POLITICAL CULTURE PATTERNS AND ALTERNATIVES FOR ELECTION DISPUTE RESOLUTION FROM ADR PERSPECTIVE

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Abstract: Political culture is the view held by people's attitude patterns which are reflected in their views on political issues and political events. General elections (elections) are a real manifestation of the democratic system. Elections can be considered part of political culture because they reflect the way people participate in the political process and the expression of their political values. However, the process of holding elections does not always run smoothly, with various obstacles that can arise both during and before the election. These obstacles are problems that can have a significant impact if not addressed immediately. Election disputes arise due to problems that arise during the implementation of general elections, including dissatisfaction with the decisions of election management institutions or violations of law and administrative procedures that have the potential to influence election results. Resolving election disputes is crucial in ensuring election justice or electoral justice. Parties participating in election disputes have alternative dispute resolution, which is often informal. This research aims to explore political culture and alternative resolution of election disputes. This research applies an applied approach using qualitative methods, and data collection techniques are carried out through literature study. Thus, it is hoped that this research

can provide a deeper understanding of political culture and the effectiveness of alternative dispute resolution in general election situations.

INTRODUCTION

Political culture reflects the behavior patterns of citizens in the context of national life, including the implementation of state administration, government policies, laws, traditions and norms followed by all members of society on a daily basis. (Akmaluddin & Wempie, 2022). Political culture in a country involves specific patterns of orientation that guide political goals among its citizens. Orientation towards political objects involves cognitive, affective and evaluative aspects(Cholitin, 2017). Cognitive orientation towards the political system includes a person's knowledge about political structures, political figures, and government policies. Affective orientation towards the political system involves an individual's feelings towards certain aspects of the political system. This could include acceptance or rejection of elements such as electoral systems or military involvement in political decision-making. An evaluative orientation towards the political system involves individuals' assessment of the political system based on the moral values they hold. Thus, political culture includes a spectrum of cognitive, affective and evaluative orientations that shape society's view of its political system.

These three orientations, in reality, form a unity that is interrelated and cannot be separated from one another. This means that a person's ability to assess their political system is influenced by the knowledge and attitudes they previously had regarding that political system. The political culture of a nation is basically closely tied to the influence of the social values held by its people. For example, when a new country is formed, social values that are still strong from the past, such as feudalism, can have a significant impact on the development of political culture, even though it is desirable to implement a more modern political culture, such as democracy.

Elections are a manifestation of participant political culture where people are actively involved in elections and have high political awareness. And it is not uncommon for election results to become disputed. In this case, election dispute resolution involves not only formal mechanisms, but is also equipped with informal or alternative mechanisms. The main function of alternative dispute resolution is not to replace the official dispute resolution system, but rather to provide support for the role of that system, especially when the official system faces obstacles such as lack of trust, financial constraints, or time constraints influenced by political factors or suboptimal institutional design. Unlike formal procedures, alternative dispute resolution provides the possibility for one or more parties involved in the conflict to take the initiative in starting the resolution process. These steps can be taken individually (signifying settlement when the plaintiff withdraws his claim), through negotiations between the two parties, or involving a third party or mediator.

RESEARCH METHODS

This research applies qualitative research methods, namely research that makes findings that cannot be found through statistical procedures or other quantitative methods. The focus of this research is to describe political culture in Indonesia and look for alternative dispute resolution in the election context.

The data used in this research is secondary and obtained through literature study and literature references. This secondary data was previously primary data that has been further processed and presented by researchers or other parties. Secondary data has various uses, including searching for initial information, strengthening theoretical or legal foundations, and clarifying boundaries, definitions and meanings of terms.

RESULTS AND DISCUSSION

Political Culture Patterns

Indonesian society has unique cultural diversity, both cultural and political elements interact with each other to form a political culture. The political culture of a country develops as a result of factors such as social conditions, situations and the level of education of the community, especially by political actors who have a role

and power in making policies. In a political society, there are different variations in political culture between the general public and the political elite. This political culture can be found in societies that have traditional, transitional or modern political systems (Akmaluddin & Wempie, 2022). Therefore, political culture in a country's society tends to evolve over time.

The beginning of the emergence of the concept of political culture and new contributions to political science occurred during World War II (WWII), which was triggered by political changes in the United States. After the end of WWII, the United States experienced a revolution in the field of political science known as the Behavioral Revolution or Behavioralism. These changes emerged as a result of strengthening traditions or a positivist approach (Wardhanie, 2017).

Differences in people's political awareness and participation can create variations in the political culture that develops within them. Each country has its own diverse political culture, which is influenced by the unique characteristics of the existing political culture. In other words, this political culture has a role in shaping individual behavior patterns and becomes a guide in achieving the political goals they desire. In simple terms, political culture can be defined as a collection of values that grow and are implemented by a society in the political realm. Forms of political culture are divided into 2 parts, namely:

1. According to the attitude shown
   a) The people of each country tend to show variations in attitudes in their response to the world of politics. In this situation, political culture can describe the possibility of a militant attitude or show tolerance.
   b) A militant political culture is a culture where differences are not considered as an effort to find the best alternative solution, but are considered as evil and provocative actions. When facing a crisis, the main focus is to look for parties who are considered scapegoats, not to judge that the crisis is caused by inappropriate policies or personal problems that should be handled wisely and rationally.
   c) A tolerant political culture is a culture where attention is focused on evaluating ideas or problems, with efforts to reach a fair consensus and always

open opportunities for cooperation. The stance taken is neutral or critical of the individual's ideas, but not suspicious of the individual himself.

2. Gabriel Almond categorizes political culture based on the political orientation that emerges in society, including:

a) Parochial political culture describes a low level of political participation, where this low participation is caused by cognitive factors, such as a relatively low level of education. This culture is limited to a small area, and because of the limited area, political actors tend to play a role in line with differentiation without having a prominent and independent political role. A characteristic feature of this political culture is the understanding of community members regarding the existence of a center of political power in the community (Sucipto, 2014).

b) Kaula political culture describes a society that has reached a relatively high level of development, both in social and economic aspects, but still shows a tendency to be passive. The interest and concerns of community members are reflected, and perhaps also awareness of the system as a whole, particularly its outcomes. Even though they have awareness of the political system, people in a political culture are very passive. They have little or no desire to be actively involved in making political contributions. The position as a teacher is considered a less active and less empowered position, where they feel unable to influence or change the system. Thus, they tend to give in to the policies and decisions taken by political office holders.

c) Participants' political culture can be identified through a very high level of political awareness. People in this cultural context show a critical attitude in assessing the political system, being actively involved in almost all aspects of power (Theo, 2015).

Political Culture refers to the behavioral patterns and orientation of individuals in the context of state life, government administration, politics, law, traditions and customary norms that are accepted and carried out by all members of society on a regular basis. In society's political culture, there is participation that can be active or passive. One example of passive community participation is

obeying government regulations, which is realized through exercising their right to vote in elections.

Alternative Dispute Resolution from an ADR Perspective

Samuel Huntington stated that General Elections are one of the main indicators of the development of democracy, and currently, the world is experiencing a period known as the third wave of democracy. (Bisariyadi et al., 2016). General elections are a natural result of the application of democratic principles in national and state life involving optimal electoral system design, however the potential for violations always exists and can harm the quality of elections. Therefore, a good election administration system is always equipped with reliable institutional mechanisms to handle various types of election complaints and disputes(Firdaus, 2015). Election results disputes, or what are generally referred to as general election results disputes, refer to conflicts between election participants and the General Election Commission (KPU) as the election organizing institution related to the national determination of the vote results from the election by the KPU (Surbakti et al., 2011).

Generally, dispute resolution can be done through two main channels, the first is through litigation, which involves trials in court. The procedures in litigation are formal and very detailed. Meanwhile, the alternative route for dispute resolution is the non-litigation route, which focuses more on alternative resolution (ADR). The concept of ADR is explained in Article 1 number (10) of Law No.30/1999 concerning Arbitration and ADR, which states that "Alternative Dispute Resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely resolving disputes outside the court by means of consultation, mediation, conciliation or expert assessment" (Aermadepa, 2019).

Resolving election disputes through alternative methods is often considered a less formal approach and involves several alternatives, such as using consolidation, mediation or arbitration mechanisms, which are different from the legal processes carried out by official election dispute resolution bodies. However, the application of this alternative mechanism does not reflect the weaknesses of the

formal system, but instead provides a faster and more economical process(Amalia, 2017).

> In practice, ADR can be interpreted as an alternative to litigation or an alternative to adjudication. Alternatives to Litigation refers to any form of dispute resolution process outside the scope of the courts. Meanwhile, Alternatives to Adjudication refer to a dispute resolution process that is consensual or collaborative in nature, without involving submitting a claim to a third party who has the authority to make a decision.

Although adjudication is, in principle, an alternative legal settlement outside of court. which may be more efficient and lighter, in the context of elections as a political event, administrative violations, whether revealed or reported, do not actually originate from disputes that give rise to conflicts between parties that require resolution through adjudication. Adjudication generally begins with deliberation and mediation activities. If an agreement cannot be reached at the mediation and deliberation stage, then involve the parties in an adjudication forum. The basic values inherent in mediation can basically only be applied or used in the realm of private law and not in the criminal realm.

The official election dispute resolution system is complemented by additional informal or alternative dispute resolution processes. Alternative dispute resolution mechanisms are not intended to take over the formal system of dispute resolution, but act as the main support, especially when the formal system experiences obstacles such as lack of credibility, financial problems, or time constraints related to political factors or less than optimal institutional design.

Several Alternative Election Dispute Resolution (APSP) that have been established in various countries operate simultaneously and function as continuous support mechanisms. Meanwhile, several others are organized on an ad hoc or emergency basis, especially when there is a political crisis or the failure of existing judicial institutions to implement formal dispute resolution procedures. In general, alternative processes for resolving election disputes play a permanent supporting role, the practice of which is widely adopted in various regions throughout the world.

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The implementation of the Alternative Election Dispute Resolution (APSP) mechanism is carried out with a simpler approach and in an informal context, while still having the support of the formal Election Dispute Resolution (PSP) system. Settlement of election disputes outside of court is not a new phenomenon. Global society has traditionally adopted non-judicial means, customs, or informal methods to resolve conflicts and other disputes. (Amalia, 2017).

From a legal perspective, alternative dispute resolution outside of court is regulated by Law No.30/1999 concerning Arbitration and Alternative Dispute Resolution. In Indonesia, there are several alternative dispute resolution institutions, such as the Indonesian National Arbitration Board (BANI) which focuses on resolving disputes in the trade sector, while ADR (Alternative Dispute Resolution) for disputes in the construction industry is regulated by Law No.18/1999 which has been amended by Law No.29/2000 together with Government Regulation No.29/2000. These two institutions have jurisdiction in the civil realm. Law No.30/1999 concerning Arbitration and ADR presents six options for dispute resolution outside the court including several options, such as consultation, negotiation, mediation, conciliation, legal opinions by arbitration institutions, and arbitration.

In election management institutions, especially those involving representatives from political parties, there are often heated debates when it comes to reaching an agreement in handling disputes. Such an approach can help reduce the heavy burden of resolving disputes and provide quicker and more economical solutions, which has important significance in the context of a tight electoral agenda.

CONCLUSIONS AND RECOMMENDATIONS

Based on the description of the results and discussion, it can be concluded that:

1. Political culture in Indonesia is reflected in unique cultural diversity, which is shaped by cultural and political elements. Factors such as social conditions, situation and level of education of society, as well as the role of political elites, play an important role in the formation of a country's political culture. There are variations in political culture between the general public and political elites,

which can be found in traditional, transitional and modern political systems. Political culture tends to evolve over time, influenced by differences in people's political awareness and participation. Each country has its own diverse political culture, which plays a role in shaping individual behavior patterns and becomes a guide in achieving political goals. In simple terms, political culture can be defined as a collection of values that grow and are implemented by a society in a political context.

2. General elections as an indicator of democratic development suggest that elections are a logical result of democratic principles. In addition, resolving election disputes through alternative mechanisms is considered a less formal but faster and more economical approach. Adjudication, as part of the law enforcement system, is also highlighted as an alternative to legal resolution outside of court. The implementation of the Alternative Election Dispute Resolution (APSP) mechanism is described as a simpler and informal process, with support from the formal election dispute resolution (PSP) system. The article highlights the global use of non-judicial approaches in dealing with conflicts and disputes, as well as outlining the legal aspects of APS outside of court.

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