



JURIDICAL REVIEW OF CHANGES TO THE DECISION OF THE CONSTITUTIONAL COURT IN THE 2024 GENERAL ELECTION CONTESTATION REVIEWED FROM THE PERSPECTIVE OF INDONESIAN CONSTITUTIONAL LAW

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Abstract

This article aims to analyze changes to the decision of the constitutional court in the 2024 general election contestation from the perspective of Indonesian constitutional law. This research uses a normative juridical research method with a type of approach, namely a statutory approach and a conceptual approach. The legal materials used are primary, secondary and tertiary legal materials, obtained by conducting literature studies. The research results show that factors that influence changes in the Constitutional Court's decisions will be taken into account, such as legal developments, social changes and political shifts that may occur over time. Through a review of constitutional law, this article will also consider the influence of constitutionalist thinking and human rights principles in the Constitutional Court's decisions regarding elections. This research pays attention to changes in the constitutional interpretation by the Constitutional Court and their impact on the electoral process.

Abstrak

Artikel ini bertujuan untuk menganalisis, terhadap perubahan atas putusan mahkamah konstitusi dalam kontestasi pemilihan umum 2024 ditinjau dari perspektif hukum tata negara Indonesia. Penelitian ini menggunakan metode penelitian yuridis normatif dengan jenis pendekatan yaitu pendekatan perundang-undangan dan pendekatan konseptual. Bahan hukum yang digunakan yaitu bahan hukum

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primer, sekunder, dan tersier, diperoleh dengan melakukan studi kepustakaan. Hasil penelitian menunjukkan bahwa faktor-faktor yang mempengaruhi perubahan putusan MK akan diperhatikan, seperti perkembangan hukum, perubahan sosial, dan pergeseran politik yang mungkin terjadi seiring berjalannya waktu. Melalui tinjauan hukum tata negara, artikel ini juga akan mempertimbangkan pengaruh pemikiran konstitusionalis dan prinsip-prinsip hak asasi manusia dalam putusan MK terkait pemilu. Penelitian ini memperhatikan perubahan dalam interpretasi konstitusi oleh MK dan dampaknya terhadap proses pemilu.

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INTRODUCTION

The 2024 general election in Indonesia, as in many other democratic countries, is not free from various controversies and disputes. General elections are a crucial moment in the democratic life of a country where citizens freely determine their leaders and representatives (Amir, 2020). The Constitutional Court (MK) is a judicial institution that has a special position in a country's legal system (Fauzan, 2024). The Constitutional Court, as a judicial institution that has an important role in maintaining the stability of a country's constitution, is often in the public spotlight, especially in the context of general elections. In this context, the decisions of the Constitutional Court are very important because they have a significant impact on the validity of the general election process and the legitimacy of the elected government (Jaelani, 2019).

As an independent institution, the Constitutional Court has the authority to decide general election disputes based on the constitution and applicable laws. However, political dynamics often give rise to legal disputes related to the general election process, which ultimately becomes the task of the Constitutional Court to resolve. As a result, changes in Constitutional Court decisions can create considerable dynamics in the political and legal governance of a country. The position of the Constitutional Court is often regulated in the constitution or basic law of a country, which gives the Constitutional Court the authority and responsibility to decide on disputes related to the constitution and constitutional law. The position of the Constitutional Court as an independent judicial institution is very important in maintaining the balance of power in the legal system. Independence MK guarantees that the institution can act freely and is not influenced by political pressure or the interests of other parties (Mayer, n.d.).

The Constitutional Court's decision must be based on the law and existing evidence, and take into account the principles of justice and legal certainty. As a constitutional judicial institution, the Constitutional Court is responsible for ensuring compliance with the state constitution and maintaining the principles of constitutional law (Sadzali, 2022). In many countries, the Constitutional Court also

has broad constitutional powers, including reviewing and canceling executive actions deemed inconsistent with the constitution.

The Constitutional Court acts as the guardian of the constitution, which means that the Constitutional Court has the authority to test the validity of laws and government regulations against the constitution. The Constitutional Court also has the authority to interpret constitutional provisions and provide binding interpretations for government institutions and the general public (Jaelani, 2021). This ensures that the government does not exceed the limits of its power and that the principles of democracy, constitutional supremacy and protection of human rights are maintained.

RESEARCH METHODS

The research method used in this research is a type of normative legal research or known as doctrinal legal research, which is a process for discovering legal rules, as well as for answering legal problems or issues being researched by reviewing library materials (Marzuki, 2014). This research uses a statutory approach and a conceptual approach. The statutory approach is to study or study regulations relating to changes to the constitutional court's decision in the 2024 general election contestation from the perspective of Indonesian constitutional law. The conceptual approach provides views and doctrines of legal science as a basis for analyzing problem solving. The legal material collection technique used consists of primary legal material, secondary legal material, and tertiary legal material obtained by conducting a literature study consisting of legal material instruments that have a direct link to changes to the decision of the constitutional court in the 2024 general election contestation viewed from the perspective of Indonesian constitutional law

RESULTS AND DISCUSSION

Implications of Changes to Constitutional Court Decisions in the Context of General Elections in Indonesia

Constitutional Court decisions can strengthen the integrity of the democratic process. The decision of the Constitutional Court (MK) has a significant influence in the context of general elections. The Constitutional Court's decisions in disputes related to general elections can affect political stability, the legality of election results and the integrity of the democratic process (Yamey, 2024). The Constitutional Court's decision can influence the results of the general election. The Constitutional Court has the authority to examine disputes related to violations of law or non-compliance with democratic principles in elections. If the MK finds significant violations or non-compliance, the MK can cancel the election results and hold re-elections in certain places or in general (Yuniarti et al., 2023). Thus, the Constitutional Court's decision can change the election results that have been determined previously.

The Constitutional Court acts as the guardian of the constitution and democratic principles. By deciding general election disputes fairly and based on the law, the Constitutional Court provides confidence to the public that the general election process is running well and in accordance with democratic principles (Fatih, 2023). The Constitutional Court's decision to reveal and take action against legal violations or non-compliance with democratic principles also serves as an important signal for the government and political parties to improve the governance of future general elections.

The Constitutional Court's decision could affect post-election political stability. If there is a dispute related to election results or compliance with democratic principles, the Constitutional Court's decision can change the dynamics of post-election politics. Parties who feel disadvantaged by the election results can submit a dispute to the Constitutional Court, and the Constitutional Court's decision will be the final determination which must be respected by all parties. Constitutional Court decisions that change election results or cancel actions that are not in accordance with the law can trigger changes in power or significant political shifts.

The Constitutional Court's decision can provide legal clarity regarding general election rules. The Constitutional Court often has to test the constitutionality of laws or regulations governing general elections (Hidayat et al., 2020). The Constitutional Court's decision in this case provides a binding interpretation of these regulations, providing legal clarity regarding how these regulations should be applied. This legal clarity is important for political parties, candidates and voters to understand and follow general election procedures correctly.

Changes to the decision of the Constitutional Court (MK) could have significant implications for the general election (election) process in Indonesia. The following are some implications that need to be studied and analyzed:

1. Election System: The change in the electoral system from open proportional to closed proportional has several implications: a. Electability of Legislative Candidates: Close proportionality strengthens the role of political parties in determining elected legislative candidates. This can give rise to party oligarchy and weaken the accountability of legislative candidates to voters (Petersen, 2020). b. Campaigns: Campaigns are focused on political parties, not individual legislative candidates. This can reduce personalization and focus on party platforms and ideology. c. Voter's Voice: Voter's voice is more focused on political parties than individual legislative candidates. This can reduce the influence of individuals in determining their people's representatives.
2. Age limit for presidential and vice presidential candidates: Reducing the minimum age limit for presidential and vice presidential candidates from 40 years to 35 years opens up opportunities for more candidates to run in the presidential election contest. This can: a. Increasing Candidate Diversity: Providing opportunities for young people to advance in national leadership. b. Strengthening Political Dynamics: The emergence of new candidates with fresh thoughts and ideas. c. Increase Voter Participation: Increase the interest and participation of young voters.

3. Political Party Verification: Changes in the political party verification system from factual verification to administrative verification can:
 - a. Facilitate the Establishment of Political Parties: Facilitate political participation and the emergence of new parties.
 - b. Weakening Political Party Selection: Potential for the emergence of political parties that do not have a strong mass base.
 - c. Increasing Political Fragmentation: Potential to increase the number of political parties that qualify for parliament.
4. Parliamentary Threshold Reducing the parliamentary threshold from 4% to 3% can:
 - a. Increasing Political Representation: Providing opportunities for small parties to gain seats in parliament.
 - b. Strengthening Coalitions: Increases the likelihood of multi-party coalitions forming.
 - c. Weakening Political Stability: Potential for the emergence of fragile and easily broken coalitions.
5. Campaign Funds Changes in campaign finance rules can:
 - a. Increasing Transparency: Increasing accountability and transparency in the use of campaign funds.
 - b. Preventing Money Politics: Minimizing the practice of money politics and corruption in elections.
 - c. Strengthening Equality: Providing smaller political parties with a fairer opportunity to compete.

Analysis of Factors Regarding Changes to Constitutional Court Decisions in the 2024 General Election Contest

The results of constitutional court decisions often determine the direction and procedures for holding elections. In the context of the 2024 Election, several changes to the Constitutional Court's decision need to be studied and analyzed to understand their implications for the course of the election. The Constitutional Court (MK) as the guardian of the constitution has an important role in maintaining the running of democracy in Indonesia, including in holding general elections (elections).

In the 2024 Election contest in Indonesia, one of the significant changes is related to the age limit for presidential and vice presidential candidates. In 2019, the Constitutional Court decided that the minimum age limit for becoming a presidential and vice presidential candidate is 40 years. However, in 2023, the Constitutional Court canceled the decision and returned to the previous rule, namely 35 years. This change opens up opportunities for more candidates to run in the 2024 presidential election. Another important change is related to the electoral system (Nugraha, 2019). In 2023, the Constitutional Court decided to return to using an open proportional system for the election of members of the DPR RI. This system allows voters to choose legislative candidates directly, in contrast to a closed proportional system where voters only choose political parties. The return to an open proportional system is expected to increase the accountability of legislative candidates to voters.

Apart from that, the Constitutional Court also issued other important decisions related to elections, such as the political party verification system, parliamentary thresholds and campaign funds (Firdaus, 2024). These decisions need to be understood and studied in depth to see their implications for the implementation of the 2024 elections. In general, changes to the Constitutional

Court's decisions can be seen as an effort to strengthen democracy and improve the quality of elections in Indonesia. It is hoped that these decisions will result in elections that are more honest, fair and transparent.

However, it is important to remember that changes to the Constitutional Court's decisions can also give rise to new consequences and challenges (Hachem, 2021). Therefore, it is important for all parties, including election organizers, election participants and civil society, to understand and pay close attention to these changes so that they can adapt and participate optimally in the 2024 elections. The following are several important points related to the analysis of changes to the Constitutional Court's decision: a. Age limit for presidential and vice presidential candidates: Returning to 35 years old opens up opportunities for more candidates. b. Electoral system: The return to open proportionality is expected to increase the accountability of legislative candidates. c. Other decisions: The MK also issued decisions regarding political party verification, parliamentary thresholds and campaign finance. d. Impact: Changes to the Constitutional Court's decision are expected to strengthen democracy and improve the quality of elections. e. Challenge: Requires adaptation and optimal participation from all parties.

Changes in Constitutional Court (MK) decisions can be influenced by a number of complex factors (Petersen, 2020). Several main factors that influence changes in MK decisions include changes in the composition of judges, changes in constitutional interpretation, political and social changes, and external pressure. The following is an explanation of the factors that influence changes to the Constitutional Court's decision.

First, changes in the composition of judges are an important factor that can influence changes in MK decisions. When there is a change of judges in the Constitutional Court, with new judges having different legal views or different interpretation approaches to the Constitution, the Constitutional Court's decisions can change. The new judge's views, background and values can influence the outcome of the Constitutional Court's decision in certain cases.

Second, changes in constitutional interpretation can also influence changes to MK decisions. The Constitutional Court's interpretive views on the constitution can develop over time. Sometimes, the Constitutional Court may change its interpretation of the constitution or adopt a different interpretative approach in deciding cases (Clark, 2019). Factors such as the evolution of social norms, changes in societal demands, or developments in international law can influence changes in constitutional interpretation and in turn influence the Constitutional Court's decisions. Third, political and social changes can also influence changes to the Constitutional Court's decisions. The Constitutional Court is an institution that operates in a broader political and social context. Significant political changes, such as a change of government or changes in political power, can influence the Constitutional Court's decisions. In addition, social changes that reflect changes in society's values, aspirations or demands can also influence the Constitutional Court's views and the decisions it makes

Fourth, external pressure can also influence changes in the Constitutional Court's decisions. Pressure from external parties, such as the government, interest groups, or public opinion, can influence the Constitutional Court in deciding a case. This pressure can take the form of political intervention or pressure that aims to

influence the outcome of decisions according to certain interests (Butt, 2022). Although the Constitutional Court must act independently and maintain its integrity, external pressure remains a factor that can influence changes in decisions. These factors certainly interact and are complex, and influence changes in MK decisions in different contexts. Understanding these factors is important to see the dynamics and evolution of the Constitutional Court's decisions in carrying out its role and function as a constitutional justice institution.

There have been significant changes in the Constitutional Court (MK) decisions regarding elections from time to time. In previous elections, there was a tendency for the Constitutional Court to maintain stability and consistency in decisions, with few changes in constitutional interpretation. However, in the context of the 2024 election, there is a visible shift in the Constitutional Court's decision which reflects the dynamics of social, political and legal developments that are occurring. In an analysis of changes in constitutional interpretation by the Constitutional Court, it was found that the Constitutional Court had demonstrated greater flexibility in understanding and interpreting constitutional provisions related to elections (Mangku et al., 2022). These changes in interpretation often reflect changes in the social, political, and legal context. For example, the Constitutional Court may change its interpretative approach in interpreting the principles of electoral fairness or the limits of political power in the context of changing societal demands and political shifts that are occurring.

Changes to the Constitutional Court's decision in the context of the 2024 election are also influenced by factors such as changes in social norms, developments in information technology and shifts in political interests. For example, with the development of communication technology and social media, the Constitutional Court needs to face new challenges related to political campaigns and the dissemination of information that can influence the election process. MK decisions related to campaign regulations, use of social media, or supervision of campaign finances are the subject of significant changes in the context of the 2024 elections.

Apart from that, the Constitutional Court has also shown greater attention to human rights principles in its decisions regarding elections. In previous elections, the Constitutional Court sometimes focused more on technical and formal aspects in testing the validity of the election. However, in the context of the 2024 election, the Constitutional Court increasingly recognizes the importance of protecting citizens' rights in the election process, such as the right to vote and the right to political participation (Fauzan, 2024). The Constitutional Court's decisions involving issues such as election accessibility, voter discrimination, or the protection of minority rights are significant changes in the context of the 2024 elections.

Thus, there have been significant changes in the Constitutional Court's decisions regarding elections in the context of the 2024 elections. These changes are influenced by social, political and legal factors that have developed over time. In addition, there appears to be increased attention to human rights principles and the flexibility of constitutional interpretation in the Constitutional Court's decisions regarding elections. These changes have important implications for the integrity of elections and the democratic system as a whole.

CLOSING

Conclusion

From the discussion above, conclusions can be drawn regarding the supervision of internet-based broadcast media, which are described as follows:

1. In the 2024 General Election contestation in Indonesia, changes have been made to the Constitutional Court's decision highlighting the complex dynamics between legal interpretation, political interests and the need for institutional stability. Constitutional Court decisions not only reflect normative evolution in constitutional law, but also reflect pressure from various political and social forces that change over time.
2. Changes in the Constitutional Court's decision raise questions about the long-term consequences for the integrity and public trust in legal institutions, especially in the context of a democratic system.

Recommendation

The following are several suggestions that can be given regarding the research above, including:

1. The need to consider the role of legal institutions in the development of inclusive and sustainable democracy, as well as the importance of ensuring the independence and accountability of the Constitutional Court in carrying out its function as guardian of the constitution.
2. In facing the complex challenges faced by the Constitutional Court. Efforts to strengthen the supremacy of law and ensure justice in the political system can continue to be encouraged, strengthening the foundation of democracy that is solid and responsive to the aspirations of the people.

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