century should actually be abandoned..²⁹ Constitutional law with its various developments and dynamics does not only study the basic law but also includes other fields related to law such as politics, economy, technology, culture, and so on. One of the latest developments in constitutional law is the exchange of constitutional law in one country is certainly different from another depending on the constitutional system in a country. In the United States, for example, the courts that are related with the

25 Farida Umami, Ahkam Nashrullah Maududi, and Aminah Rizqi Mahmudah, "A Discourse of General Principles of Good Governance in Public Services in Indonesia," *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 1 (2022): 17–32, <https://doi.org/10.15294/ijpgc.v1i1.56876>.

26 Muhammad Bahrul Ulum, "Indonesian Democracy and Political Parties After Twenty Years of Reformation: A Contextual Analysis," *Indonesia Law Review* 10, no. 1 (2020): 29–44, <https://doi.org/10.15742/ilrev.v10n1.577>.

27 Derita Prapti Rahayu et al., "Law Enforcement in the Context of Legal Culture in Society," *Law Reform* 16, no. 2 (2020): 276–89, <https://ejournal.undip.ac.id/index.php/lawreform/article/view/33780>.

28 Lisa Waddington and Mark Priestley, "A Human Rights Approach to Disability Assessment," *Journal of International and Comparative Social Policy* 37, no. 1 (2021): 1–15, <https://doi.org/10.1017/ics.2020.21>.

29 Jimly Asshidiqie, *Perkembangan Baru Tentang Konstitusi Dan Konstitusionalisme Dalam Teori Dan Praktik*, 1st ed. (Yogyakarta: Genta Publishing, 2018).

constitutional law aspect carried out by the Supreme Court, but in Indonesia the courts relating to the constitutional law aspect state is carried out by the Constitutional Court.³⁰ Although different, in countries where constitutional law is handled by the Supreme Court or the Constitutional Court, both refer to the principles of constitutionalism.

The use of the principle of constitutionalism in constitutional law courts is one of them related to the efforts of judges to interpret certain cases, especially related to cases of disputes over the results of the Presidential and Vice Presidential Elections. In various countries in the world, for example, disputes over the results of the Presidential and Vice Presidential Elections by the courts have undergone significant changes, especially regarding court decisions related to disputes over the results of the Presidential and Vice Presidential Elections. Initially, disputes over the results of the Presidential and Vice Presidential Elections were only interpreted narrowly, namely merely “testing” the validity of the calculation of disputes over the results of the Presidential and Vice Presidential Elections. Therefore, initially the court institution that attempted to resolve disputes over the results of the Presidential and Vice Presidential Elections was often considered a “*Calculator Court*” because initially the disputes over the results of the Presidential and Vice Presidential Elections by the courts were merely a matter of matching calculations.³¹

The development of the dispute over the results of the Presidential and Vice Presidential Elections through the interpretation of court decisions then developed where it did not only place the dispute over the results of the Presidential and Vice Presidential Elections as merely matching the calculations between the applicant and the respondent. In its development, the dispute over the results of the Presidential and Vice Presidential Elections also developed where the court was considered to have the authority to ensure the implementation of the principles in the Election as part of the general principles in constitutional law so that the court also has the authority to assess the dimensions of justice in disputes over the results of the Presidential and Vice Presidential Elections. In Indonesia, for example, the development of the interpretation of court decisions related to disputes over the results of the Presidential and Vice Presidential Elections then gave birth to the doctrine of structured, systematic, and massive (TSM) fraud in the Election so that if there was TSM fraud, a revote was needed.³²

The development of the role of the court in the dispute over the results of the Presidential and Vice Presidential Elections above is actually part of the development of constitutional law where the court in cases of disputes over the results of the Presidential and Vice Presidential Elections was initially placed as a means of matching the calculations between the applicant and the respondent. In further developments, the court is considered to have the authority to ensure the implementation of principles in the Election as part of the general principles in constitutional law so that the court also has the authority to assess the dimensions of justice in disputes over the results of the Presidential and Vice Presidential Elections, thus giving birth to the doctrine of

30 Mary Sarah Bilder, “The Soul of a Free Government: The Influence of John Adams’s A Defence on the Constitutional Convention,” *Journal of American Constitutional History* 1, no. 1 (2023): 1–40, <https://doi.org/10.59015/jach.axbf8835>.

31 Saldi Isra, *Lembaga Negara : Konsep, Sejarah, Wewenang, Dan Dinamika Konstitusional* (Jakarta: Rajawali Pers, 2020).

32 Jamaluddin Jamaluddin, “The Settlement of Election Disputes By Bawaslu Reviewed From the Indonesian Justice System,” *Interdisciplinary Social Studies* 2, no. 2 (2022): 521–31, <https://doi.org/10.55324/iss.v2i2.121>.

structured, systematic, and massive (TSM) fraud in the Election so that if there is TSM fraud, a re-vote is needed.

2.2. Comparison of Laws Regulating Presidential and Vice Presidential Election Results Disputes in Indonesia, Algeria, and Ethiopia

The regulation of disputes over the results of the Presidential and Vice Presidential Elections is an important aspect because as a country of law, this is important to ensure that the aspects of democracy based on the constitution are fulfilled. Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia actually emphasizes that disputes over the results of the Presidential and Vice Presidential Elections are one of the authorities of the Constitutional Court. If there is a party who feels disadvantaged by the election results, they can file a lawsuit or dispute which is further regulated in Law No. 7 of 2017 concerning General Elections. In the presidential and vice presidential candidate pairs, they can submit disputes over the election results to Constitutional Court.³³ However, the submission of this dispute can only be done within a specified time, namely 3x24 hours after the KPU announces the results of the vote recapitulation. The Constitutional Court is an institution that has the authority to resolve disputes over election results in Indonesia, especially the Presidential and Vice Presidential Elections.

The Constitutional Court will examine, listen to the relevant parties, and verify the evidence submitted. Usually, the Constitutional Court has a relatively short time to decide on an election dispute, which is around 14 days after the lawsuit is registered. After examining the dispute, the Constitutional Court will issue a decision. This decision is final and binding, meaning that the Constitutional Court's decision cannot be challenged. The Constitutional Court can decide several things, namely: declaring the election results valid or declaring that there was fraud that influenced the election results and requesting that the election results be changed or carried out. Although until 2024, there have been no disputes over the results of the Presidential and Vice Presidential Elections that have been granted by the Constitutional Court. Even so, filing a dispute over the results of the Presidential and Vice Presidential Elections is quite important as an effort to restore public trust, such as in the 2019 Election where in Indonesia there was a sharp polarization of society so that filing a dispute over the results of the Presidential and Vice Presidential Elections can slightly reduce this polarization.³⁴

The experience of filing disputes over the results of the Presidential and Vice Presidential Elections in other countries is actually not much different from Indonesia. The experience of the Election in Algeria, especially the Presidential Election, reflects a complex history with significant political, social, and legal challenges. The 2019 presidential election in Algeria was one of the most controversial elections. This election was held after President Abdelaziz Bouteflika resigned in 2019 following massive protests sparked by his decision to run for a fifth term.³⁵ The protests were part of the Hirak movement demanding political change and an end to the FLN's

33 Khairul Fahmi Ilhamdi Putra, "Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi," *Konstitusi* 18, no. 2 (2021): 348.

34 Indrawan, Ilmar, and Kusuma, "Rekonsiliasi Politik Pasca Pilpres 2019 : Menumbuhkan Semangat Kebangsaan Dalam Konstruksi Sosial Budaya."

35 Madelyn Haden, "Algeria's Economic and Political Trends after the Hirak Movement," *Journal of North African Studies* 28, no. 6 (2023): 1303–16, <https://doi.org/10.1080/13629387.2023.2254025>.

dominance in government. The 2019 elections, held amid political instability and mass protests, were widely seen as illegitimate or not representative of the will of the people. Several candidates elected in the elections had close ties to the previous government, further fueling public distrust of the results.

The Independent National Electoral Commission (ANIE) in 2019 was one of the steps to increase the credibility of elections in Algeria.³⁶ ANIE is responsible for overseeing the entire election process, from preparation to the announcement of results. ANIE has an important role in ensuring that elections are conducted fairly and transparently. If any party is dissatisfied with the election results, they can file an objection or lawsuit with the Constitutional Court. The Constitutional Court has the authority to assess and decide whether the election results are valid or need to be changed. This includes verifying whether the election was carried out in accordance with applicable legal procedures. The Constitutional Court has the authority to validate the election results or cancel the election results if there are significant violations proven. The decision of the Constitutional Court is final and binding. If the Constitutional Court decides that there were serious violations in the election, the election results can be canceled, and a re-election can be held to elect a legitimate President and Vice President.³⁷

As in Algeria, Ethiopia is no different. The 2005 national elections in Ethiopia were among the most significant in the country's modern history. The elections were marked by massive protests and political tensions after the opposition claimed that the election was rigged. Although the National Election Commission of Ethiopia (NEBE) declared the results valid, dissatisfaction with the election results led to violence and protests that led to the arrest of many opposition leaders. The National Election Commission of Ethiopia (NEBE) is responsible for organizing elections in the country. Although the NEBE has attempted to increase its independence, it has often been hampered by political influence, especially when the country is ruled by an authoritarian regime such as that of the EPRDF.³⁸ Reforms under Abiy Ahmed aim to strengthen the independence of the NEBE and increase electoral transparency.

The Ethiopian Constitution, adopted in 1995, guarantees fundamental rights for all citizens, including the right to vote and to be elected. The constitution also includes provisions for legal mechanisms and procedures relating to electoral disputes, particularly regarding election results and the legitimacy of the electoral process.³⁹ If the aggrieved party is not satisfied with the decision rendered by NEBE, they can take the case to the Constitutional Court of Ethiopia.⁴⁰ The Constitutional Court is the institution that has the authority to decide on larger election disputes, including disputes over the results of presidential and vice presidential elections. The court acts as the highest judicial

36 Haden.

37 Boulagouas Ibtissem, "The Constitutional Court in Algeria: Critical Analytical Study," *Journal of Science and Knowledge Horizons* 4, no. 1 (2024): 241–58.

38 Bizuneh Yimenu, "Continuities and Changes in Electoral Authoritarianism: Evidence from Ethiopia," *Regional and Federal Studies* 35, no. 1 (2024): 21–50, <https://doi.org/10.1080/13597566.2024.2315491>.

39 Hafta Gebreselassie Gebrihet and Yibrah Hagos Gebresillasie, "Tracing the Path to Democratic Governance in South Africa and Ethiopia: A Comparative Policy Analysis," *Transforming Government: People, Process and Policy* 19, no. 1 (2024): 203–23, <https://doi.org/10.1108/TG-08-2024-0198>.

40 Gebrihet and Gebresillasie.

body that can decide whether election results are valid or need to be changed. The Constitutional Court has the final say on election results. If the Constitutional Court decides that an election is invalid or that there have been significant violations, they can annul the election results or order a re-election in certain areas. The decision of the Constitutional Court is final and binding.

From the description above, in general there is no significant difference in the regulation of disputes over the results of the Presidential and Vice Presidential Elections in Indonesia, Algeria, and Ethiopia because in the three countries the Election can also be tested for its validity through the courts. The main difference lies only in the effectiveness of disputes over the results of the Presidential and Vice Presidential Elections by the courts where this was quite successful in Indonesia but had less impact in overcoming polarization in society as in Algeria and Ethiopia.

3. CONCLUSION

The comparison of the laws regulating the gap in the results of the Presidential and Vice Presidential Elections in Indonesia, Algeria, and Ethiopia actually does not have any significant differences. In these three countries, the Election can also be tested for its validity through the courts. The main difference lies only in the instability of the results of the Presidential and Vice Presidential Elections by the courts, where this was quite successful in Indonesia but had less impact in overcoming polarization in society such as in Algeria and Ethiopia.

REFERENCES

- Ahmad, Junaidi, and Agmar Media. "Penegakan Hukum Kepemiluan Untuk Pemilu Bermartabat." *Jurnal Sosial Humaniora Sigli* 4, no. 1 (2021): 77–86. <https://doi.org/10.47647/jsh.v4i1.448>.
- Al-Hamdi, Ridho, Sakir Sakir, Tanto Lailam, and M Edward Trias Pahlevi. "Designing Open-List Proportional Representation System in Indonesia's Legislative Election during the Global Pandemic Era." *Proceedings of the International Conference on Public Organization* 209, no. 1 (2022): 12–23.
- Aláez-Corral, Benito. "Constitutional Amendment and Concept of Constitution." *International Journal of Human Rights and Constitutional Studies* 7, no. 2 (2020): 1–28.
- Alessi, Nicolò Paolo. *A Global Law of Diversity*. London: Routledge, 2024.
- Alwi, Muhammad, Al Maliki, and Asmawi Muslimin, J M. "Equality of Rights and Courts : Constitutional-Based Arguments on the Fixed- Standard of Minimum Age for Marriage in Lights of Maq a Shid Al-Syar a Ah Introduction The Minimum Age of Marriage Is One of the Provisions of the Marriage Law , Which Is Anticip." *Mazahib* 20, no. 2 (2021): 285–320.
- Asshidiqie, Jimly. *Perkembangan Baru Tentang Konstitusi Dan Konstitusionalisme Dalam Teori Dan Praktik*. 1st ed. Yogyakarta: Genta Publishing, 2018.
- Atilgan, Aydin. *Global Constitutionalism: A Socio-Legal Perspective*. 1st ed. Berlin:

Springer Nature, 2018.

- Bilder, Mary Sarah. "The Soul of a Free Government: The Influence of John Adams's A Defence on the Constitutional Convention." *Journal of American Constitutional History* 1, no. 1 (2023): 1–40. <https://doi.org/10.59015/jach.axbf8835>.
- Chidiogo Uzoamaka Akpuokwe, Seun Solomon Bakare, Nkechi Emmanuella Eneh, and Adekunle Oyeyemi Adeniyi. "Corporate Law In The Era Of Globalization: A Review Of Ethical Implications And Global Impacts." *Finance & Accounting Research Journal* 6, no. 3 (2024): 304–19.
- Gebrihet, Hafte Gebreselassie, and Yibrah Hagos Gebresillasie. "Tracing the Path to Democratic Governance in South Africa and Ethiopia: A Comparative Policy Analysis." *Transforming Government: People, Process and Policy* 19, no. 1 (2024): 203–23. <https://doi.org/10.1108/TG-08-2024-0198>.
- Haden, Madelyn. "Algeria's Economic and Political Trends after the Hirak Movement." *Journal of North African Studies* 28, no. 6 (2023): 1303–16. <https://doi.org/10.1080/13629387.2023.2254025>.
- Hananto Widodo, Dicky Eko Prasetyo. "Penataan Kewenangan KPU Dan Bawaslu Dalam Melakukan Pengawasan Dan Menangani Sengketa Proses Pemilu." *Perspektif Hukum* 21, no. 2 (2021): 17–38.
- Holzinger, Katharina, Roos Haer, Axel Bayer, Daniela M. Behr, and Clara Neupert-Wentz. "The Constitutionalization of Indigenous Group Rights, Traditional Political Institutions, and Customary Law." *Comparative Political Studies* 52, no. 12 (October 2019): 1775–1809. <https://doi.org/10.1177/0010414018774347>.
- Ibtissem, Boulagouas. "The Constitutional Court in Algeria: Critical Analytical Study." *Journal of Science and Knowledge Horizons* 4, no. 1 (2024): 241–58.
- Ilhamdi Putra, Khairul Fahmi. "Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi." *Konstitusi* 18, no. 2 (2021): 348.
- Indrawan, Jerry, Anwar Ilmar, and Ardli Johan Kusuma. "Rekonsiliasi Politik Pasca Pilpres 2019 : Menumbuhkan Semangat Kebangsaan Dalam Konstruksi Sosial Budaya." *Journal of Political Issues* 4, no. 1 (2022): 50–61.
- Isra, Saldi. *Lembaga Negara : Konsep, Sejarah, Wewenang, Dan Dinamika Konstitusional*. Jakarta: Rajawali Pers, 2020.
- Jamaluddin, Jamaluddin. "The Settlement of Election Disputes By Bawaslu Reviewed From the Indonesian Justice System." *Interdisciplinary Social Studies* 2, no. 2 (2022): 521–31. <https://doi.org/10.55324/iss.v2i2.121>.
- Johan, Teuku Saiful Bahri. *Hukum Tata Negara Dan Hukum Administrasi Negara Dalam Tataran Reformasi Ketatanegaraan Indonesia*. 1st ed. Sleman: Deepublish, 2018.
- Johansyah, Johansyah. "Kedudukan Mahkamah Konstitusi Sebagai Lembaga Negara Berdasarkan Undang-Undang Dasar 1945." *Solusi* 17, no. 2 (2019): 94–105. <https://doi.org/10.36546/solusi.v17i2.167>.
- Jonaedi Efendi, Prasetijo Rijadi. *Metode Penelitian Hukum Normatif Dan Empiris*. Jakarta: Kencana, 2022.

- Kiftiyah, Anifatul. "Upaya Rekonsiliasi Politik Identitas Pasca Pelaksanaan Pemilu 2019 Di Indonesia Reconciliation Efforts of Identity Politics Post of Election 2019 in Indonesia." *Jurnal Analis Kebijakan* 3, no. 1 (2019): 63–75. <http://jurnalpusaka.lan.go.id/index.php/jurnalpusaka/article/view/59>.
- Lailam, Tanto, Putri Anggia, and Irwansyah Irwansyah. "The Proposal of Constitutional Complaint for the Indonesian Constitutional Court." *Jurnal Konstitusi* 19, no. 3 (2022): 693–719. <https://doi.org/10.31078/jk1939>.
- Loughlin, Martin. "AV Dicey and the Making of Common Law Constitutionalism†." *Oxford Journal of Legal Studies* 42, no. 1 (March 2022): 366–82. <https://doi.org/10.1093/ojls/gqab021>.
- Mahardika, Ahmad Gelora. "Constitutional Convention in Indonesian National Law System After the Reformation." *Jurnal Rechtsvinding* 8, no. April (2019): 55–68. [https://rechtsvinding.bphn.go.id/artikel/4.Ahmad Gelora.pdf](https://rechtsvinding.bphn.go.id/artikel/4.Ahmad%20Gelora.pdf).
- Marwan, Ali. *Putusan Mahkamah Konstitusi*. Medan: Enam Media, 2020.
- Rahayu, Derita Prapti, Faisal Faisal, Rafiqah Sari, and Ndaru Satrio. "Law Enforcement in the Context of Legal Culture in Society." *Law Reform* 16, no. 2 (2020): 276–89. <https://ejournal.undip.ac.id/index.php/lawreform/article/view/33780>.
- Sarah, Siti, and Sri Suatmiati. "General Election System In Indonesia Based On Law Of The Republic Of Indonesia NO. 7 OF 2017." *Jurnal Sosial Teknologi* 2, no. 9 (2022): 800–804. <https://doi.org/10.59188/jurnalsostech.v2i9.412>.
- Smith, Jackie, and Michael Goodhart. "Human Rights Globalization: How Local and Global Actions Institutionalize Human Rights." *Journal of Human Rights* 23, no. 2 (March 2024): 125–33. <https://doi.org/10.1080/14754835.2024.2324202>.
- Stein, Sharon, Vanessa Andreotti, and Rene Suša. "Pluralizing Frameworks for Global Ethics in the Internationalization of Higher Education in Canada." *Canadian Journal of Higher Education* 49, no. 1 (2019): 22–46. <https://doi.org/10.7202/1060822ar>.
- Suteki, and Galang Taufani. *Motodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*. Cetakan 3. Depok: RajaGrafindo Persada, 2020.
- Syafei, Muhammad, and Muhammad Rafi Darajati. "Design of General Election in Indonesia." *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 1 (2020): 97–111. <https://doi.org/10.14710/lr.v16i1.30308>.
- Tusseau, Guillaume, ed. *Debating Legal Pluralism and Constitutionalism: New Trajectories for Legal Theory in the Global Age*. New York: Springer Nature, 2020.
- Ulum, Muhammad Bahrul. "Indonesian Democracy and Political Parties After Twenty Years of Reformation: A Contextual Analysis." *Indonesia Law Review* 10, no. 1 (2020): 29–44. <https://doi.org/10.15742/ilrev.v10n1.577>.
- Umami, Farida, Ahkam Nashrullah Maududi, and Aminah Rizqi Mahmudah. "A Discourse of General Principles of Good Governance in Public Services in Indonesia." *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 1 (2022): 17–32. <https://doi.org/10.15294/ijpgc.v1i1.56876>.

- Waddington, Lisa, and Mark Priestley. "A Human Rights Approach to Disability Assessment." *Journal of International and Comparative Social Policy* 37, no. 1 (2021): 1–15. <https://doi.org/10.1017/ics.2020.21>.
- Wardana, Dodi Jaya, Sukardi, and Radian Salman. "Public Participation in the Law-Making Process in Indonesia." *Jurnal Media Hukum* 30, no. 1 (2023): 66–77. <https://doi.org/10.18196/jmh.v30i1.14813>.
- Widodo, Hananto, Dicky Eko Prasetyo, and Fradhana Putra Disantara. "Relasi Kekuasaan Antar Presiden Dan Wakil Presiden Dalam Sistem Ketatanegaraan Republik Indonesia." *Pandecta Research Law Journal* 15, no. 1 (2020): 13–25. <https://doi.org/10.15294/pandecta.v15i1.24554>.
- Yimenu, Bizuneh. "Continuities and Changes in Electoral Authoritarianism: Evidence from Ethiopia." *Regional and Federal Studies* 35, no. 1 (2024): 21–50. <https://doi.org/10.1080/13597566.2024.2315491>.