



## **Reconstruction of the Election Simultaneity Model through the Constitutional Court Decision Number 135/PUU-XXII/2024: Constitutional or Unconstitutional?**

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**Abstract:** The simultaneous election model that separated the implementation of national and local elections has created various problems, such as election worker fatigue, logistical burdens, and limited attention to local issues. Constitutional Court Decision No. 135/2024 subsequently corrected this model by establishing a new arrangement that separates the conduct of National Elections and Regional Elections. This study was a normative legal research employing qualitative juridical analysis aimed at examining the effectiveness of the previous simultaneous model, testing the constitutionality of the new model, and analyzing its implications for the term of office of Regional Heads and local parliament members (DPRD) elected in 2024. The findings show that the previous simultaneous model was ineffective, the new model has a strong constitutional basis, and the most rational solution to its transitional implications is to shorten the term of office of Regional Heads and DPRD members elected in 2024 and to hold Regional Elections in 2028. In this regard, it is recommended to amend the Election Law and the Regional Election Law and to regulate the transitional period in accordance with constitutional principles.

**Keyword:** Election, Simultaneous Model, Effectiveness, Constitutionality, Implications.

### **INTRODUCTION**

The 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) states that "*Sovereignty is in the hands of the people and implemented in accordance with the Constitution*" (Nugroho, 2014). This confirms that the people hold fundamental authority in determining the direction of state administration. Every important policy and decision of the state should reflect the aspirations and will of the people as sovereign holders (Sikumbang, 2024). One of the manifestations of this sovereignty is the holding of elections as mandated by Article 18 paragraph (Sucipta & Ansori, 2016) (4) and Article 22E paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

Since the 2004 elections, people's sovereignty has been fully realized through direct elections of members of the House of Representatives (DPR), Regional Representative Council

(DPD), Provincial Regional People's Representative Council (DPRD), and Regency/City DPRD, which is then followed by the election of President/Vice President 3 (three) months later (Silalahi, 2022). Furthermore, since the 2005 election, the people's sovereignty has also been realized through elections Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor directly for each region with different implementation times (Sarbaini, 2020). The separation of the time for the implementation of this election lasted until the 2014 election. In response to the demands of efficiency of implementation and the importance of maintaining consistency in the presidential system of government, the Constitutional Court through Decision No. 14/PUU-XI/2013 (Constitutional Court Decision No. 14/2013) stipulated that the implementation of elections must be carried out simultaneously. This decision turns the separation of different election times into a simultaneity model (Kurnia, 2022).

In order to provide legal certainty regarding the constitutional model of simultaneity of elections, the Constitutional Court issued Decision Number 55/PUU-XVII/2019 (Constitutional Court Decision No. 55/2019) by stipulating 6 (six) choices of simultaneity models to be considered by the House of Representatives as a legislative institution (Raihan & Nasution, 2022). The six simultaneity models are *First*, simultaneous elections to elect the President/Vice President, DPR, DPD, and DPRD. *Second*, simultaneous elections to elect the President/Vice President, DPR, DPD, and Regional Heads. *Third*, all elections are carried out simultaneously at one time. *Fourth*, 2 (two) stages, namely the implementation of national elections first to elect the President/Vice President, DPR, and DPD, then followed by the implementation of local elections to elect the DPRD and Regional Heads. *Fifth*, 3 (three) stages of election, elections are carried out in stages from the national level, then the provincial level, then the district/city level. In addition, it is also possible to model *Sixth*, as long as it maintains the simultaneity of the President/Vice President, DPR, and DPD elections (Asmara, 2022).

That regarding the 6 (six) simultaneity model options, the House of Representatives considered and took a policy by choosing the Simultaneity Model Number 6 which separates the election into 2 (two) implementation systems, namely the general election (Election) and the election of regional heads (Pilkada) (Pulungan & ALW, 2022). The implementation of the election is carried out to elect the President/Vice President, members of the House of Representatives, DPD, Provincial DPRD, and Regency/City DPRD, as stated in Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law (Election Law). Meanwhile, the implementation of the Regional Elections is carried out to elect Governors/Deputy Governors, Regents/Deputy Regents, and Mayors/Deputy Mayors (Santoso, 2017), as stated in Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law as amended several times, most recently by Law Number 6 of 2020 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (Pilkada Law). The application of the simultaneity model of elections for the first time can be seen empirically through the practice of holding the 2019 (Pulungan & ALW, 2022) Election and holding the 2024 Regional Elections (Darmawan & Falah, 2022).

Although the Simultaneity Model Number 6 which separates the implementation of the Election and the Regional Elections has gained constitutional legitimacy, and is strengthened by the Constitutional Court Decision, and has a clear legal basis in the Election Law and the Regional Election Law, at the implementation level this model actually raises various problems and complexities in the implementation process. One of the problems that has attracted the

most public attention is the high death rate and illness of officers of the Voting Organizing Group (KPPS) in the implementation of the elections (Manik et al., 2023), the high workload of officers during the implementation of the elections compared to the implementation of the regional elections (Hariati et al., 2021), the many logistical problems in the implementation of the elections which include delays, shortages, and errors in logistics delivery (Mariska & Kusmanto, 2020), the confusion of voters due to the number of legislative candidates in the election in every type of ballot (Amir, 2020), as well as the lack of discussion of regional issues in the implementation of the election because the focus of voters and the media is on national issues (Pahlevi et al., 2021).

Departing from the complexity of the implementation problems caused by the Simultaneity Model Number 6 which separates the implementation of elections and regional elections (simultaneity of the old model), the Constitutional Court through Decision Number 135/PUU-XXII/2024 (Constitutional Court Decision No. 135/2024) stipulated the change in the simultaneity of elections to Model Simultaneity Number 4 which separates the implementation of National Elections and Regional Elections (simultaneity of the new model). The implementation of the National Election is carried out to elect the President/Vice President, DPR, and DPD, then Regional Elections are held to elect the Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor, as well as members of the Provincial DPRD and Regency/City DPRD within a minimum period of 2 (two) years or a maximum of 2 (two) years and 6 (six) months from the inauguration of the members of the DPR and DPD or from the inauguration of the President/Vice President. This separation is a strategy to improve the quality of elections as a result of problems with the contemporaneity of the old model and make it easier for voters to channel their voting rights as a tangible form of people's sovereignty.

However, the simultaneity of the new model that separates the holding of the National Election and the Regional Election (effective from the 2029 National Election) raises a number of important problems. *First*, the problem lies in the lack of a comprehensive evaluation of the effectiveness of the previous simultaneity model, so the argumentative basis for stating that the concomitance of the old model is ineffective and needs to be replaced to be substantially lacking. *Second*, doubts arise about the constitutionality of the simultaneity of the new model (Tempo.co, 2014), considering that there is a discrepancy between the substance of the Constitutional Court's Decision No. 135/2024 which separates the holding of National Elections and Regional Elections, and the provisions in the 1945 Constitution of the Republic of Indonesia which explicitly separate the holding of elections and regional elections. (Tempo.co, 2014) *Third*, there are implications of this change in the simulcity model on the term of office of Regional Heads and DPRD members as a result of the 2024 election (Purnamasari, 2025), as a consequence of the shift in election time. Therefore, the problems that arise against the reconstruction of this simultaneity model are not only related to the effectiveness of the simultaneity of the old model, but also concern the constitutionality and implications of the simultaneity of the new model in the subsequent electoral process.

The debate over the electoral simultaneity model is not a new issue in election studies. Previously, there were several studies that discussed related to the electoral simultaneity model such as the research of Muhammad (2020) which stated the need to evaluate the election simultaneity model to separate national and local elections, but has not discussed in more depth the viewpoint used to support the separation proposal (Muhammad, 2020), Syarifuddin Jurdi's (2020) research which formulated the importance of changing the simultaneity model to be national and local simultaneously, However, it has not accompanied the discussion related to the effectiveness of the simultaneity model that has been applied (Jurdi, 2020), Mushaddiq Amir's research (2020) which states that the most ideal election model is national and local simultaneity, but has not based the reason for its separation on the approach of a theory (Amir, 2020), research, (Assyayuti, 2022) which states that the most realistic simultaneity model is to

separate national and local elections, only the main focus of the proposal is more directed at efforts to strengthen the government system in Indonesia, without examining its constitutionality aspects, and research conducted by (Mulyadi, 2023) the conclusion that the most rational simultaneity model is to separate simultaneous national and local elections, although it is not accompanied by a discussion related to the implications of such separation.

This study offers a different approach from previous studies, by specifically analyzing the effectiveness of the old simultaneity model as the basis for the reconstruction of the new simultaneity model. In addition, this study also examines the dimension of constitutionality to the simultaneity of the new model due to the insynchronization of norms. Furthermore, this study also discusses the implications of the model change, especially related to the extension of the term of office of Regional Heads and DPRD members as a result of the 2024 Election which is also a crucial issue to be studied. Unlike previous research which tends to only propose the separation of the implementation of National and Regional Elections without in-depth evaluation, this study presents a more comprehensive analysis using 3 (three) legal theories as an analytical framework. Thus, this study contains novelty because it fills a gap in the study of the simultaneity model of elections in Indonesia.

Through a comprehensive approach, this research is expected to make a real contribution to the development of legal norms that bridge the gap between constitutional provisions and the need for implementation in the implementation of elections in Indonesia. Academically, this research offers a perspective that enriches the study of constitutional law, especially in evaluating the effectiveness of the concomitance of the old model, examining the constitutionality of the concomitance of the new model, and analyzing its implications for the constitutional system, especially related to the extension of the term of office of Regional Heads and members of the DPRD. The findings of this study can be an argumentative legal footing, as well as provide direction for the reformulation of election policies that are more adaptive, fair, and in line with constitutional principles. Thus, the results of this research are not only relevant for electoral development, but also strategic for policymakers in designing an electoral system that is more responsive to constitutional dynamics.

This research is limited to the analysis of legal norms contained in the Constitution, laws and regulations, and related Constitutional Court Decisions, regardless of the political dimension in the selection of the simultaneity model. In addition, data collection is also carried out on a limited basis and not on a broad scale that is able to represent the entire object as a whole, but it is enough to provide a contextual picture to support the analysis carried out. Based on this scope, this research is presented by the author with the title *"Reconstruction of the Election Simultaneity Model Through the Constitutional Court Decision Number 135/PUU-XXII/2024: Constitutional or Unconstitutional?"*

From the above background, the formulation of the problem in this study is: 1) How effective is the concomitance of the old model based on the implementation of the implementation of elections in Indonesia?, 2) What is the constitutionality of the simultaneity of the new model due to the insynchronization of norms?, and 3) What are the implications of the simultaneity of the new model on the term of office of the results of the 2024 Election?

From the formulation of the above problem, the purpose of this study is to evaluate and explain The effectiveness of the simultaneity of the old model based on the implementation of the implementation of elections in Indonesia, analyzes and explain the constitutionality of the simultaneity of the new model due to the insynchronization of norms, as well as examine and explain the implications of the simultaneity of the new model on the term of office of the results of the 2024 election.

## METHOD

This research used a type of normative legal research. Normative legal research was research that focuses on applicable legal norms or rules, such as laws and regulations and legal decisions. Normative legal research is relevant to be used because it examines in depth the legal objectives such as justice, utility, and certainty, which are the background for changes in the simultaneity model in the Indonesian constitutional system. This research uses a legislative approach and a conceptual approach. The object of this research consists of (Ariawan, 2013) (Marzuki, 2017) primary data and secondary data. Primary data were obtained through interviews and questionnaire distribution. (Suteki & Taufani, 2018) Secondary data with primary legal materials were obtained through the 1945 Constitution of the Republic of Indonesia, the Election Law, the Regional Election Law, the Constitutional Court Decision No. 14/2013, the Constitutional Court Decision No. 55/2019, and the Constitutional Court Decision No. 135/2024, secondary legal materials were obtained through books, journals, and related research results, as well as tertiary legal materials obtained through news in *online* media and *webinar* forums related. The primary data collection technique was carried out by interviews with the General Election Commission (KPU) of Riau Islands Province, and the General Election Supervisory Agency (Bawaslu) of Riau Islands Province, as well as the distribution of questionnaires online using *google forms* aimed at the public as voters, secondary data was carried out by studying documents (Afandi, 2013) and Literature study, while tertiary data is carried out by information analysis (Darmalaxana, 2020). All the data obtained were analyzed juridically qualitatively (Patonah et al., 2023)

## RESULTS AND DISCUSSION

### The Effectiveness of Old Model Simultaneity

The simultaneity of the old model that separates the implementation of elections and regional elections is the result of the choice of DPR policies which are then implemented in constitutional practice (Raihan & Nasution, 2022). Although the application of this model has caused various problems, it cannot necessarily be used as an indicator that this model is bad or ineffective. Therefore, a comprehensive study is needed to assess the effectiveness of this simultaneity model, taking into account various factors that affect its implementation. In this context, Legal Effectiveness Theory is seen as relevant as an analytical framework to evaluate the extent to which this policy can run optimally in accordance with the desired objectives.

The Theory of Legal Effectiveness initiated by Prof. Soerjono Soekanto focuses on the effectiveness of a law in regulating society, not only from its existence as a norm, but also from the aspect of its application and impact in real life. According to this theory (Huda et al., 2022), to achieve the goal of law, namely the creation of justice, utility, and legal certainty, various factors are needed that interact with each other and affect each other, namely legal factors, law enforcement factors, facilities or facilities factors, community factors (Sutrisno et al., 2020), and cultural factors. Legal effectiveness can only be achieved if the five factors run in a balanced manner and support each other. In relation to realizing the legal goals, this theory is used to examine and measure the effectiveness of the simultaneity model that has been applied (Soekanto, 2011). The analysis of each of the factors that affect the effectiveness of the simultaneity model is presented as follows:

#### 1. Legal Factors

Legal factors are an effective element in supporting the implementation of this simultaneity model because it has been regulated in the 1945 Constitution of the Republic of Indonesia and is described operationally in the Election Law and the Regional Election Law (Syahuri & Dirkaresha, 2021). The legal certainty provided through these regulations is important as the basis for the implementation of orderly, directed, and in accordance with the principles of constitutional democracy (Wijaya, 2020). This legal

basis also ensures that each stage of the election has clear guidelines, so that its implementation can run in accordance with the principles of certainty, openness, and accountability (Mudhoffar et al., 2024).

## 2. Law Enforcement Factors

Law enforcement has an important role in ensuring the safe and fair implementation of elections and regional elections (Warjiyati, 2020) in this simultaneity model. However, the effectiveness of this role is still not optimal. This is reflected in the still high death and illness rate of KPPS officers, (Manik et al., 2023) showed the weak protection from law enforcement for work safety. In addition, recurring logistical problems such as shortages and delivery errors, (Mariska & Kusmanto, 2020) indicate a lack of coordination and supervision in the field. These problems indicate that law enforcement factors have not been fully effective in supporting the simultaneity model with the separation of the implementation of elections and regional elections.

## 3. Facilities or Facilities Factor

The factor of facilities or facilities is a crucial element in supporting the smooth implementation of elections (Ayya, 2024), especially in this simultaneity model. However, its implementation still faces various obstacles. Recurring logistics issues, such as distribution delays, shortages, and delivery errors (Mariska & Kusmanto, 2020), become a significant obstacle in the voting process and has the potential to interfere with people's voting rights. In addition, the large number of ballots at one time also creates confusion at the voter level (Amir, 2020). The lack of support for local information facilities also strengthens the dominance of national issues in the campaign, which causes regional issues to be marginalized (Pahlevi et al., 2021). This condition reflects that the provision of election facilities or facilities in this simultaneity model is not fully responsive to technical needs in the field.

## 4. Community Factors

Community factors are a key element in the success of the implementation of elections and regional elections (Kelibay et al., 2023), but in this simultaneity model, it actually raises various problems. The uneven level of political literacy become a significant obstacle in the voting process and has the potential to interfere with people's voting rights. In addition, the large number of ballots at one time also creates confusion at the voter level makes many people confused about the ballot with many choices of legislative candidates (Amir, 2020), which leads to a high number of invalid votes (Arifin, 2024). The public's focus more on national issues also causes regional legislative candidates to receive less attention (Pahlevi et al., 2021). This shows that this simultaneity model is not fully in accordance with the capacity of the community and needs to be evaluated in order to encourage more quality participation.

## 5. Cultural Factors

Cultural factors have a significant role in supporting the effectiveness of this simultaneity model, especially in the context of personalistic political culture. People tend to vote based on the figure of executive candidates such as the president, which gives rise to the (Vinanda et al., 2025) *coattail effect* and helps increase the electability of legislative candidates from the supporting party (Cahyono & Hidayat-Sardini, 2021). The consistency of this choice has the potential to strengthen the synergy between executive and legislative leaders, thereby supporting the alignment of vision and accelerating policy implementation. If managed properly, the character of this figure-based political culture can be a strategic potential in strengthening the effectiveness of this simultaneity model and supporting the consolidation of democracy.

Based on the results of the analysis of 5 (five) factors of effectiveness in the application of the concomitance of the old model, conclusions can be drawn as presented in the following table:

**Table 1. Conclusion of the Effectiveness Analysis on the Simultaneity of the Old Model**

Factors Based on Legal Effectiveness Theory	Result
Legal Factors	Effective
Law Enforcement Factors	Not Yet Effective
Facilities or Facilities Factor	Not Yet Effective
Community Factors	Not Yet Effective
Cultural Factors	Effective

*Source: Data processed by the Author*

Based on the table above, it can be concluded that the simultaneity of the old model that separates the holding of elections and regional elections still faces various obstacles in its implementation. Normatively, this model of simultaneity has provided a solid foundation through the constitution and legislation. The law enforcement structure has not been optimal in ensuring safety and protection for organizers, while supporting facilities or facilities have not been prepared in a holistic and responsive manner. On the other hand, the low political literacy of the public causes confusion in the election process, even though figure-oriented political cultural factors can actually provide their own effectiveness through the consistency of political choices. The ineffectiveness of this simultaneity model has been harmonized and reflected in the Constitutional Court Decision No. 135/2024, which basically corrects the concomitance of the old model into the simultaneity of the new model that separates the holding of National and Regional Elections.

Furthermore, the survey results show that only 7.7% of respondents support the old simultaneity model, namely the separation between the holding of elections and regional elections. This finding is also strengthened by the results of interviews with election technical organizers and election supervisors who generally stated that the model has not been running effectively. Technical organizers highlighted the high workload and complexity of stages as the main obstacles in implementation. Meanwhile, election supervisors indicated that this model posed significant logistical vulnerabilities and potential violations that were difficult to identify, especially due to the large number of ballots that had to be monitored in elections compared to regional elections.

The results of testing through a theoretical approach, jurisprudence of the Constitutional Court's decision, public aspirations through surveys, and practitioners' views through interviews, show that the simultaneity of the old model that separates the implementation of elections and regional elections is no longer effective to be implemented. This model is considered less responsive to the technical challenges and substance of electoral democracy in the field. Therefore, there is a new simultaneity model that separates the holding of National Elections and Regional Elections as an alternative to present higher quality elections.

### **The Constitutionality of the Simultaneity of the New Model**

The simultaneity of the new model that separates the implementation of the National Election and the Regional Election raises questions of constitutionality, considering that Article 18 paragraph (4) (Supriatna, 2017), as well as Article 22E paragraph (2) (Syahuri & Dirkareshza, 2021) of the 1945 Constitution of the Republic of Indonesia textually separate the holding of the Election and the Regional Election. This separation is also strengthened by the Constitutional Court Decision No. 55/2019 and emphasized in the Election Law and the Regional Election Law. Although it explicitly appears to contradict the wording of the

constitution, contextually the Constitutional Court Decision No. 135/2024 reflects a progressive approach in interpreting legal norms to respond to constitutional dynamics and practical challenges in conducting elections. In this context, Progressive Legal Theory is seen as relevant as an analytical framework to test the constitutionality of the contemporaneity of the new model. ( Supriatna , 2017) ( Syahuri & Dirkareshza , 2021)

The Progressive Legal Theory developed by Prof. Satijpto Rahardjo, rejects a purely text-oriented and legal-formal legal approach, and instead places law as a tool to realize substantive justice that is in harmony with social needs and human values (Fadhila, 2021). Law in a progressive perspective must be able to penetrate normative boundaries in order to create a more just, lively, and contextual system (Fadhila, 2021). Thus, Constitutional Court Decision No. 135/2024 can be understood as a corrective step that places the people's rights and the effectiveness of elections as a top priority. The analysis of the constitutionality of the Constitutional Court's decision can be reviewed through a number of legal issues related to and relevant to the constitution and the implementation of a just democratic system. The analysis of the constitutionality of the Constitutional Court's decision is as follows:

### **1. Effectiveness and Efficiency of Simultaneity Model Choices**

The simultaneity of the old model (Simultaneity Model Number 6) that separates the implementation of elections and regional elections has proven to be ineffective (referring to the discussion in the previous section), especially because it poses a heavy technical, administrative, and psychological burden for organizers and voters. Empirical facts in the form of the high death and illness rate of KPPS officers strengthen this conclusion (Manik et al., 2023). Meanwhile, other alternative simultaneity models such as the Simultaneity Model Number 1, Number 2, and Number 3 are also considered ineffective because they still combine 5 (five) types of ballots in one voting day and still mix national and regional legislative elections (Rosanti, 2020). (Rosanti, 2020) 5 It is considered substantive effective because it separates elections in several stages, but it is inefficient because it requires 3 (three) elections in one period. Within the framework of a progressive legal view (Rosanti, 2020)(Fadhila, 2021), This condition provides a strong basis for the Constitutional Court to establish a new simultaneity model (Simultaneity Model Number 4) that separates National Elections and Regional Elections as reflected in Constitutional Court Decision No. 135/2024, as a fairer, rational, and constitutional solution in responding to the challenges of holding elections in Indonesia.

### **2. There Have Been No Changes to the Synchronization of the Old Model**

The absence of changes to the concomitance of the old model by the House of Representatives shows stagnation of legislation in responding to the Constitutional Court Decision No. 55/2019 which should be the basis for evaluating and improving the application of the electoral simultaneity model. Although the Court has provided room for lawmakers to act as per the Constitutional Court Decision 55/2019 (Rosanti, 2020), No concrete steps have been taken to change the model which has been proven to cause various problems. This can be justified within the scope of *the legislative omission doctrine* or the doctrine of legislative failure (Gonzales, 2025). In the perspective of progressive law (Fadhila, 2021), the failure of political institutions to exercise their authority to protect the people indirectly gives legitimacy to the Constitutional Court to take a corrective role as the guardian of living constitutional values. The Court does not step over the authority of the House of Representatives, but rather fills a protracted legal vacuum with a benefit-oriented approach with clear corridors or boundaries. Progressive law emphasizes that in a situation of justice emergency, the law must dare to step out of its doctrinal comfort zone. The Constitutional Court's Decision No. 135/2024 is a form of the Court's courage in ensuring fairer, safer, and more humane elections for the people.

### **3. The Constitutional Court's Approach to Living Constitution**

The use of the *living constitution approach* by the Constitutional Court is reflected in the Constitutional Court Decision No. 135/2024, where the Court interprets the 1945 Constitution of the Republic of Indonesia contextually by separating National and Regional Elections in response to the dynamics of modern democracy. Although the constitution textually does not explicitly distinguish between the two, the Court adopted it by using *the living constitution* approach to affirm that the constitution is a living document that must be able to respond to the challenges of change (Fauzani et al., 2020). Within the framework of progressive law (Fadhila, 2021), This approach is legitimate and necessary, because the law should not be rigid or stuck in a text alone, but must always be on the side of substantive justice and benefit to society (Fauzani et al., 2020). Thus, the Court's move reflects the constitutional courage to maintain the relevance of the country's basic norms and uphold substantive justice in the face of social dynamics and democratic challenges.

#### 4. The Constitutional Court as a Positive Legislator

The role of the Constitutional Court as *a positive legislator* is clearly seen in the Constitutional Court Decision No. 135/2024, where the Court not only cancels the norm, but also establishes the simultaneity of the new model as an alternative. In Indonesia's constitutional system, this step can be justified when there is a legal vacuum or legislative failure to follow up on a previous decision (Constitutional Court Decision No. 55/2019), and this has also been applied by the Constitutional Court in Europe (Florczak-Wątor, 2020). Progressive legal views support this kind of active role because they view law as an instrument of social change aimed at improving reality, not simply maintaining the *status quo* (Fadhila, 2021). Nevertheless, the Court must still limit itself to fundamental constitutional issues, without taking over the function of the legislature as a lawmaker and policy-maker (Gonzales, 2025).. In this context, the Court actually strengthens its role as a guardian of the constitution by helping to assist the legislative function by filling legal vacancies, especially when the basic principles of constitutional law are in a state of uncertainty.

#### 5. Reconstruction of the Simultaneity Model to Improve the Quality of Elections

The reconstruction of the simultaneity model to improve the quality of elections conducted by the Constitutional Court can be seen in the Constitutional Court Decision No. 135/2024 which must be understood as a strategic step in responding to substantial challenges to the quality of electoral democracy in Indonesia. *The ratio decidendi* in the Constitutional Court Decision No. 135/2024 is important to understand because the Court considers that the simultaneity of the old model creates a technical burden, worsens the safety of officers, makes it difficult for voters, and obscures regional issues, thereby reducing the quality of voter participation (Hakiki & Taufiqurrahman, 2023). The separation between the National Election and the Regional Election is a form of systemic correction that aims to create a more rational, measurable, and meaningful election system for the people. In the perspective of progressive law (Fadhila, 2021), a legal system that no longer creates justice and benefits even though it has certainty, must be changed. This ruling demonstrates the Court's consistency in siding with substantive justice and tangible benefits, rather than simply submitting to formal legality. By reconstructing the structure of the electoral simultaneity model, the Court encourages the realization of democracy that is not only procedural, but also fair and in favor of the rights of the people (Ainurizqi & Sukmana, 2025).

Based on the results of the analysis of 5 (five) legal issues in the application of the contemporaneity of the new model from the perspective of constitutionality, conclusions can be drawn as presented in the following table:

**Table 2. Conclusion of Constitutionality Analysis on the Simultaneity of the New Model**

Reasons for Constitutionality Based on Progressive Legal Theory	Information
<b>Effectiveness and efficiency of simultaneity model selection</b>	Constitutional
<i>i. There has been no change to the simultaneity of the old model</i>	Constitutional
<i>ii. Constitutional Court's approach to living constitution</i>	Constitutional
<i>iii. The Constitutional Court as a positive legislator</i>	Constitutional
<i>iv. Reconstruction of simultaneity model to improve election quality</i>	Constitutional

Based on the table above, it can be concluded that by using progressive legal theory, the Constitutional Court Decision No. 135/2024 is a constitutional decision. The decision that stipulates the separation of the holding of National and Regional Elections reflects a rational constitutional response to the complexity of holding simultaneous elections of the old model. The Court not only answers the stagnation of legislation, but also affirms its active role in maintaining substantive justice and real benefits through *the living constitution approach*. This step is a systemic correction to technical problems, the burden on organizers, and the decline in the quality of participation, without exceeding the limits of authority as a judicial institution.

Support for the simultaneity of this new model is also reflected in the survey results which show that 44.6% of respondents chose the separation of the implementation of the National and Regional Elections as the ideal model. Furthermore, Prof. Jimly Asshiddiqie basically emphasized that there is no violation of the constitution in the Constitutional Court Decision No. 135/2024 which separates the holding of National Elections and Regional Elections (Asshiddiqie, 2025). In addition, the results of interviews with election technical organizers and election supervisors also strengthened the urgency of implementing the new model of simultaneity in the next election. The technical organizers consider that the separation of the implementation of the National Election and the Regional Election is feasible so that the workload can be reduced, logistics are more organized, and the risk of officer fatigue decreases. Meanwhile, election supervisors also stated that this separation allows for more focused and optimal supervision, as fewer ballots at one time facilitate supervision, reduce the risk of violations, and allow space for local issues to emerge without being distracted by national issues.

Thus, based on the approach of legal theory, legal doctrine, public aspirations through surveys, and practitioners' views through interviews, it can be concluded that Constitutional Court Decision No. 135/2024 has a strong constitutional foundation. The simultaneity of the new model that separates the National and Regional Elections is feasible as a form of election reconstruction that is more rational, humane, and adaptive to the dynamics of democracy in Indonesia.

### **Implications of the Simultaneity of the New Model on Positions in the 2024 Election**

Constitutional Court Decision No. 135/2024, although from a constitutional contextual perspective (referring to the discussion in the previous section), still carries important implications that need to be carefully managed at the level of implementation. If not acted upon appropriately, the consequences have the potential to cause inconsistencies that lead to unconstitutionality (Wahid & Suriyanto, 2024). The separation between the National Election and the Regional Election has a direct impact on the term of office of public officials as a result of the 2024 Election, especially Regional Heads and members of the DPRD. To answer these challenges, constitutional engineering is needed during the transition period, considering various policy alternatives that are able to ensure the continuity of government without ignoring the principles of democracy and the constitution.

The engineering alternatives to the term of office of the Regional Head and DPRD The engineering alternatives to the term of office of the Regional Head and DPRD members can be

grouped into 5 (five) engineering. *The first engineering* is to extend the term of office of Regional Heads and DPRD members (Safa'at, 2025). *The second engineering* is to extend the term of office of DPRD members (Hutajulu, 2025) and Regional Heads are elected by the DPRD (Farhan, 2025). *The third engineering* is to extend the term of office of DPRD members and Regional Heads held by the Acting Officer. (Safa'at, 2025). *The fourth engineering* is to shorten the term of office of Regional Heads and DPRD members by holding Regional Elections in 2028 (Asshiddiqie, 2025). (Safa'at, 2025), melakukan Pemilu Daerah di Tahun 2029. Dalam rangka menilai alternatif reikayasa yang paling tepat, Teori Legitimasi Kekuasaan dipandang relevan sebagai alat analisis untuk mengkaji keberlangsungan kekuasaan yang sah secara substantif.(Safa'at, 2025)

The Theory of Legitimacy of Power was put forward by David Beetham, which rests on three main pillars (Beetham, 2013). First, legality, i.e. power must be exercised in accordance with the applicable legal rules, second, normative justification, i.e. the rules and actions of power must be morally justifiable and in accordance with the values embraced by society, and third, public approval, i.e. there is explicit acceptance or support from the people for the power (Beetham, 2013). In the context of the transition of regional elections, every alternative constitutional engineering needs to be evaluated based on these three criteria so that it is not only legally valid, but also gains adequate social and political legitimacy. The analysis of each pillar that affects the legitimacy of power is presented as follows:

### **1. Extending the Term of Office of Regional Heads and Members of the DPRD (Safa'at, 2025)**

The first is engineering, which poses a dilemma between political efficiency and the quality of democracy. In terms of legality, there is no explicit constitutional basis that allows the extension of office without an election although it is possible to add the norm of extension in the amendment of the Law. In the context of normative justification, this step is contrary to democratic principles, but efficiency in implementation. As for the aspect of public support, this scheme tends to be rejected because it is considered a form of extension of power without a people's mandate. Based on the results of the survey conducted, there were 8.2% of respondents who supported this engineering. Therefore, this engineering is in a position with a low level of legitimacy.

### **2. Extending the Term of Office of DPRD Members and Regional Head Election by the DPRD**

The second engineering, which is the most vulnerable option and gives rise to a bad precedent for democracy. Legally, this engineering can still be accommodated through changes in laws and regulations. However, from the aspect of normative justification, indirect elections by the DPRD are considered a regression of the principle of participatory democracy. In terms of public support, the public response is likely to be divided, with a tendency for resistance from pro-democracy groups. Based on the results of the survey conducted, there were 3.1% of respondents who supported this engineering. Therefore, this alternative has a very low level of legitimacy.

### **3. Extending the Term of Office of DPRD Members and Appointing Acting Regional Heads (Safa'at, 2025)**

The third engineering emphasizes more on administrative efficiency but is weak on the basis of democratic legitimacy. In terms of legality, the appointment of the Acting Administrator is allowed under certain conditions, but not for a long and comprehensive period of time. In terms of normative justification, this mechanism does not provide space for people's representation in electing regional leaders. As for the aspect of public support, the appointment of the Acting President is generally seen as an elitist policy that lacks public trust, but has been carried out in the Indonesian constitutional system. Based on the

results of the survey conducted, there were 13.3% of respondents in favor of this engineering. Thus, this engineering has a fairly low level of legitimacy.

#### 4. Shortening the Term of Office of Regional Heads and Members of the DPRD by Holding Regional Elections in 2028 (Asshiddiqie, 2025)

The fourth engineering is the alternative that is most in line with democratic principles. In terms of legality, this option can be legally designed through transitional arrangements that are adaptive to the Constitutional Court Decision No. 135/2024. In the context of normative justification, this step defends the principle of people's sovereignty through direct elections. Meanwhile, from the aspect of public support, the public tends to welcome clearly scheduled elections and still guarantees the right to political participation. Based on the results of the survey conducted, there were 51.4% of respondents who supported this engineering. Because of this, this engineering has a very high level of legitimacy.

#### 5. Extending the Term of Office of DPRD Members by Holding Regional Elections in 2029 (Safa'at, 2025)

Fifth engineering, offers a compromise solution between the effectiveness of time and the continuity of democracy. From the legality aspect, this option can still be considered with adequate regulatory revisions. In terms of normative justification, although this scheme still upholds the principle of direct elections, there is a potential problem because there will be an extension of the term of office of the DPRD by several months during the transition period. In the dimension of public support, public acceptance is quite good because it is still possible to hold elections. Based on the results of the survey conducted, there were 20.4% of respondents who supported this engineering. Therefore, this scheme is at a high level of legitimacy.

Based on the results of the analysis of 5 (five) engineering alternatives as an implication of the simultaneity of the new model, conclusions can be drawn as presented in the following table:

**Table 3. Alternative Conclusions on the Term of Office of Regional Heads and Members of the DPRD**

Alternative Engineering Based on Theory Legitimacy of Power	Legality	Justification Normative	Community Support
First Engineering	+	±	-
v. Second Engineering	+	-	-
vi. Third Engineering	+	-	±
vii. Fourth Engineering	+	+	+
viii. Fifth Engineering	+	±	+

Based on the table above, it can be concluded that the alternative to engineering by shortening the term of office of Regional Heads and DPRD members as a result of the 2024 election and holding a Regional Election in 2028, is the most ideal option and feasible to implement. This engineering is not only in line with constitutional principles and the spirit of democracy, but also able to answer the needs of the political transition while maintaining public trust and government stability.

The results of the test through a theoretical approach and strengthened with public aspirations through surveys, it can be concluded that engineering by shortening the term of office of Regional Heads and DPRD members as a result of the 2024 election and holding regional elections in 2028 is the most ideal alternative to be applied in the transition period. This choice not only answers technical and constitutional needs, but also strengthens the legitimacy of public office within the framework of a healthy and sustainable democracy.

## CONCLUSION

People's sovereignty as a fundamental principle in the Indonesian democratic system is one of the manifestations through the implementation of elections. So far, the implementation of elections has applied a simultaneity model by separating the implementation of elections and regional elections. However, the application of this simultaneity model has raised various serious problems. Various problems have arisen, including the high mortality rate and fatigue of election officials, disproportionate workload, logistical constraints, technical complexity in voting, and voter confusion due to the large number of ballots and the lack of space to discuss local issues. Based on the results of the analysis, the simultaneity model that separates the holding of elections and regional elections has proven to be ineffective. This condition prompted the Constitutional Court to correct the simultaneity model through the Constitutional Court Decision No. 135/2024, which stipulates the separation of the implementation into National Elections and Regional Elections.

Constitutional Court Decision No. 135/2024 basically contains a strong dimension of constitutionality, because it substantially seeks to overcome crucial problems with the previous simultaneity model while still upholding the principles of people's sovereignty, implementation efficiency, and improving the quality of participation. However, the application of the simultaneity of this new model has implications for the term of office of public officials as a result of the 2024 election, especially Regional Heads and members of the DPRD. In the context of transition, constitutional engineering is needed that is not only legally valid, but also acceptable to the public. Based on the results of the analysis of several alternatives and supported by empirical findings, the most rational engineering to be applied is to shorten the term of office of Regional Heads and DPRD members as a result of the 2024 election, and hold regional elections in 2028. This option is considered to be the most in line with democratic principles, maintaining the sustainability of government, and obtaining a high level of public acceptance.

Therefore, it is recommended to lawmakers to immediately respond to the Constitutional Court Decision No. 135/2024 by taking several strategic steps. First, making changes to the Election Law and the Regional Election Law related to the Election Simultaneity model in order to provide a strong legal basis, prevent overlapping norms, and ensure the legitimacy and continuity of the implementation of National and Regional Elections constitutionally. Second, carrying out constitutional engineering by shortening the term of office of Regional Heads and DPRD as a result of the 2024 election and holding regional elections in 2028, this is the choice that best reflects the commitment to the implementation of legitimate, fair, and participatory power within the framework of a democratic state of law.

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