

Juridical and Constitutional Implications, Political Stability, and Institutional Effectiveness After the Constitutional Court's Electoral Reform Decision

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Abstract

This study aims to analyze the juridical and constitutional implications, political stability dynamics, and institutional effectiveness following the Constitutional Court's decisions on electoral reform, particularly Decision 135/PUU-XXII/2024. Using a qualitative method with a doctrinal-normative and policy analysis approach, the research examines the effectiveness of Constitutional Court rulings in relation to political compliance, electoral system restructuring, and central–regional governance relations. The findings reveal that although Constitutional Court decisions are *erga omnes*, many non–self-executing rulings are only partially implemented due to the subordination of judicial authority to pragmatic political consensus between the Legislature and the Executive. The ruling on electoral separation offers administrative and humanitarian benefits and has the potential to strengthen regional representation and policy focus; however, it also produces significant risks, including the emergence of two major political cycles in close succession and heightened politicization of Acting Regional Heads during the 2–2.5 years transitional period. Furthermore, the effectiveness of the national Legislature and the Executive remain constrained by structural political fragmentation inherent in the proportional electoral system, whereas the separation of local elections contributes only marginally to improving the effectiveness of regional parliaments and does not resolve the broader issue of national political cohesion. The study concludes that the success of electoral reform depends on consistent enforcement of Constitutional Court rulings, coalition stability, and institutional designs capable of adapting to both national and regional political dynamics.

Keywords: *Constitutional Court, Electoral Reform, Political Stability, Institutional Effectiveness, Political Fragmentation, Decision 135/PUU-XXII/2024.*



A. PENDAHULUAN

The Constitutional Court of Indonesia, whose existence is guaranteed under Article 24(2) and Article 24C of the 1945 Constitution and further regulated in Law No. 24 of 2003, was established as a constitutional organ mandated to adjudicate specific constitutional matters and safeguard the Constitution in a responsible manner consistent with the will of the people and the principles of democracy. Its presence serves not only to maintain a stable system of governance but also to correct the constitutional ambiguities of the past that often arose from dual or competing interpretations of constitutional provisions. In the modern Indonesian constitutional framework, the Court assumes a central role as the guardian of the Constitution and a negative legislator. Through its judicial review authority, the Court's decisions have substantially shaped the architecture of Indonesia's democratic order. The evolution

of the electoral system in the post-reform era stands as the most prominent example of this profound judicial influence (Salam, 2025).

Indonesia's electoral system has undergone significant incremental reforms since the 1955 general election, aiming to continuously transform and refine electoral governance (Gumilar, 2024). One of the most consequential changes resulted from Constitutional Court Decision No. 14/PUU-XI/2013, which mandated the consolidation of legislative and presidential elections beginning in 2019, with the intention of strengthening the presidential system (Ariviani et al., 2016). However, after two cycles of simultaneous national elections (2019 and 2024), the overwhelming administrative burden and human costs became a central concern (Khoirunnisa, 2024; Asmin & Virginia, 2024; Purnama & Rosidin, 2025). These conditions prompted further constitutional intervention through Constitutional Court Decision No. 135/PUU-XXII/2024, which separated national elections (President, DPR, DPD) from local elections (Governor, Regent/Mayor, DPRD), to be implemented for the 2029 electoral cycle (Florida, 2025). This study aims to analyze the juridical and constitutional implications of these landmark decisions, as well as their consequences for political stability and the institutional effectiveness of legislative and executive bodies.

Indonesia adheres to a presidential system that requires a sufficient degree of cohesion between the executive (President) and the legislature (DPR) to ensure effective governance (Supriyanto, 2024; Rohmah, 2025). Effective government is a constitutional imperative derived from the state's foundational mandate to protect the entire nation, promote general welfare, and advance public enlightenment (Bisri, 2025). However, the proportional open-list electoral system structurally tends to produce extreme multiparty fragmentation (Ahmad, 2025), resulting in the absence of a single majority party. High fragmentation complicates legislative decision-making and directly weakens the executive's ability to implement public policy programs. Thus, the interaction between the electoral system hose configuration is strongly shaped by Constitutional Court rulings, and parliamentary cohesion becomes central in assessing the state's ability to achieve its constitutional objectives.

Doctrinally, Constitutional Court decisions are final and binding (*erga omnes*), meaning that they apply not only to the litigating parties (*inter partes*) but to all citizens, similar in effect to generally binding legislation. This binding authority positions the Court as the final interpreter of the Constitution, as affirmed in Article 24C(1) of the 1945 Constitution and Article 10(1) of Law No. 8 of 2011 on Amendments to the Constitutional Court Law. In practice, however, many Constitutional Court decisions require legislative follow-up for full implementation. These are known as non-self-executing or non-self-implementing decisions (Sulistiyowati, 2023). This category includes conditionally constitutional decisions, conditionally unconstitutional decisions, and decisions that introduce new normative formulations. Such decisions necessitate active action from the legislature (DPR) and the executive (President) to translate them into implementable regulations. The non-self-executing

nature of these rulings often becomes a vulnerable point in ensuring legal supremacy and the effectiveness of Constitutional Court decisions.

B. METHOD

This study utilizes a qualitative research design combining doctrinal legal analysis and policy-oriented institutional assessment to examine the juridical, constitutional, political, and institutional implications of the Constitutional Court's electoral reform decision, particularly Decision 135/PUU-XXII/2024.

First, a doctrinal–normative legal method is applied to analyze primary legal sources, including the 1945 Constitution, statutory frameworks on elections, and Constitutional Court decisions. This method follows the classical approach articulated by Peter Mahmud Marzuki (2017), emphasizing interpretation of legal norms, *ratio decidendi*, and normative coherence within the constitutional system. Doctrinal analysis is used to evaluate issues such as the binding nature of *erga omnes* decisions, challenges of *non-self-executing* rulings, and constitutional anomalies, particularly the DPRD term-of-office issue arising from the Court's decision. The study also incorporates interpretive techniques adopted in constitutional scholarship by Asshiddiqie (2022) and Barak (2005) to assess the constitutional consequences of judicial activism and judicial–legislative interactions.

Second, the research employs a qualitative policy analysis to assess the political and institutional effects of electoral separation. This approach draws on methodological frameworks from Dunn (2018) and Weimer & Vining (2017) to examine administrative data, election management reports, and scholarly analyses concerning electoral governance, political fragmentation, and regional executive transitions. Special attention is given to the implications for political stability and local governance, referencing studies by Aspinall (2019) and Mietzner (2020) on Indonesian political cycles, party fragmentation, and executive-legislative dynamics.

Third, the study adopts analytical triangulation by integrating doctrinal findings with empirical perspectives from secondary sources, including expert commentary, institutional reports, and prior academic work on the Constitutional Court and democratic governance. This follows the triangulation principles outlined by Denzin (2012), enabling cross-validation between legal interpretation, policy evidence, and institutional analysis. Triangulation ensures that the research captures both the normative expectations of constitutional law and the empirical realities of political implementation.

This methodological framework provides a comprehensive approach to analyzing the post-decision landscape by combining constitutional interpretation with political-institutional evaluation. It allows the study to uncover the interaction between judicial authority, legislative decision-making, electoral administration, and democratic stability in the aftermath of electoral reform.

C. RESULTS AND DISCUSSION

1. Juridical and Constitutional Implications of the Constitutional Court's Decision

The Constitutional Court, in carrying out its functions, is frequently confronted with debates concerning the limits of its authority, particularly the distinction between reviewing the constitutionality of norms (a purely judicial function) and creating new norms or determining legal policy that should fall within the *open legal policy* domain of the legislature. Constitutional Court Decision No. 135/PUU-XXII/2024, which orders the separation of National and Local Elections and establishes a 2 to 2.6-year interval between them, has been regarded by several scholars as an example of an increasingly assertive form of judicial activism.

Criticism of this judicial activism is grounded in the view that determining the timing and model of elections is a political prerogative that must be decided through a democratic legislative process by the Parliament (DPR) and the Government. By formulating new norms governing electoral scheduling and structure, the Court does not merely act as a *negative legislator* (annulling norms), but also appears to assume the role of a *positive legislator* (creating norms) in an area that is both highly technical and deeply political (Firmantoro, 2025). Nevertheless, the Court argues that such intervention is necessary to safeguard the constitutional rights of citizens, such as the right to vote in a clear, proportionate manner, and to protect the human rights of election workers (Landau, 2010; Pérez-Liñán & Castagnola, 2016).

Although Constitutional Court decisions are final and binding, their implementation is often hindered by complexities at the application stage, creating a significant gap between the issuance of a ruling and its full operationalization. Empirical data reveal a serious compliance deficit with respect to decisions on judicial review. A study titled "*Pelaksanaan Putusan Pengadilan yang Tidak Dapat Dilaksanakan*" conducted by the Ministry of Law and Human Rights (*Kemenkumham*) documented extensive non-compliance with court decisions in Indonesia between 2013 and 2018. During this period, 41 decisions were not implemented at all, while 6 were only partially implemented, either normatively or in practice. Additionally, 24 decisions were never followed up through legislation or subordinate regulations.

This pattern of non-compliance signifies a crisis in constitutional supremacy. The judicial authority of the Constitutional Court intended to uphold the sovereignty of the people through constitutional interpretation can be subordinated to the pragmatic political consensus of lawmakers (the DPR and the President/Government). Decisions that are non-self-executing become particularly vulnerable to strategic neglect. For instance, Constitutional Court Decision No. 53/PUU-XV/2017 on the re-verification of political parties, although formally addressed through KPU Regulation No. 6/2018, was effectively neutralized in practice through a political agreement in a Hearing Session (RDP) involving the Government, the DPR Commission II, and the Election Commission, which removed the factual verification requirement (Ibrahim, 2018). This demonstrates that political mechanisms can, in effect, nullify the substance

of constitutional rulings, leaving the guardian of the constitution in a “vacuum of authority” after issuing its final decision.

Constitutional Court Decision No. 135/PUU-XXII/2024 which separates National and Local Elections with a 2 to 2.5-year interval creates a profound constitutional dilemma concerning the tenure of regional representative bodies. The dilemma arises because the separation of Local Elections (for DPRD and Regional Heads) conflicts directly with explicit constitutional provisions. Article 18(3) and Article 22E(2) of the 1945 Constitution mandate that Regional People’s Representative Councils (DPRD) must be elected through general elections every five years.

If National Elections are held in one year and Local Elections (including DPRD elections) in another, the tenure of DPRD members elected in one cycle may fall short of the constitutionally required five-year term, or conversely, may overlap with the subsequent electoral cycle. Consequently, implementing the decision requires what has been termed *constitutional engineering* to adjust the tenure of Provincial and Regency/Municipal DPRD members. At present, no operational legal framework has been established by lawmakers (the DPR and the Government) to prevent term discontinuities or anomalies following the decision. As a result, the ruling remains in a state of considerable legal and constitutional uncertainty.

2. The Impact of Electoral Separation on Political Stability

The initial step toward simultaneous national elections, as mandated by Constitutional Court Decision No. 14/PUU-XI/2013, was grounded in the belief that merging legislative and presidential elections would strengthen Indonesia’s presidential system (Badan Pembinaan Hukum Nasional, 2013). The underlying rationale was that simultaneity would enhance parliamentary cohesion by aligning legislative outcomes with the political forces supporting the President. In theory, this would render the nomination threshold irrelevant, as all parties would have already participated in the legislative elections. The overarching expectation was to produce a President and Vice President with strong legitimacy and the capacity to address pressing national problems.

However, the implementation of the simultaneous elections in 2019 and 2024 revealed structural shortcomings that undermined the anticipated gains in governmental effectiveness. Despite attempts to reinforce presidentialism, political fragmentation remained persistently high due to the open-list proportional system, ultimately weakening cohesion and impairing effective governance.

The most tangible, and tragic impact of the five-ballot simultaneous elections was the significant humanitarian and administrative burden. The complexity of the electoral process resulted in extreme fatigue among grassroots election officials. Data from the 2019 election show that 894 members of the Polling Station Working Committee (KPPS) died, and 5,175 others fell ill due to exhaustion (Mashabi & Erdianto, 2020).

These facts became a major basis for Constitutional Court Decision No. 135/PUU-XXII/2024. The Court’s rationale reflects a shift in focus from efforts to

strengthen structural political arrangements (i.e., a more coherent presidential system) to prioritizing humanitarian and administrative considerations. The Court deemed the human costs and administrative risks caused by excessive workloads to be unconstitutional. The ruling aims to reduce the burden on electoral administrators, prevent voter fatigue, and enable voters to cast their votes more clearly and proportionately what the Court terms *intelligent voting*.

Table 1 The Burden of Administration and Rationale for the Separation Decision

Indicator of Electoral Burden	Quantitative Data (2019 Election)	Rationale of Constitutional Court Decision 135/2024
Deaths of Election Workers	894 Personnel	Reducing extreme workload and loss of life
Types of Ballots	5 Types (President, DPR, DPD, Provincial DPRD, Regency/Municipal DPRD)	Simplifying the voting process for citizens
Campaign Issue Focus	Dominated by National Issues	Strengthening regional development and autonomy issues

The separation of National and Local Elections is expected to generate complex medium-term effects on political stability. On one hand, this separation creates opportunities for strengthening local political issues. With a temporal gap of two to two and a half years, Local Elections will no longer be overshadowed by the intensity of national-level political contestation. This is expected to enhance the quality of political choices at the regional level and reinforce the legitimacy of local electoral outcomes, as voters can more clearly assess legislative and executive candidates according to their respective levels of authority.

On the other hand, separating the elections produces two major political cycles within a relatively short interval. Whereas simultaneous elections previously concentrated political tension into a single, year-long peak, the separation introduces the potential for sustained political heat two large-scale democratic events within a five-year period. This dynamic may disrupt executive performance and hinder investment stability, given the importance of political and social order during both national elections and regional head elections.

The most critical implication of Constitutional Court Decision No. 135/PUU-XXII/2024 concerns the transitional crisis associated with regional executive tenure. Because the separation requires a temporal gap between National and Local Elections, vacancies in regional executive offices whose terms expire before the next Local Election—will expand significantly. These vacancies must be filled through the appointment of Acting Regional Heads (Penjabat/Pj) by the Central Government.

The mass and prolonged appointment of Acting Regional Heads increases the central government's influence over regional governance. This situation raises

concerns regarding the potential politicization of the bureaucracy and of the appointed officials themselves, which could undermine their independence and accountability toward regional needs. If the transition is poorly managed and the appointment of Acting Regional Heads persists for extended periods, the principle of regional autonomy may be substantially weakened, as political representation at the regional level, both the regional heads and local parliaments lacks direct electoral legitimacy for a considerable duration.

3. Effectiveness and Reconstruction of the Legislative Function

The effectiveness of the legislative branch, particularly the Indonesian House of Representatives (DPR RI), is inherently shaped by the party system. The adoption of a proportional electoral system in the post-reform era has produced extreme political fragmentation. A highly fragmented parliament obstructs efficient decision-making processes, as no single party holds a majority. This condition forces the Executive to form oversized coalitions, although such coalitions do not necessarily guarantee stable parliamentary support, as exemplified during the administrations of Presidents Abdurrahman Wahid and Megawati Soekarnoputri.

This structural challenge is compounded by issues of accountability. According to the DPR Legislative Performance Index, legislative performance exhibits a paradoxical pattern: a tendency toward *High Effectivity* (in terms of legislative output) but *Low Accountability* (in public participation and transparency dimensions). This suggests that while legislative productivity may be high, the quality of the process remains weak, indicating deficiencies in representational functions and transparency.

The Constitutional Court's decision to separate National and Local Elections opens significant opportunities for improving performance at the regional legislative level (DPRD). With a sufficient temporal distance from National Elections, DPRD members are expected to be more policy-oriented toward regional concerns. The two to two-and-a-half-year gap enables newly elected DPRD members to formulate visions, missions, and policy programs aligned with the National Medium-Term Development Plan (RPJMN) of the central Executive.

At the national level, although Constitutional Court Decision No. 135/PUU-XXII/2024 does not directly modify the proportional electoral system that drives fragmentation, the reduction of political conflict intensity surrounding National Elections could allow the DPR RI to focus more substantially on its legislative and oversight functions, rather than being distracted by prolonged electoral political dynamics. The DPR's oversight function over the Executive exercised through the Right of Interpellation, Right of Inquiry, and the Right to Express Opinions remains highly political and is significantly influenced by coalition configurations within parliament.

To address political fragmentation and the legitimacy crisis that diminishes legislative effectiveness, comprehensive reforms are required. Strengthening party ideology, enhancing financial transparency, and deepening intra-party democratization are essential to reducing elite oligarchic dominance. The party

system must be repositioned as a foundation of democratic life rather than merely an instrument for power competition.

Additionally, improving the quality of the legislative process—especially transparency and public participation—is crucial, as these are core components of accountability. The House Ethics Council (*Mahkamah Kehormatan Dewan/MKD*) also plays a vital role in regulating the moral and ethical conduct of DPR members amidst a landscape of highly fragmented political interests. The MKD contributes to cultivating conditions conducive to the long-term sustainability of Indonesian democracy.

4. Effectiveness and Strengthening of Executive Performance

The effectiveness of the executive branch (the President and the Cabinet) is strongly influenced by the level of support and cohesion within the parliament. In Indonesia's presidential system, which operates under an extreme multiparty structure, the Executive often faces power fragmentation that significantly hinders effective public policy-making. Efforts to strengthen cohesion have traditionally been pursued through coalition-building in parliament, including allocating cabinet seats to political parties.

The checks-and-balances mechanism between the Executive and the Legislative, grounded in the doctrine of separation of powers, is essential for maintaining this equilibrium. Constitutional Court (MK) decisions can influence this mechanism, for example, in determining the authority of the President and the House of Representatives (DPR) concerning international treaties (Sari & Putra, 2025). The Constitutional Court Decision No. 135/PUU-XXII/2024 demonstrates an effort to restructure the division of powers by shifting the regional elections (Pilkada) regime from the domain of Regional Government (which involves the Minister of Home Affairs/President) to being fully under the electoral institutional framework (KPU). As a result, the role of the Central Executive in regulating technical aspects of Pilkada is reduced.

The performance of the executive branch particularly the cabinet and its supporting organs is measured through Key Performance Indicators (KPI), which include dimensions of quantity, quality, and timeliness of outputs. Quality is assessed based on perceptions of output and task completeness.

At the Cabinet Secretariat level, the applied KPIs focus on providing support for cabinet management, preparing presidential and state documents, and reporting the follow-up of presidential directives. The effectiveness of the Executive in policymaking depends heavily on its ability to maintain cohesion and ensure implementation, especially amid political dynamics emerging after elections.

Constitutional Court Decision No. 135/PUU-XXII/2024 is expected to enhance Executive performance effectiveness through improved policy synchronization between national and regional governments (Noviya, 2025). With a time gap of 2 to 2.5 years between national and local elections, newly elected Regional Executives and Regional Parliaments (DPRD) have more opportunity to develop Regional Medium-

Term Development Plans (RPJMD) that align with the National Medium-Term Development Plan (RPJMN) already set by the Central Executive. Theoretically, this synchronization facilitates budget allocation and the implementation of national development programs.

Nevertheless, the prolonged transition period involving interim regional leaders (Pj Kepala Daerah) carries the risk of obstructing the implementation of strategic national programs at the regional level. Although acting as representatives of the central government, interim leaders often lack adequate political legitimacy in the eyes of the public and DPRD, which may hinder policy coordination on the ground. Institutionalizing policy cohesion therefore requires political commitment to minimize post-election conflicts and ensure that bureaucratic reforms, especially those related to the appointment of interim leaders are not politicized.

D. CONCLUSION

The Constitutional Court's decisions on electoral reform reaffirm the importance of strengthening constitutional supremacy within Indonesia's democratic system, yet they simultaneously reveal several fundamental challenges in its implementation. Although Constitutional Court rulings are *erga omnes*, their effectiveness remains constrained by low levels of compliance, particularly with decisions that are non-self-executing. The dominance of political compromise between the Legislative and the Executive has produced a gap in judicial efficacy, causing many rulings to be ignored or implemented only partially. Decision No. 135/PUU-XXII/2024 even introduces a new constitutional issue in the form of an anomaly in the terms of office of regional parliaments (DPRD), which urgently requires resolution through legitimate and appropriate constitutional engineering by lawmakers.

The reform in the form of separating national and local elections carries a noble purpose reducing the burden on election organizers and minimizing the risk of casualties, and holds the potential to strengthen the quality of political representation at the regional level. However, this policy also brings significant risks, including the emergence of two major political cycles occurring in close proximity and the heightened potential for the politicization of Acting Regional Heads during a prolonged transition period, which may erode the principle of regional autonomy.

At the institutional level, the effectiveness of both the Parliament and the Government continues to be hampered by structural political fragmentation inherent in the proportional electoral system, which affects policy cohesion and stability at the national level. Although separating local elections may enhance legislative focus and improve DPRD performance, the policy does not address the broader underlying issues concerning parliamentary effectiveness and coalition stability within the presidential system.

Electoral reforms following the Constitutional Court's decision will only achieve substantive success if accompanied by consistent implementation of the ruling, a more adaptive institutional design, and genuine political commitment to

maintaining coalition stability and the integrity of democratic governance. Such reforms demand harmonization between judicial authority and political decision-making to ensure that the constitutional objectives of democratic, effective, and fair elections can truly be realized.

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