

## **Reconstruction of the Election System Following Constitutional Court Decision Number 135/PUU-XXII/2024: A Legal-Normative Review of the Separation of National and Regional Elections**

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### **Abstract**

*The Constitutional Court Decision Number 135/PUU-XXII/2024 marks a significant milestone in the reconstruction of Indonesia's electoral system, particularly concerning the separation between national elections—including the presidential, DPR, and DPD elections—and regional elections for governors, regents/mayors, and local legislative councils (DPRD). This article focuses on analyzing the normative and institutional implications of the decision and its impact on the legal architecture of elections in Indonesia. Employing a normative juridical approach and drawing comparative insights from electoral systems in other democratic countries, this study finds that the separation of elections has the potential to enhance substantive democratic quality, improve voter focus, and reduce the technical and administrative burden on electoral bodies. Nonetheless, such a policy demands a comprehensive restructuring of the legal framework, including institutional design, the sequencing of electoral stages, and regulatory harmonization between central and regional authorities. Thus, the findings of this research serve as a conceptual foundation for advancing an electoral system that is more effective, representative, and aligned with democratic integrity principles.*

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## **1. INTRODUCTION**

The journey of democratization in Indonesia has triggered fundamental changes in the structure of the electoral system as the main instrument for implementing the principle of popular sovereignty. One of the milestones in this evolutionary dynamic was the implementation of simultaneous elections following Constitutional Court Decision Number 14/PUU-XI/2013, which required the integration of legislative and executive elections at one time. However, along with its implementation, various problems arose, particularly related to the administrative burden of implementation, voter concentration, and the technical accuracy of the stages (Asshiddiqie, 2023). This complexity became the background for the emergence of Constitutional Court Decision Number 135/PUU-XXII/2024 which normatively affirmed that elections do not have to be held simultaneously throughout, but can be held separately at the national and regional levels, as long as they remain within the five-year constitutional cycle as mandated by Article 22E paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia.

The ruling carries significant legal consequences for the current electoral regulatory system, which is regulated by Law Number 7 of 2017 concerning General Elections and

Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. Harmonization and reformulation of legal norms are necessary to ensure that separate elections can be legally and effectively accommodated within legislation. Therefore, this study critically examines the normative foundations of the ruling and analyzes its impact on the future electoral legal architecture.

## 2. THEORETICAL BASIS AND LEGAL APPROACH

This study bases its analytical framework on the theory of legal effectiveness developed by Soerjono Soekanto (1986), which states that the success of a legal norm is determined not only by its formal validity, but also by the extent to which the norm can be implemented in practice and accepted by society. In the context of elections, legal effectiveness concerns the clarity of norms, the accuracy of technical regulations, and the suitability between legal instruments and existing institutional capacity.

Furthermore, this approach is reinforced by the theory of political representation proposed by Hanna Pitkin (1967), which emphasizes the importance of substantive representation in a democratic system, namely how representatives reflect and advocate for the aspirations of their constituents. Political representation is not merely a matter of electability, but also concerns the deliberative process and accountability in policy-making.

To comprehensively examine this issue, a juridical-normative approach is employed. This approach prioritizes the study of legal products, including constitutions, laws, and Constitutional Court decisions, to understand the legal position and normative consequences of electoral separation. This research also employs conceptual analysis, which is useful for comparing electoral system practices in other democracies and evaluating the consistency of the Constitutional Court's decisions with the principles of constitutional law and electoral democracy. This approach is expected to provide a holistic picture of the urgency of reformulating an electoral system that is constitutional, effective, and oriented toward improving the quality of democracy.

## 3. RESEARCH METHODS

This article focuses on analyzing the normative and institutional implications of the decision and its impact on the legal architecture of elections in Indonesia. Employing a normative juridical approach and drawing comparative insights from electoral systems in other democratic countries, this study finds that the separation of elections has the potential to enhance substantive democratic quality, improve voter focus, and reduce the technical and administrative burden on electoral bodies. Nonetheless, such a policy demands a comprehensive restructuring of the legal framework, including institutional design, the sequencing of electoral stages, and regulatory harmonization between central and regional authorities. Thus, the findings of this research serve as a conceptual foundation for advancing an electoral system that is more effective, representative, and aligned with democratic integrity principles.

## 4. RESULTS AND DISCUSSION

### 1. Legal Implications of Constitutional Court Decision No. 135/PUU-XXII/2024

Constitutional Court Decision Number 135/PUU-XXII/2024 expressly opens the space for the implementation of national and regional elections separately, as long as they remain within the five-year timeframe as mandated by the constitution. The formulation of this decision has important implications for the interpretation of the norm of Article 167 paragraph (3) of Law Number 7 of 2017 concerning General Elections, which previously stipulated the obligation to implement elections

simultaneously nationwide. Through this constitutional interpretation, this obligation is no longer absolute and binding, but is declared to have no legal force in the context of total simultaneous application. Thus, this legal norm has undergone a shift in constitutional status, from being normatively imperative to being normatively facultative within the framework of the electoral constitution (Constitutional Court, 2024). This affirmation shows how constitutional court decisions can directly influence the configuration of norms within the legal regulatory system, as well as become a corrective instrument against the rigidity of the national electoral system design.

## **2. Reconstruction of Institutional Design and Election Stages**

The separate election model between the national and regional levels provides strategic space for restructuring the stages of election administration in a more systematic, efficient, and proportional manner. Under this scheme, the workload of election organizers can be focused on one election cluster within a single time period, thereby improving managerial quality, technical precision, and accountability at every stage of the electoral process (Afrianto, 2024). Furthermore, this separation paves the way for the development of new regulations that are responsive to the dynamics and technical obstacles in the field. The accompanying institutional reconstruction is a crucial part of the strategy for adapting the election legal system to the actual needs and complexities of implementation at various levels of government. Therefore, the separation of elections not only has implications for administrative efficiency but also for strengthening the regulatory and functional architecture of election institutions.

## **3. Effectiveness of Political Representation and Public Participation**

The separation of national and regional elections is believed to improve voter participation by allowing the public to focus more on evaluating candidates based on relevant local issues and leadership capacity appropriate to the local context. In this configuration, voters' political preferences are no longer overly dominated by national popularity, but rather are directed toward a more substantial understanding of candidates' track records, work programs, and integrity at the local level. This approach aligns with the concept of participatory *democracy* As put forward by Dahl (1971), who emphasized that the essence of democratic representation lies not solely in electoral victory, but in the suitability of elected representatives in reflecting and championing the real needs of constituents. Thus, decentralized elections in terms of time also strengthen the substantive representation function in a democratic political system.

## **4. The Challenge of Regulatory Harmonization and Institutional Adjustment**

The transformation of the electoral system, leading to the separation of national and regional elections, demands a comprehensive reform of the national electoral law. Reformulation of legislation is crucial, not only in material aspects, but also encompassing the development of transitional norms capable of accommodating the transition to the electoral cycle in a sustainable and orderly manner. In this context, the potential for overlap or inconsistency between the Election Law, the Regional Election Law, and technical regulations issued by the General Elections Commission (KPU) poses a challenge. Therefore, a coordinated synchronization mechanism across institutions is needed, particularly among lawmakers, election organizers, and regulatory oversight institutions, to create legal cohesion and normative certainty in the implementation of adaptive and constitutional elections (Widodo, 2024).

### **Table 1. Comparison of Simultaneous Elections vs. Separate Elections**

Aspect	Simultaneous Elections (Before the Constitutional Court Decision)	Separate Elections (Post-MK Decision 135/PUU-XXII/2024)
Event Time	One day for all types of elections	Separate between national and regional
Organizer Focus	Fragmented, multitasking	More focused and distributed
Voter Participation	Reduced due to voter fatigue	Increased due to focus on local/national issues
Political Representation	Distorted due to coattail effect	More substantive and appropriate to the regional context
Logistics Efficiency	Complex and error-prone	Lighter and more accurate

**Source:** Compiled based on MK Decision 135/PUU-XXII/2024, Asshiddiqie (2023), Afrianto (2024), and the theories of Dahl (1971) and Pitkin (1967).

## 5. CONCLUSION

Constitutional Court Decision No. 135/PUU-XXII/2024 fundamentally strengthens the constitutional foundation for the separate implementation of national and regional elections within a single five-year cycle. This policy creates space for more structured, administratively efficient elections, and allows for a more contextual improvement in the quality of political representation between the central and regional governments. However, implementing this separation cannot be done without comprehensive regulatory reform, including: legal norms in the Election and Regional Election Laws, restructuring of organizing institutions, and synchronous and logical planning of stages. This study emphasizes that the success of the transition to a separate election system depends heavily on the implementation of a comprehensive legal approach, so that any changes made are not only legally valid but also democratically legitimate in the eyes of the public and election constituents.

## 6. RECOMMENDATION

### 1. Election and Regional Election Legislation Update:

The government and the House of Representatives (DPR) need to immediately revise Law No. 7 of 2017 and Law No. 10 of 2016 to accommodate the separation of elections. This revision must include transitional norms that can bridge the election cycle while considering the continuity of government and the synchronization of public office.

### 2. Preparation of a Rational Election Stage Design:

The General Elections Commission (KPU) needs to design the national and regional election stages separately, yet integrated into long-term planning. This is crucial to avoid overlapping schedules that would burden both organizers and voters.

### 3. Harmonization of Technical Regulations:

Coordination is needed between regulatory bodies, such as the General Elections Commission (KPU), the Elections Supervisory Agency (Bawaslu), the House of Representatives (DPR), and the Ministry of Law and Human Rights, to develop harmonized and non-conflicting technical regulations. This harmonization must prioritize the principles of effectiveness, efficiency, and regulatory simplicity.

### 4. Strengthening the Institutional Capacity of Organizers:

The separation of elections will require different allocation of resources, so it is necessary to strengthen the capacity of human resources, information technology, and institutional infrastructure at the KPU and Bawaslu proportionally for each type of election.

#### 5. **Public Outreach and Voter Education:**

Election separation requires broad public understanding. Therefore, a public communication strategy and intensive voter education are necessary to prevent disinformation, apathy, or confusion among voters.

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