

## ABSTRAK

Reni Syafruddin A Banjar : **“Pengaturan Penyelenggaraan Pemilihan Gubernur dan Wakil Gubernur di Daerah Sengketa Perbatasan”** (Studi Perselisihan Hasil Pemilihan Gubernur dan Wakil Gubernur Provinsi Maluku Utara Tahun 2018). Dibawah Bimbingan Sultan Alwan dan Nam Rumkel.

Tujuan tesis menganalisis implikasi hukum atas ketidaklengkapan Pengaturan Penyusunan Daftar Pemilih di daerah sengketa perbatasan pada Pemilihan Gubernur dan Wakil Gubernur Provinsi Maluku Utara Tahun 2018 serta model pengaturan penyelenggaraan Pemilihan Gubernur dan Wakil Gubernur di wilayah perbatasan di masa mendatang (*ius constituendum*) yang memenuhi prinsip penyelenggaraan Pemilihan kepala daerah.

Tipe Penelitian yang digunakan adalah penelitian hukum normatif (*normatif law research*). Pendekatan yang digunakan yaitu pendekatan kasus (*case approach*) dan pendekatan konseptual (*conceptual approach*), serta pendekatan per undang – undangan (*Statute Aproach*) dengan menggunakan analisis bahan hukum dan di tuangkan kedalam tulisan guna mendapatkan kejelasan terhadap permasalahan yang dibahas untuk dipaparkan dalam bentuk penjelasan.

Hasil Penelitian menunjukkan bahwa pada permasalahan pertama adalah Implikasi hukum atas ketidaklengkapan pengaturan penyusunan daftar Pemilih di daerah sengketa perbatasan pada Pilkada tahun 2018 mengakibatkan Pemungutan Suara Ulang di enam (6) desa dan Mahkamah Konstitusi memerintahkan Pendataan ulang terhadap warga masyarakat enam desa dan dilaksanakan oleh KPU Provinsi Maluku Utara dengan Pendataan ulang di enam (6) Desa perbatasan Kabupaten Halmahera Barat dan Halmahera Utara, Pendataan Pemilih adalah untuk melindungi hak konstitusional warga negara tanpa terkecuali dengan melaksanakan prinsip penyelenggaraan Pilkada yang demokratis. Hasil penelitian kedua, bahwa model pengaturan penyelenggaraan Pilkada di daerah sengketa perbatasan di masa mendatang (*ius constituendum*) yang memenuhi prinsip penyelenggaraan Pilkada yaitu dengan menjadikan putusan MK Nomor 36/PHP.GUB-XVI/2018 sebagai yurisprudensi dan pelaksanaan putusan MK untuk pengaturan penyusunan daftar Pemilih di daerah sengketa baik di dalam Perubahan UU Pilkada oleh pembuat UU, PKPU maupun Pedoman Teknis oleh KPU, model rancangan dengan memasukkan materi muatan di dalam Pasal tentang Penyusunan Daftar Pemilih di daerah sengketa Perbatasan.

Kata Kunci : Hak Pilih Warga Negara, Perselisihan Hasil Pemilihan Gubernur dan Wakil Gubernur, Model Pengaturan.

## ABSTRACT

Reni Syafruddin A Banjar (2024) Arrangements for the Election of Governors and Deputy Governors in Border Dispute Areas (Study of the 2018 Election Results for Governor and Deputy Governor of North Maluku Province). Under the guidance of Sultan Alwan and Nam Rumkel.

The aim of the thesis is to analyze the legal implications of the incomplete arrangements for compiling the Voter List in border dispute areas in the 2018 Election of Governor and Deputy Governor of North Maluku Province as well as a model for organizing the Election of Governor and Deputy Governor in border areas in the future (*ius constituendum*) which fulfills the principles of organizing elections District head. The type of research used is normative legal research (*normatif law research*). The approach used is the case approach (*case approach*) and conceptual approaches (*conceptual approach*), as well as a per-invitation approach (*Statute Approach*) by using analysis of legal materials and putting it into writing to gain clarity on the issues discussed to be presented in the form of an explanation. The research results show that the first problem is the legal implications of the incomplete arrangements for compiling the voter list in border dispute areas in the 2018 regional elections resulting in re-voting in six (6) villages and the Constitutional Court ordered re-registration of residents of six villages and carried out by the Provincial KPU North Maluku by re-collecting data in six (6) border villages of West Halmahera and North Halmahera Regencies, Voter data collection is to protect the constitutional rights of citizens without exception by implementing the principles of holding democratic regional elections. The results of the second research are the model for organizing regional elections in border dispute areas in the future (*ius constituendum*) which fulfills the principles of holding regional elections, namely by making the Constitutional Court's decision Number 36/PHP.GUB-XVI/2018 as jurisprudence and implementation of the Constitutional Court's decision to regulate the preparation of voter lists in disputed areas, both in amendments to the Regional Election Law by the law makers, PKPU and technical guidelines by the KPU. which fulfills the principles of holding regional elections, namely by making the Constitutional Court's decision Number 36/PHP.GUB-XVI/2018 as jurisprudence and implementation of the Constitutional Court's decision to regulate the preparation of voter lists in disputed areas, both in amendments to the Regional Election Law by the law makers, PKPU and technical guidelines by the KPU.

Keywords : *Citizens' Right to Vote, Dispute over the Results of the Election of Governor and Deputy Governor, Regulatory Model.*

