

Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia

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Abstract

Constitutional Court Decision Number 135/PUU-XXII/2024 regarding the separation of the DPR and DPRD elections marks a significant change in Indonesia's electoral system. Until now, the simultaneous implementation of elections using the “five boxes” model has caused various problems, including technical complexity in implementation, high logistical costs, and reduced attention to local issues. This study aims to analyze the constitutional implications and legal transition of the decision, particularly regarding the term of office of the DPRD, the potential for a vacuum in regional government, and the urgency of revising related laws. The research method used is normative legal research with a legislative approach and a conceptual approach through a review of the Constitutional Court's decision, the 1945 Constitution, the Election Law, the Regional Election Law, and relevant academic literature. The results of the study show that the separation of elections is intended to improve the effectiveness of their implementation, strengthen local democracy, and minimize the risk of administrative errors. However, this decision also poses challenges in the form of potential regulatory disharmony and constitutional uncertainty if it is not immediately followed by adjustments to legislation. Thus, this decision opens up space for electoral system reforms that are more responsive to local needs, but its success is highly dependent on the readiness of legislation and the governance of elections in Indonesia.

Keyword; Democracy, Elections, Constitutional Court Decisions

INTRODUCTION

The legislative election system in Indonesia since the reform era has been characterized by a “five ballot box” model, in which the elections for President/Vice President, DPR, DPD, and DPRD are held simultaneously. (Amsari, 2022) This model presents significant technical complexities, including the workload of organizers, the

vulnerability of the integrity of the implementation, and the potential for systemic fatigue that has even caused fatalities among KPPS officers. Based on a report by the General Election Commission (KPU), 894 KPPS officers were declared dead and 5,175 KPPS officers experienced illness and fatigue due to the heavy workload of the 2019 Simultaneous Elections. (Mashabi, 2019) On the other hand, the hope for a coattail effect did not have a significant impact, especially at the DPR level. (F. Ramadhani, 2019)

The implementation of legislative elections in Indonesia covers a very large area, with more than 800,000 polling stations spread across all provinces and districts/cities. This complexity stems not only from the large number of voters, but also from the diversity of regions with different geographical, social, and infrastructural conditions. The KPU, as the organizer, must manage logistics on a massive scale, from the distribution of ballots to the recruitment and training of officials, which often faces challenges such as delays in distribution, damage to logistics, and weak coordination between levels of organizers (Wahyudi & Istianda, 2022).

In addition, the complexity of the legislative election system is also influenced by the large size and multi-list design of the ballot papers, especially in simultaneous elections. Research shows that the size and complexity of ballot papers can affect the rate of voter error (*invalid votes*) and prolong voting time. (Reynolds et al., 2005) Voters often experience confusion in distinguishing between legislative candidates across levels (DPR, Provincial DPRD, Regency/City DPRD) who are in one election package, so that the quality of participation can decline. This confirms that the technical aspects of implementation have a direct implication on the quality of substantive democracy. Concerns over the simultaneous election model have created an urgency for judicial institutions to conduct a judicial review of the provisions in Election Law No. 7 of 2017 and the Regional Election Law. Constitutional Court Decision No. 135/PUU-XXII/2024 was read on June 26, 2025. This ruling became a turning point, as it ordered the separation of national and regional election schedules with a gap of 2 to 2.5 years (MAJELIS, 2025).

The urgency of filing for judicial review also stems from the conflicting norms in Law No. 7 of 2017 on General Elections, particularly regarding the timing of elections. Article 347 paragraph (1) of the Election Law contains the principle of simultaneity, which unifies the elections for the DPR, DPD, and DPRD, while Article 167 paragraph (3) stipulates that elections are held every five years. This interpretation of simultaneity has been criticized for being inconsistent with the principle of effective administration and the constitutional right of citizens to have efficient, accountable, and proportional elections (Audha, 2021).

The urgency of testing constitutionality in case No. 135/PUU-XXII/2025 cannot be separated from the precedent of Constitutional Court Decision No. 55/PUU-XVII/2019, which formulated the model of simultaneous elections. The decision was originally intended to strengthen the legitimacy of elections, but in practice it has created significant technical, administrative, and political burdens. This latest judicial review then came as a correction to the consequences of the previous decision, by re-examining the relevance of the simultaneous model in the context of Indonesia's evolving democracy (Laporan Tahunan Mahkamah Konstitusi 2020, 2021).

The Court assessed that simultaneous elections actually blurred voters' focus on local issues. The national agenda dominates public discourse, so that regional

legislative candidates and regional heads lose the space to present specific constituent issues. From a supervisory perspective, simultaneity makes the chain of voting and vote counting processes too long, making it difficult for supervisors to maintain the quality and accountability of election results (T. Anggraini et al., 2024).

One of the main criticisms of simultaneous elections is the decline in the effectiveness of supervision. The length of the voting and vote counting process in a single day makes it difficult for election supervisors to give equal attention to each type of election. (Pamungkas & Asmorojati, 2022) his situation creates the risk of administrative violations and vote manipulation that escape oversight, thereby reducing the quality of election result accountability. (R Mewoh, 2021) By separating the election schedule, it is hoped that the focus of oversight will increase because the workload will be distributed more evenly. Based on these considerations, the Constitutional Court emphasizes the importance of separating elections as a mechanism that is more in line with the principles of substantive democracy. Separation allows for the strengthening of regional legislative representation, a more effective distribution of oversight work, and the synchronization of regional development with the national vision (Bagaskoro, 2023).

The fundamental difference with Decision 55/PUU-XVII/2019 lies in its normative approach. While Decision 55 is more oriented towards simultaneous elections for the sake of efficiency, Decision 135 prioritizes the protection of the quality of local democracy and electoral accountability. Thus, the direction of electoral law policy has shifted from mere procedural efficiency to strengthening the substance of democracy through the separation of election schedules. In the study of simultaneous election theory, international research shows that elections held simultaneously in polarized societies tend to increase the likelihood of one party winning all elections (single-party sweep), regardless of the coattail effect, which indicates the risk of an excessive electoral structure. (Sodikin, 2021) Local empirical studies reflect that the simultaneous election model increases the risk of administrative errors, voter fatigue, and limits voters' focus on local issues. The conceptual study will review ideas such as democratic fatigue, effective representation, organizational efficiency, and local versus national accountability.

This research offers significant scientific novelty compared to previous studies. First, the study entitled "Analysis of Constitutional Court Decision Number 55/PUU-XVII/2019 Regarding the Design of Simultaneous Elections to Realize Democratic Elections" by Elisabeth Felita Silalahi and Andina Elok Puri Maharani in *Res Publica* (2021) discusses six variants of simultaneous elections resulting from Constitutional Court Decision No. 55/2019 and recommends a national-local election pattern as a policy option. (Silalahi & Maharani, 2021) Unlike that study, which is still alternative in nature, this study examines Constitutional Court Decision No. 135/PUU-XXII/2025, which is constitutionally binding, focusing on the normative and technical implications of separating the DP-DPRD elections.

Second, the study "Separation of Simultaneous National and Regional Elections" by Sri Asriana Al Maida, Rosmini, and Ine Ventyrina in *Risalah Hukum* (2022) evaluates the weaknesses in the effectiveness of the 2019 Simultaneous Elections and proposes the separation of national and regional elections to make them more efficient and participatory. (Asriana et al., 2022) This study is still in the form of conceptual recommendations, while this study outlines the direct consequences of

Constitutional Court Decision No. 135/2025 on the design of the legislative election system.

Third, the study "Evaluation of the 2019 Simultaneous Election Organizing System in Terms of the Workload of Election Organizers (*Adhoc*)" by Neneng Sobibatu Rohmah in the KPU Journal (2019) focuses on evaluating the heavy workload of the KPPS in the 2019 Simultaneous Elections, which resulted in many casualties, and offers solutions in the form of separating national and local elections and utilizing electronic recapitulation technology. (Rohmah, 2019) This research focuses more on operational aspects, while the current research examines Constitutional Court Decision No. 135/2025 as a new normative basis, with a broader analysis covering the burden on organizers, logistical design, dispute mechanisms, and the quality of substantive democracy. Thus, the main novelty of this study lies in its integrative approach between legal, technical-administrative, and conceptual analyses of democracy, as well as its specific focus on the normative and structural implications of Constitutional Court Decision No. 135/PUU-XXII/2025, which has not been the main focus of previous studies. The separation of elections provides an opportunity to reduce technical burdens, increase local accountability, and focus more sharply on issues. However, separation also invites the risk of weakening constitutional consistency, increasing costs and political fragmentation, and the potential for increased dominance of the central elite in regional and legislative elections.

From the aforementioned issue, this paper raises the following questions: First, what was the basis for the Constitutional Court's decision to issue Decision No. 135/PUU-XXII/2025 regarding the separation of the DPR and DPRD elections? And what are the implications of this decision for the legislative election system in Indonesia, both in terms of technical implementation and democratic substance? This study analyzes the legal basis of the Constitutional Court's decision and evaluates the consequences of separating the elections on the efficiency of implementation, political accountability, and the implementation of democracy at the legislative level. The benefits include policy recommendations for lawmakers, the General Elections Commission (KPU), and academics in responding to and implementing this decision in a constitutional and pragmatic manner.

METHODS

This study uses a normative legal research method with an emphasis on library research. (Marzuki, 2019) The analysis was conducted on the text of Constitutional Court Decision Number 135/PUU-XXII/2025, relevant laws and regulations, including the 1945 Constitution, Law Number 7 of 2017 concerning General Elections (Pemilu), Law Number 10 of 2016 concerning Regional Head Elections (Pilkada), as well as relevant doctrines and academic literature. The focus of the research was directed at mapping norms, legal reasons, and the correlation between the decision and the national legal system. (Efendi, 2022) In addition, this study also uses a statute approach to examine the consistency of the Constitutional Court's decisions with the norms contained in the 1945 Constitution and related laws, including an analysis of Article 167 paragraph (3) and Article 347 paragraph (1) of the Election Law. This approach aims to assess the legal implications of the decisions, particularly the need to revise several laws to bring them into line with the decisions. Furthermore, a conceptual approach is used by examining key concepts in constitutional law such as judicial

activism, positive legislators, and the principle of separation of powers. This approach helps explain how the role of the Constitutional Court is not only as a tester of norms, but also as an actor that shapes the direction of the political and legal system through constitutional interpretation.(Widiarty, 2024)

The research data consists of primary data in the form of Constitutional Court Decision Number 135/PUU-XXII/2025 and relevant laws and regulations, as well as secondary data in the form of legal studies, academic opinions, institutional documents from the General Elections Commission (KPU), mass media, and scientific research results. The analysis was conducted qualitatively by linking the Constitutional Court's decision to the framework of the Indonesian legal system, including potential legal transition issues such as legislative vacancies, the terms of office of DPRD members, and the need for synchronization of at least five laws following the Constitutional Court's decision.

DISCUSSION AND RESULT

The Authority of the Constitutional Court in Reviewing Laws against the 1945 Constitution

The Constitutional Court (MK) has the position of *guardian of the constitution*, which is an institution that maintains the integrity and supremacy of the 1945 Constitution through its authority to review legislation. This is stipulated in Article 24C paragraph (1) of the 1945 Constitution, which affirms the authority of the MK to review laws against the Constitution in a final and binding manner.(Asshiddiqie, 2004) The authority of the Constitutional Court (MK) in reviewing laws against the 1945 Constitution is confirmed in Article 24C paragraph (1) of the 1945 Constitution, which states that the Constitutional Court has the authority to review laws against the Constitution, decide on disputes over the authority of state institutions, decide on the dissolution of political parties, decide on election result disputes, and decide on the House of Representatives' opinion regarding alleged violations of the law by the President and/or Vice President.(Riyah, 2024)

This authority is reinforced by Law Number 24 of 2003 concerning the Constitutional Court as amended by Law Number 7 of 2020, which specifically regulates the procedures and limitations of the Constitutional Court's authority in judicial review. As the guardian of the constitution, the Constitutional Court plays a strategic role in ensuring that all legislation in Indonesia is in line with constitutional principles. This concept is in line with the doctrine of the supremacy of the constitution, which places the constitution as the highest law that must be obeyed by all laws and regulations under it. In carrying out this function, the Constitutional Court not only acts as a passive interpreter, but also as a guardian of constitutional values that are dynamic in accordance with the development of society and the state.(Arifa et al., 2024)

The scope of the Constitutional Court's review of laws includes two forms: material review and formal review. Material review is conducted on the substance of legal norms that are deemed to be in conflict with the 1945 Constitution, while formal review is conducted to assess whether the law-making process has been in accordance with the procedures stipulated in the constitution.(Adolph, 2025) In the context of election cases, these two forms of review are important because they concern not only the substance of election regulations, but also legal certainty in the formation of regulations governing the schedule, procedures, and mechanisms of elections.

The requirement of *legal standing* is the gateway for applicants to file a *judicial review* petition with the Constitutional Court.(Budahu, 2024) Based on Article 51 paragraph (1) of the Constitutional Court Law, applicants can be Indonesian citizens, customary law communities, public or private legal entities, or state institutions that feel their constitutional rights and authorities have been harmed by the enactment of the law being reviewed. In case No. 135/PUU-XXII/2025, the petitioners claimed that the principle of simultaneous elections in the Election Law infringed upon their constitutional rights to efficient, accountable, and proportional elections. The Constitutional Court's authority to review laws against the 1945 Constitution is of great significance in maintaining the quality of democracy and the rule of law. Through the mechanism of judicial review, the Constitutional Court functions as the final filter that can prevent the enactment of laws that are contrary to the constitution. This ensures that the implementation of elections as a means of people's sovereignty is always carried out in accordance with the democratic principles mandated by the 1945 Constitution, namely direct, public, free, confidential, honest, and fair (Suroso, 2018).

The scope of law review in election cases is part of the Constitutional Court's authority as stated in the 1945 Constitution and the Constitutional Court Law.(Nur Rachman, 2015) The Constitutional Court may review the norms of laws that are sources of election law, such as Election Law No. 7 of 2017, if they are deemed to be in conflict with the 1945 Constitution. The Constitutional Court has two forms of review authority, namely formal (procedural) and material (substantive norms). This authority is explicitly regulated in Article 10 paragraph (1) letter a of the Constitutional Court Law, as confirmed by the Constitutional Court in several decisions, including those related to the HPP Law. Unlike the Supreme Court, which only reviews regulations under the law, the Constitutional Court has the sole authority to review laws against the 1945 Constitution.(Harisudin & Alfiella, 2022) This difference confirms the strategic role of the Constitutional Court in maintaining the constitutional consistency of the highest level of legislation. Petitioners in Constitutional Court case No. 135/PUU-XXII/2025 must meet the requirements of legal standing: namely, as parties who feel that their constitutional rights and authorities have been harmed by the law being reviewed, in accordance with Article 51 paragraph (1) of the Constitutional Court Law in conjunction with the Constitutional Court Regulation on Procedural Rules. The Constitutional Court's approach to legal standing is quite flexible. Not only actual losses, but potential constitutional losses are also acceptable, including in the testing of election norms that require the constitutional rights of participants or voters to be open to testing (Sihombing et al., 2021).

In election cases, *legal standing* is often associated with petitioners who have a direct connection to the election, either as election participants, political parties, or other stakeholders who are harmed by the separation of DPR and DPRD elections. The Constitutional Court reviews election laws such as scheduling, campaign procedures, and administrative mechanisms, all in relation to constitutional norms. (Ghoniayatun, 2020) In case 135/PUU-XXII 2025, the aspect of separating the timing of the DPR and DPRD elections was tested against the 1945 Constitution, including the principles of direct, honest, fair, and periodic elections. The Constitutional Court based its decision on a constitutional analysis, both of the provisions in the Election Law and its compatibility with the 1945 Constitution. This included an assessment of democratic needs, the effectiveness of implementation, and the consistency of national legal

norms.(Amelia et al., 2025) The finding that the Constitutional Court has broad and flexible authority in reviewing election laws reinforces its function of controlling constitutional consistency. In the future, technical election regulations need to be aligned with constitutional principles so that the design of elections in Indonesia remains democratic and legally valid.

Legal Considerations in Constitutional Court Decision Number 135/PUU-XXII/2025

The Constitutional Court ruled that elections for regional legislative council members and regional heads (Pilkada) should be separated from national elections (for the president, DPR, and DPD) and held no sooner than 2 (two) to 2.5 (two and a half) years after the inauguration of national officials. This decision will take effect in the 2029 elections and end the practice of “five ballot box elections” as mandated by Article 22 paragraph (2) of the 1945 Constitution (Karyati, 2016).

The Constitutional Court considers that separating the elections will give citizens more time to assess legislative and regional head candidates. This is believed to increase democratic participation at the local level, which has been sidelined by the dominance of national issues. From an administrative perspective, the separation is considered to simplify the voting process, ease the burden on the General Elections Commission (KPU) and political parties, and minimize the risk of scheduling and management errors that often occur during simultaneous elections. However, the implications of separating elections do not stop at technical aspects. In the long term, this policy could influence the direction of Indonesia's presidential system. On the one hand, separating the elections has the potential to strengthen the presidential system by providing greater space for local political parties to develop independently, thereby strengthening representation and accountability in the regions. A stronger local political constellation could encourage healthy checks and balances against the dominance of national parties. Meanwhile, the separation of elections also carries the risk of political fragmentation. More intense electoral competition at the local level could increase polarization, give rise to new political actors that are difficult to consolidate, and in turn weaken the stability of central-regional relations. Tensions between national and local interests could increase if not balanced by an inclusive party system design and clear governance rules. Thus, the direction of the election separation policy must be understood not only as a technical-administrative solution, but also as a constitutional choice that will shape a new balance between local democracy and central government stability within the framework of Indonesia's presidential system (Komisi Yudisial Republik Indonesia, 2023).

In this ruling, the Constitutional Court went beyond its judicial function. It acted as a positive legislative body by providing a new conditional interpretation to avoid a legal vacuum (*rechtsvacuum*). This bold move reflects the evolution of the Constitutional Court's role in maintaining the continuity of national law. Although functionally intended to improve democracy, some parties have pointed out that the resulting transitional norms have the potential to violate Article 22E paragraph (1) of the 1945 Constitution, which states that “General elections shall be held directly, publicly, freely, confidentially, honestly, and fairly every five years” and paragraph (2) which states that “General elections shall be held to elect members of the House of Representatives, the Regional Representative Council, the President and Vice President, and the Regional House of Representatives,” which risks causing a constitutional crisis if implemented without regulatory harmonization. Legislative

members consider that the Constitutional Court has the potential to exceed its judicial authority. According to them, formulating norms (for example, a new election schedule) is the domain of legislators, not constitutional judges (Amsari, 2018).

Prof. Jimly Assidique emphasized that although there are indications that the Constitutional Court acted *ultra petita* (adding requests to the ruling), this was not without basis. (N. P. Ramadhani et al., 2024) In fact, in the realm of constitutional law, this practice is considered valid and reflects the dynamics of healthy judicial review. (Ali, 2012) Dr. Rifqi Ridlo Phahlevy, a legal expert at Muhammadiyah University Sidoarjo, considers this ruling constitutionally valid. He believes that the Constitutional Court is correcting the legislature, which has been slow to respond to less than ideal electoral practices. (S, 2025) The General Elections Commission (KPU) welcomed this ruling as a momentum for reform. The KPU sees an opportunity to improve the design of national and local elections in order to safeguard the integrity and efficiency of the electoral process (Tinangon et al., 2021).

Without a clear transition mechanism and replacement legislative products, this separation has the potential to create political gaps, including vacant positions and legal uncertainty between national and regional election periods. This ruling reflects the evolution of the Constitutional Court's function in responding to systemic challenges. While maintaining constitutional supremacy, the Constitutional Court shows that constitutional interpretation can develop adaptively in line with socio-political dynamics. (T. Anggraini et al., 2024) Overall, the Constitutional Court's legal considerations in this case demonstrate an effort to maintain substantive democracy and administrative efficiency. However, the practical and normative legitimacy of this ruling requires mitigation through legislative harmonization to avoid a legal crisis and weakening of the constitution.

From a constitutional perspective, separating election schedules can be seen as a step toward strengthening the principle of political decentralization. Until now, regional issues have often been drowned out by the hustle and bustle of national elections. (Asep Setiawan, 2022) With a different schedule, local communities will be more focused on evaluating candidates for regional head and regional representative council members, thereby potentially improving the quality of representation in the regions. This is in line with the spirit of Article 18 of the 1945 Constitution, which emphasizes the importance of regional government within the framework of the Unitary State of the Republic of Indonesia.

The aspect of election management is also an important highlight. The General Elections Commission (KPU) has faced major logistical challenges, including the distribution of ballots, the recruitment of officials, and the potential for administrative disputes. Separating the elections provides more time for preparation, while reducing the extreme workload that has often led to fatigue and even casualties among organizers. (Lati Praja Delmana, 2021) This efficiency is expected to reduce political costs while increasing the accuracy of vote counting. The political implications of this decision cannot be ignored. The separation of election schedules has the potential to change political parties' strategies in managing regeneration and resource allocation. Previously, popular figures were drawn in to boost votes simultaneously at all levels, but now parties must think about more layered long-term strategies: winning the national contest first, then ensuring the continuity of their influence at the local level (Sarah Ristya Putri, 2025).

There are also challenges regarding the continuity of regional government. Separating the election schedule will create the possibility of a vacuum of power if the term of office of regional heads expires before the next election. In such a situation, temporary officials (acting officials) have the potential to dominate, and this poses the risk of regional bureaucratic instability.(Ramdani, 2024) Therefore, strict transitional regulations are needed so that the separation does not weaken the performance of regional governments. This decision has sparked academic discourse regarding the doctrines of legislative supremacy and judicial activism. On the one hand, the Constitutional Court is considered to be engaging in judicial activism because it has created new norms that are generally the authority of the DPR as a positive legislator. However, on the other hand, this decision also affirms the principle of checks and balances, whereby the Constitutional Court makes constitutional corrections to legislators who are considered slow to respond to the dynamics of democracy. The political consequences of the Constitutional Court's judicial activism cannot be ignored. With the separation of elections, political parties' strategies in forming coalitions have the potential to change. Standalone legislative elections encourage parties to be more serious about building an electoral base in the regions, rather than simply riding on the coattail effect of the presidential election. This could strengthen the representation of medium or small parties in the Regional People's Representative Council (DPRD), which were previously sidelined in the national coalition pattern.

However, political fragmentation could also become more pronounced. The large number of parties winning seats in regional representative councils could complicate the regional legislative process, increase the potential for conflicting interests, and ultimately impact central-regional relations. Thus, the Constitutional Court's judicial activism in this case not only gave birth to a new legal norm, but also reshaped Indonesia's electoral political landscape, including coalition patterns and the quality of legislative representation at the local level (Arrasuli & Nadhilah, 2023).

Technical and Administrative Implications of Separating DPR and DPRD Elections

The Constitutional Court ruled that elections for regional legislative council members and regional heads (Pilkada) should be separated from national elections (for the president, DPR, and DPD) and held no sooner than 2 (two) to 2.5 (two and a half) years after the inauguration of national officials. This decision will take effect in the 2029 elections and end the practice of “five ballot box elections” as mandated by Article 22 paragraph (2) of the 1945 Constitution (Karyati, 2016).

The simultaneous election model known as “five boxes” has burdened the electoral system, from logistical backlogs to the vulnerability to errors in the implementation stages. The Constitutional Court stated that this scheme causes technical pressure and threatens the overall quality of the elections. By separating the schedules for national and regional elections, the implementation stages can be divided and structured more efficiently.(Febriyanto, 2025) This allows for more detailed scheduling and gives election organizers (such as the General Elections Commission) more time for planning and evaluation. The separation gives more space for regional legislative candidates and regional heads to prioritize local issues according to public needs without having to compete directly with national dynamics, which often dominate.

Preparatory stages such as the recruitment of officers, training, logistics distribution, and polling station management become lighter because the workload is

no longer concentrated on the same day.(D. Anggraini & Febriani, 2016) This separation requires the revision of several laws, including Law No. 7 of 2017 (Elections), Law No. 10 of 2016 (Regional Elections), the Regional Government Law, and the Papua Special Autonomy Law so that the legality of separate elections is in accordance with the constitution. There needs to be clear transitional regulations regarding the terms of office of the Regional Representative Council and regional heads after the 2024 period. Without this, there could be a vacuum in office or an extension that is not based on democratic legitimacy. Without proper transitional rules, the implementation of the separation of elections could violate Article 18 paragraph (3) and Article 22E of the 1945 Constitution regarding five-year elections and the election of DPRD members through direct elections.

If the DPRD or regional heads are not extended democratically, options such as appointing acting officials (Pj) or postponing regional elections become dilemmas that must be carefully regulated to avoid a vacuum in regional government. Separate national and regional elections trigger the need for synchronization between the inauguration schedule and the next election, so that there is no overlap in terms of office or gaps in government.(Amsari, 2022) Although separate stages can ease the administrative workload, annual operating costs may increase due to two elections (national and regional), which involve logistics, personnel, and organizer fees. If planned well, separation allows for the evaluation of each type of election stage, making the system more adaptive and reducing the potential for failure in the voting or vote counting stages. Separation is used as a momentum to strengthen local democracy (Reynolds et al., 2005).

With longer campaign periods and voter education at the regional level, the quality of political debate and information is expected to improve. The General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu) must develop new operational procedures, from the preparatory stage to post-implementation, which differ for national and regional elections. This includes revising standard operating procedures, redistributing resources, and providing specific training for personnel. The Constitutional Court's ruling marks a major overhaul of Indonesia's electoral system. The legitimacy of legal and administrative reforms will be an opportunity if the House of Representatives and the government respond quickly. The technical and administrative implications require a balance between providing space for local democracy and maintaining uniformity in implementation and national political security. Synergy between state institutions is needed for a smooth, constitutional, and efficient transition (Tim Peneliti Pusat Studi Hukum dan Kebijakan Indonesia, 2019).

The main technical implication of the separation of elections is the rearrangement of the national electoral calendar. The election calendar will no longer be a simultaneous five-year cycle, but will be divided into two major events: national elections and regional elections. This requires the institutional reconstruction of election organizers, including the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu), so that they have more flexible units and work schedules. This reorganization also requires more sophisticated information technology to minimize the risk of overlapping schedules and ensure consistency in field supervision (Stanislaus J.W.T.H, 2020).

From a financial perspective, separating the elections means an increase in budget allocation. While simultaneous elections require only one large-scale logistical mobilization, separate elections require double the mobilization. This includes the distribution of ballots, polling station equipment, and honoraria for election officials. Although operational costs increase, the Constitutional Court considers these additional costs to be tolerable if they are offset by improved election quality and a low rate of technical errors in the implementation process (Evita, 2023).

Administratively, the separation of elections requires a comprehensive revision of technical election regulations. This includes not only the Election Law and the Regional Election Law, but also derivative regulations in the form of KPU Regulations (PKPU) and Bawaslu Regulations. (Triningsih, 2021) For example, there needs to be detailed regulations regarding coordination between the central and regional governments in supporting election logistics carried out in two different waves. This is important to prevent any discrepancies between regional needs and national standards.

The separation of elections also has an impact on the terms of office of regional heads and DPRD members. If not properly regulated, this condition has the potential to create a legal vacuum when the term of office ends, while the elections have not yet been held. So far, the appointment of acting officials (Pj) has been used as a temporary measure. However, constitutionally, this model has sparked debate: acting officials are appointed by the central government without an electoral process, so their democratic legitimacy is relatively weak. This risk could lead to accusations of unconstitutionality if the transition regulations are not strictly formulated.

As an alternative, there is also the idea of extending the term of office of regional heads until the next election. Politically, this option appears to better guarantee the continuity of government, but it raises new constitutional issues: mandates obtained through elections have a clear time limit, so extending the term of office could be considered an overreach of the people's mandate. From a democratic perspective, extending terms of office could create moral hazard in the form of abuse of authority towards the end of the term.

Both the appointment of an acting regional head and the extension of terms have serious consequences for the principles of democracy and regional autonomy. The appointment of an acting regional head has the potential to strengthen the centralization of power in the hands of the central government, reducing the autonomy of regions guaranteed by the constitution. Conversely, extending terms of office has the potential to undermine legal certainty and electoral accountability. Therefore, legislators need to establish transitional norms that are not only administrative in nature but also based on democratic legitimacy, for example through a fit and proper test mechanism or the involvement of the Regional Representative Council (DPRD) in the process of determining acting officials (Tim Redaksi Komisi Yudisial Republik Indonesia, 2019).

The separation of elections affects patterns of public participation. In simultaneous elections, voters tend to focus on national issues, so that regional issues are often neglected. With separate elections, public attention to local issues is better maintained. However, there is the potential for voter fatigue because voters must come to the polling stations more than once in five years. Therefore, election socialization must be improved to maintain high participation (Prayudi, 2021b).

From the perspective of the organizers, separating elections provides the advantage of a more measurable evaluation space. Previously, when all stages were carried out simultaneously, evaluations could only be carried out after the entire election was completed. With separation, the evaluation of the national election administration can be used as a learning material before the regional elections, or vice versa. This makes the administration more adaptive and responsive to identified technical weaknesses.(Perdana et al., 2019) The following is a comparison between simultaneous and separate elections.

Aspect	Simultaneous Elections	Separate Elections
Election Costs	More efficient nominally due to a single logistics operation, but prone to cost overruns caused by re-voting or administrative errors.	Tends to be higher nominally (held twice), yet costs are more controlled because each election is less complex.
Burden on the General Elections Commission (KPU) and Organizers	Very heavy workload; one day of voting and counting involves multiple types of ballots, increasing fatigue and error risks.	Workload is more distributed, supervision is more focused, and the risk of human error is reduced.
Number of Ballots	Numerous (five boxes: DPR, DPD, Provincial DPRD, Regency/Municipal DPRD, and President/Vice President), often causing voter confusion.	Fewer ballots, adjusted to the type of election. Voters can more easily understand their choices.
Voter Participation	High in numbers, but the quality of participation declines because voters are less focused on local issues.	Participation is of higher quality; voters can evaluate legislative and executive candidates at the local level more specifically.
Accountability and Oversight	Difficult, as supervisors are spread across multiple elections on the same day – making it easier for violations to go unnoticed.	Easier, as supervisors can focus on one type of election at a time.

In the macro framework, the separation of elections marks a reform of Indonesia's democratic institutions. The Constitutional Court's decision is not merely a technical administrative matter, but also indicates a paradigm shift in the design of a more substantial democracy. Separate elections are expected to strike a balance between administrative efficiency and the quality of representation. If successfully implemented, Indonesia could become an example of innovative electoral democracy practices at the global level (Justitia, 2025).

Impact on the Democratic System and Political Representation in Indonesia

The separation of national and regional election schedules has changed the rhythm of national and local politics: campaign activities, public attention, and the accountability cycle of elected representatives no longer run concurrently. With the fragmentation of this cycle, the temporal relationship between national policy and

regional electoral control has weakened, making it reasonable to expect changes in the pattern of political accountability. The focus of voters is expected to become more segmented, with local issues receiving greater attention during regional elections because they no longer have to compete with massive national campaigns. This has the potential to improve the quality of local deliberation and provide opportunities for the representation of contextual issues that were previously marginalized. However, its effectiveness depends on the capacity of local media and public information sources.

From the perspective of political parties, the separation of elections increases resource pressures: parties must manage two different candidate nomination and campaign cycles, requiring greater organizational capacity, cadre development, and funding. In the short term, this could strengthen large parties with resources and put pressure on small parties or independent candidates (Lati praja delmana, 2020). The change also affects the logic of coalitions. During simultaneous elections, parties often devise integrated national-regional strategies, whereas when elections are separate, coalitions can be more flexible and differ between the national and local levels. As a result, the coalition system can become more heterogeneous, with implications for the stability of legislative coalitions in the regions and in the central parliament. This change also affects the logic of coalitions: during simultaneous elections, parties often devise integrated national-regional strategies; when separated, coalitions can be more flexible and differ between the national and local levels. As a result, the coalition system can become more heterogeneous, with implications for the stability of legislative coalitions in the regions and in the central parliament. At the representation level, separation has the potential to improve the closeness between representatives and citizens (descriptive & substantive representation). Regional candidates can campaign more intensively on constituent issues so that regional representatives have the potential to be more responsive to local needs.

Empirical findings related to previous direct regional head elections show that an election process that is close to the people can increase public spending allocation for local needs. (Dewansyah, 2015) However, there is a risk of mandate fragmentation: regional representatives elected in a different year from the national elections may face a political cycle that makes central-regional policy coordination more complex. Differences in inauguration times and political periods can cause gaps in the synchronization of development programs. In terms of democratic legitimacy, separation has the potential to spark debate about terms of office and mechanisms for filling vacancies: without clear transition rules, options such as term extensions, appointments of acting officials, or postponement of regional elections pose the risk of weakening the legitimacy of local representation. Therefore, constitutional aspects and transition regulations are crucial to prevent a democratic vacuum.

The implications for voter participation are ambivalent: on the one hand, separation can increase participation in regional elections because voters can focus more on local issues; on the other hand, the costs of participation (time, information) increase because voters must follow two separate cycles, so the potential for voter fatigue and a decline in turnout in one of the cycles cannot be ignored. Changes in campaign mechanisms and political marketing also occur: political actors will reorganize their communication strategies, campaign budget allocations, and structural mobilization. (Syafiqya & Putri, 2024) Effective micro-targeting strategies at the local level may strengthen, while large national narratives become less dominant in the local arena. This can open space for candidates based on local community networks.

From an institutional perspective, the KPU and Bawaslu must build dual capacity: regulatory design, human resources, supervisor training, and the election dispute adjudication system will be tested more frequently. Election monitoring and law enforcement mechanisms need to be standardized so that the quality of elections is maintained even as the frequency and variety of stages increase.(Achsoni, 2019) The impact of the budget becomes a political issue: two election cycles are expected to increase the total cost of medium-term administration (although not necessarily double, as some overhead costs may be reused). This increase in the fiscal burden creates a trade-off between investment in democracy (election quality) and other public spending priorities. Political decisions on the election budget will reflect public values and the capacity of the state.

The potential for strengthening local democracy is also influenced by the quality of local parties: if parties have strong local branches and competent cadres, separation allows for the emergence of more accountable representatives. Conversely, if local party networks are weak or controlled by the central elite, separation alone does not automatically increase substantive representation. Policies to strengthen local parties and voter education are important (Prayudi, 2021a). The risks of centralized politics or authoritarian maneuvers need to be monitored: some observers have pointed out that changes to electoral rules are often exploited by actors in power to reconstruct the political arena. Therefore, the separation of elections must be accompanied by the strengthening of checks and balances and transparency in the legislative-implementative process so that it does not become an instrument of political engineering. Normatively, the Constitutional Court's decision opens up a debate on the desired concept of representation: whether the priority is efficiency in administration or proximity to local democracy. The choice between these two objectives must be focused: technical reform without attention to the quality of representation can result in smooth administration but unresponsive representatives; conversely, a focus on representation without administrative readiness can lead to instability. In short, the impact of separating DPR and DPRD elections on democracy and representation is multi-dimensional: it opens up opportunities for improving the quality of local representation and political deliberation, but also poses serious challenges in terms of legitimacy, policy synchronization, costs, and institutional capacity.

Responding to these impacts requires a comprehensive policy package: constitutional transition rules, capacity building for local parties and organizers, and strong oversight mechanisms. The separation of elections also has implications for the dynamics of executive-legislative relations at the regional level. With different political terms, regional heads and DPRD may experience political misalignment that complicates the formulation and implementation of regional policies. This lack of synchronization could lead to a high potential for conflict between the executive and the legislature, especially if the political bases supporting the two are different. This requires a more effective central-regional coordination mechanism to reduce political friction that could harm the community (T. Anggraini et al., 2024).

From a political sociology perspective, the separation of elections can strengthen local political identities. The community is more encouraged to discuss specific issues relevant to their daily lives, such as local infrastructure development, public services, or environmental governance. This can improve the quality of public deliberation and strengthen participatory democracy. However, on the other hand,

there is a risk of increasing ethnic or religious identity politics, especially in areas with high heterogeneity. Therefore, political education and supervision from civil society become balancing factors. (Ubaedillah, 2016) Separate elections have the potential to change political recruitment patterns. Political parties are required to be more serious about regeneration at the regional level in order to remain competitive.

With separate regional elections, the public will find it easier to assess the quality of candidates for public office without the bias of national issues. If managed properly, this can encourage the emergence of local politicians with higher integrity and capabilities. However, without transparency regulations and merit mechanisms, the risk of local oligarchy will actually increase. (M.Noor Aziz, 2011) From a governance perspective, the separation of elections places greater demands on election supervisory bodies. Bawaslu will face the challenge of managing two major supervision cycles in five years. In addition, the increased intensity of elections could open up more space for money politics, especially at the local level, which tends to be less monitored. For this reason, strengthening technology-based oversight capacity, campaign finance transparency, and civil society participation is essential (Rosaria Anastasya Br Sianipar & Halking Halking, 2025).

In the long term, separating elections can be an instrument for institutionalizing a more mature democracy if it is accompanied by clear transitional regulations. Indonesia has the opportunity to develop an election system that is not only oriented towards administrative efficiency, but also substantive representation. However, this success is highly dependent on the political response of the DPR, the government, and election organizers in formulating an institutional design that is consistent with the principles of checks and balances and constitutional supremacy.

CONCLUSION

Constitutional Court Decision Number 135/PUU-XXII/2025 was born out of an evaluation of the five-box simultaneous election model, which was proven to cause technical and administrative burdens and a decline in the quality of democracy. By separating central and regional legislative elections, the Constitutional Court has given voters more space to focus on assessing legislative and regional head candidates, while strengthening local democracy, which had previously tended to be marginalized by national issues. Constitutionally, this step reflects judicial activism, the Constitutional Court acts as a positive legislator that fills legal gaps, even though it has been criticized for exceeding its authority. The implications of this ruling are not only technical but also touch on political and institutional dimensions. From a technical perspective, the separation of elections promises more measurable management, proportional distribution of workload, and strengthened accountability oversight. However, successful implementation requires major regulatory revisions, including term limits, schedule synchronization, transition mechanisms, and budget design.

In the long term, separating elections has the potential to reshape Indonesia's political landscape. Local political representation could be strengthened, opening space for medium and small parties in the Regional People's Representative Council (DPRD) to compete more fairly and strengthening the relationship between representatives and constituents. However, the risks of political fragmentation and disharmony between central and regional policies will also increase if not balanced with inclusive party governance. It is at this point that the Constitutional Court's judicial activism not only

regulates electoral norms but also triggers new dynamics in Indonesia's presidential system, between the strengthening of local democracy and the challenges to national government stability. *Take-away point:* Without comprehensive revisions to the Election Law and the Regional Election Law, Constitutional Court Decision 135/PUU-XXII/2025 has the potential to create legal uncertainty, increase the burden on electoral institutions, and actually reduce the original purpose of the decision to strengthen democracy. Thus, legislative follow-up is key to ensuring that this ruling does not stop as a judicial breakthrough, but truly brings about sustainable democratic consolidation.

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