

Revisiting the 2024 West Sumatra DPD Re-vote: An Analysis of Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 from the Perspective of Legal Ideals and *Siyasah Dusturiyyah*

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Abstract: This research aims to examine the implications of the Constitutional Court's decision regarding the exclusion of Irman Gusman from the Final Candidate List (DCT) for the West Sumatra Regional Representative Council (DPD) by the General Election Commission (KPU), which was deemed to have violated his constitutional rights. The study evaluates this ruling from the perspective of the legal ideals of certainty, justice, and utility, as well as from the standpoint of *Siyasah Dusturiyyah* (Islamic constitutional politics). Furthermore, it assesses the impact of the decision on the implementation of a re-vote (Pemungutan Suara Ulang, PSU) in West Sumatra. Using a normative legal method and a qualitative approach, the study offers a comprehensive analysis of Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 concerning the electoral dispute over the DPD seat in West Sumatra. The research relies on secondary data sources, including primary legal materials such as the Court's decision, the Qur'an and Hadith, the 1945 Constitution, and relevant electoral laws, along with secondary sources such as scholarly books, academic journals, and prior research. The findings reveal that the Constitutional Court's decision upheld legal certainty by clarifying the legal process and safeguarding constitutional rights, particularly those of Irman Gusman. In terms of justice, the decision focused mainly on substantive justice by addressing his constitutional entitlements. However, the utility of the ruling remains limited. The decision prompted a re-vote in West Sumatra to rectify irregularities in the previous election process. Nevertheless, the re-vote faced various challenges, including logistical constraints and limited public acceptance. From the perspective of *Siyasah Dusturiyyah*, the decision reflects a perceived lack of leadership integrity, as it deemed Irman Gusman unqualified. According to the principles of Islamic jurisprudence, when confronted with two conflicting harms (*mafsadat*), the lesser harm should be chosen. In this context, holding a re-vote was considered a lesser harm than ignoring a binding court ruling.

Keywords: Constitutional Court Decision, Legal Ideals, *Siyasah Dusturiyyah*

Abstrak: Penelitian ini bertujuan untuk memahami implikasi dari putusan Mahkamah Konstitusi terkait pengecualian Irman Gusman dari Daftar Calon Tetap (DCT) untuk Dewan Perwakilan Daerah (DPD) Sumatera Barat oleh Komisi Pemilihan Umum (KPU), yang melanggar hak konstitusionalnya. Studi ini mengevaluasi putusan tersebut dari perspektif cita-cita hukum kepastian, keadilan, dan kemanfaatan serta dari perspektif *Siyasah Dusturiyyah* (politik konstitusional Islam). Selain itu, penelitian ini menilai dampak putusan tersebut terhadap pelaksanaan pemungutan suara ulang (PSU) DPD di Sumatera Barat. Penelitian ini menggunakan metode hukum normatif dengan tipologi kualitatif untuk menganalisis secara komprehensif Putusan Mahkamah Konstitusi Nomor 03-

03/PHPU.DPD-XXII/2024 tentang perselisihan hasil pemilihan umum DPD Sumatera Barat dalam konteks cita-cita hukum dan *Siyasah Dusturiyyah*. Penelitian ini menggunakan data sekunder, termasuk bahan hukum primer seperti putusan tersebut, Al-Qur'an dan Hadis, Undang-Undang Dasar 1945, dan undang-undang pemilu yang relevan, serta sumber sekunder seperti buku ilmiah, jurnal, dan penelitian.

Hasil penelitian menunjukkan bahwa putusan Mahkamah Konstitusi mencapai kepastian hukum dengan memperjelas proses hukum dan melindungi hak konstitusional, terutama hak-hak Irman Gusman. Namun, dalam hal keadilan, putusan ini lebih mengedepankan keadilan substantif terkait hak konstitusionalnya. Sedangkan berdasarkan perspektif kemanfaatan dari putusan ini masih kurang memadai. Putusan tersebut mengakibatkan pelaksanaan pemungutan suara ulang di Sumatera Barat, yang bertujuan untuk memperbaiki ketidakteraturan dalam proses pemilu sebelumnya. Namun, pemungutan suara ulang ini menghadapi berbagai tantangan, termasuk masalah logistik dan penerimaan masyarakat. Dari perspektif *Siyasah Dusturiyyah*, putusan tersebut mencerminkan kurangnya integritas kepemimpinan, karena menempatkan Irman Gusman sebagai tidak memenuhi syarat. Menurut prinsip-prinsip fiqh, ketika dihadapkan pada dua *mafsadat* (bahaya) yang bertentangan, *mafsadat* yang lebih ringan harus dipilih, yang menunjukkan bahwa melaksanakan pemungutan suara ulang adalah *mafsadat* yang lebih ringan dibandingkan dengan mengabaikan putusan pengadilan yang telah berkekuatan hukum tetap.

Keywords: Putusan Mahkamah Konstitusi; Pemungutan Suara Ulang; Dewan Perwakilan Daerah, Cita-cita Hukum, *Siyasah Dusturiyyah*

Introduction

This research stems from the issuance of Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 concerning a dispute over the results of the 2024 Regional Representative Council (DPD) election in West Sumatra. The core issue arose from the removal of Irman Gusman's name from the Final Candidate List (DCT) for the DPD by the West Sumatra General Elections Commission (KPU), which was deemed a violation of his constitutional rights. Although Irman Gusman prevailed in the Administrative Court (PTUN) through Decision No. 600/G/SPPU/2023-PTUN.JKT – ordering the KPU to reinstate his name on the DCT – the KPU failed to comply with the ruling. As a result, Irman Gusman brought the matter before the Constitutional Court, which annulled the DPD election results in West Sumatra and ordered a re-vote (PSU), with Irman Gusman officially reinstated as a permanent candidate, through Decision No. 03-03/PHPU.DPD-XXII/2024.

This decision has sparked a significant legal debate concerning the scope of authority of electoral bodies, the finality of administrative court rulings, and the enforcement of judicial decisions in the electoral context. The Constitutional Court's intervention not only resolved the immediate dispute but also set an important legal precedent regarding electoral justice and the protection of individual political rights. Moreover, the case underscores the fragility of democratic processes when institutional actors fail to uphold court orders, thereby threatening the rule of law and public trust in the electoral system.

From a normative standpoint, this study evaluates the Constitutional Court's decision through the lens of Indonesia's legal ideals (*cita-cita hukum*), which emphasize the balance between legal certainty, justice, and public benefit (*kemanfaatan*). In addition, the decision is also examined through the framework of *siyasah dusturiyyah* – a strand of Islamic constitutional thought that explores the legitimacy of political authority, the prioritization of

public interest (*maslahah*), and the mitigation of greater harm (*mafsadat*). By bridging constitutional law with Islamic jurisprudence, this research contributes a multidimensional perspective to the discourse on electoral justice and the moral responsibilities of state institutions.

Method

This study employs a normative legal research method, also referred to as juridical-normative analysis. It investigates legal issues by examining relevant statutory and scholarly literature rather than through empirical data collection. The research adopts a qualitative typology, whereby data are derived from legal documents, judicial decisions, statutes, and academic commentaries. These materials are then analyzed and described comprehensively.

The primary focus is the Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024, concerning the electoral dispute over the 2024 Regional Representative Council (DPD) election in West Sumatra. The analysis is carried out through the lens of Indonesia's legal ideals (*cita-cita hukum*)—namely legal certainty (*kepastian hukum*), justice (*keadilan*), and benefit (*kemanfaatan*)—in conjunction with the principles of *siyasah dusturiyyah*, which provides an Islamic constitutional framework for evaluating the legitimacy and ethical foundation of judicial decisions.

Results and Discussion

Results

Legal Certainty in the Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 on the Dispute over the 2024 West Sumatra DPD Election

The Constitutional Court's authority to adjudicate election result disputes is grounded in Article 24C paragraph (1) of the 1945 Constitution, which states that the Court is empowered to hear disputes over general election results at the first and final instance, with decisions that are final and binding. This authority is reinforced by Article 10 paragraph (1) letter d of Law No. 24 of 2003 on the Constitutional Court, as most recently amended by Law No. 7 of 2020, and also by Article 29 paragraph (1) of Law No. 7 of 2017 on General Elections, as amended by Law No. 7 of 2023. These provisions establish the Court's jurisdiction in resolving electoral disputes, which formed the legal basis for Decision No. 03-03/PHPU.DPD-XXII/2024 concerning the 2024 West Sumatra DPD election.

The KPU's refusal to implement the legally binding ruling of the Jakarta State Administrative Court (PTUN) constitutes a serious violation of legal certainty. Court decisions must be respected and executed in order to ensure fairness and legal stability for all parties. The failure to carry out a court ruling reflects a lack of respect for the judiciary and generates legal uncertainty. The petitioner has the constitutional right to be elected, and if that right is revoked without a clear legal basis—especially in defiance of a court order—it amounts to a violation of his fundamental rights.

From the perspective of legal certainty, the Constitutional Court's decision—ordering the respondent to comply with PTUN Jakarta Decision No. 600/2023 by revoking KPU Decision No. 1563/2023 and reinstating the petitioner to the Final Candidate List (DCT) for the DPD—was essential to uphold the integrity of the legal system and ensure justice.

Disobedience to a court ruling not only erodes legal certainty but also damages the credibility of the judiciary, which is instrumental in upholding the rule of law and constitutional rights. In this context, the Court emphasized that failure to comply with judicial decisions undermines the constitutional rights of eligible citizens and disrupts the principles of democratic elections. Therefore, to restore these rights and reaffirm legal certainty, the Constitutional Court ordered a re-vote (PSU) that included the petitioner as a candidate and required the petitioner to publicly disclose his identity and legal history, promoting transparency and enabling voters to make informed choices.

Justice in the Court's Reasoning in Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 on the West Sumatra DPD Election

The modification of the candidate list after its official finalization undermined legal certainty, potentially leading to dissatisfaction among election participants and the public. More importantly, the decision highlighted the tension between substantive and procedural justice. While the Constitutional Court sought to uphold Irman Gusman's substantive right to participate in the election, procedural justice—which requires fairness, transparency, and impartiality—must also be preserved. Balancing these two dimensions is vital to the legitimacy of the entire electoral process.

Public perception plays a key role: if voters see procedural flaws or believe the decision favored a single individual without regard to its impact on others, trust in the electoral system may be diminished. Therefore, while the decision aimed to uphold justice for Irman Gusman, its broader impact on other candidates and public confidence in democratic institutions must be carefully considered. The ruling demonstrates the complex nature of implementing justice in electoral matters, where each decision carries broad and varied consequences for all stakeholders.

The Court's decision to reinstate Irman Gusman on the DPD candidate list—while effectively disqualifying others—was intended to realize substantive justice, namely the protection of Irman's constitutional right to be elected. The Court acted to ensure that a qualified citizen's political rights are not arbitrarily denied. This form of justice safeguards the individual's right to participate in a democratic process, a fundamental aspect of political rights.

This case represents a form of specific, substantive justice: it centers on protecting the rights of an individual (Irman Gusman) whose eligibility was unfairly revoked. The decision guarantees that his right to be elected is respected and upheld under the law, consistent with the principle that every eligible citizen must be allowed to run for public office without unlawful interference (Dahlam, 2024: 13).

Public Utility in the Court's Reasoning in Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024

The Constitutional Court's decision to order a re-vote in the 2024 DPD election in West Sumatra—while reinstating Irman Gusman and requiring other candidates to re-contest—raises questions concerning the principle of legal utility (*kemanfaatan*). This principle requires that a legal ruling provide the greatest possible benefit to all parties. On one hand, the decision aimed to restore the political rights of Irman Gusman and to ensure that all eligible candidates could participate, thereby promoting inclusivity and fairness in the political process. On the other hand, the re-vote imposed significant burdens on other candidates, created potential voter fatigue, and introduced electoral instability.

Furthermore, repeating the election process disrupted the efficiency of the overall electoral system by extending timelines and fostering uncertainty. Reports from Detik.com (Muliawati A., 2024) indicated concerns over these disruptions. While the legal goal of restoring one candidate's rights was achieved, the broader social and institutional costs associated with a re-vote cannot be overlooked.

Impacts of the Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 on the West Sumatra DPD Election Dispute

The Constitutional Court's ruling ordering a re-vote (Pemungutan Suara Ulang or PSU) in the West Sumatra DPD election – while reinstating the petitioner, Irman Gusman, into the Final Candidate List (DCT) – has resulted in significant implications, both positive and negative, for the electoral system, public trust, and political stability in the region. This analysis aims to assess the effectiveness of the PSU following the Constitutional Court's decision (Manedi, 2024, TVRI Sumatera Barat, accessed 27 June 2024).

Positive Impacts of the West Sumatra DPD Re-Vote

1. Justice and Transparency

A re-vote can correct previous injustices or irregularities in the electoral process, ensuring that the outcome is more accurate and legitimate. An openly and transparently conducted re-vote can restore public trust in the electoral system. In the context of this case, the PSU was triggered by the KPU's refusal to comply with the Jakarta PTUN decision, which violated the petitioner's right to be elected. Thus, the re-vote was expected to rebuild public confidence in the KPU's commitment to democratic principles (Putra, 2024).

2. Enhancing Public Trust

By ensuring that elections are conducted fairly and honestly, public confidence in democratic institutions and the electoral process can be significantly improved. More accurate electoral outcomes ensure that the elected representatives truly reflect the will of the majority, thus enhancing their legitimacy as public officials (Ibrahim, 2024: 12).

3. Opportunities for Learning and System Reform

A re-vote provides a valuable opportunity to evaluate and address weaknesses in both the technical and administrative aspects of electoral management. This experience can lead to the strengthening of electoral regulations and procedures, helping to minimize future fraud and inaccuracies (Sardini, 2011: 252).

Negative Impacts of the West Sumatra DPD Re-Vote

1. Additional Financial Burden

Conducting a re-vote requires substantial financial resources for preparation, implementation, and oversight. Reports indicate that the KPU allocated approximately IDR 350 billion for this PSU. Such high expenditure could be seen as inefficient, especially when the funds could have supported more urgent public needs. In addition to financial costs, significant time and human resources were required from election officials (Muhid, 2024).

2. Potential for Conflict and Political Instability

Not all parties may accept the decision to conduct a re-vote, potentially leading to tensions or political conflict. For instance, candidates who were initially declared elected in the February 14, 2024 general election but were later defeated in the PSU may continue to protest the outcome. This could damage relationships between candidates and create unrest. Furthermore, accusations of fraud or misconduct during the re-vote process may also destabilize the political climate (Heryanto, 2020: 95).

3. Declining Voter Turnout

Voters may experience frustration or fatigue due to repeated elections, resulting in lower voter turnout. This was evidenced by the fact that voter participation in the PSU dropped below 50%, with an average turnout of just 35.71% in West Sumatra, despite outreach and voter education campaigns. Contributing factors included political fatigue and weak relationships between candidates and constituents, exacerbated by a lack of intensive campaigning (Muliawati, 2024).

Siyasah Dusturiyyah Perspective on the Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024

The Qur'anic principles regarding leadership emphasize obedience, wisdom, and justice. The divine instruction to Prophet Dawud underscores the importance of fair, trustworthy, and God-guided governance. It warns against following personal desires (*hawa nafsu*) that can mislead and divert leaders from truth and justice, with severe consequences in the hereafter.

In this context, Irman Gusman's involvement in a corruption case may be seen as incompatible with the Islamic concept of leadership. Corruption represents a breach of *amanah* (trust) and justice, both of which are essential attributes of leadership in Islam. Acts of corruption are often motivated by personal interests and desires, leading to unfair decisions that harm the public good.

Allowing Irman Gusman to run for office despite his prior corruption case raises serious concerns from the standpoint of Islamic political ethics. Such an action could be interpreted as a contradiction of the principles of integrity and public responsibility. The relevant verse highlights that a leader must prioritize the collective interest, act with sincerity, and adhere to divine law. Irman Gusman's involvement in corruption illustrates a failure to meet these ethical standards. Islamic teachings demand that a leader uphold justice, protect the public trust, and resist personal temptations in order to ensure clean and credible governance (Rasyid, 2016).

Discussion

Based on the research findings regarding Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 on the electoral dispute in the 2024 West Sumatra DPD election, several analyses can be drawn.

In terms of legal certainty, the decision of the Constitutional Court to order a re-vote (PSU) reflects a clear and decisive legal directive in response to procedural violations in the electoral process. The ruling provides definitive guidance on how legal procedures should be

followed when irregularities or non-compliance arise during elections. By enforcing existing legal norms, the decision helps ensure that all parties involved in the election process understand and adhere to the applicable rules and procedures.

This decision reaffirms the principle of legal certainty, a foundational concept rooted in the history of legal thought since the era of Montesquieu's doctrine of separation of powers. The Constitutional Court serves as a guardian of legal certainty by ensuring that all decisions and actions related to electoral disputes conform to the law, thus upholding justice and maintaining public trust in the legal system.

The Constitutional Court's authority to adjudicate disputes in DPD elections is a manifestation of legal certainty in practice. From this perspective, the clarity and exclusivity of the Court's jurisdiction to resolve electoral disputes are essential for avoiding confusion and ensuring consistency in the legal process. In a legal system, every authority must be precisely defined to prevent overlapping roles and legal uncertainty among stakeholders.

The KPU's refusal to implement a legally binding ruling by the Administrative Court (PTUN) concerning Irman Gusman constitutes a severe breach of the principle of legal justice. The KPU should have respected the PTUN ruling, which confirmed that Irman was eligible to be included in the Final Candidate List (DCT). Furthermore, Article 1 paragraph (1) letter g of Law No. 12 of 2011 requires that all legislation must reflect proportional justice for all citizens. In this case, the KPU had an obligation to safeguard Irman's constitutional rights. The distinction between justice and legal certainty is crucial here: while legal certainty ensures predictable application of rules, justice requires that laws be applied fairly based on individual circumstances. The KPU's disobedience undermined not only legal fairness but also the credibility of electoral institutions and the judiciary, which are responsible for upholding both justice and legal certainty.

This disobedience can also be analyzed from the perspective of distributive justice, which emphasizes the fair allocation of rights and resources within society. The PTUN's order to reinstate Irman Gusman in the DCT was a means to restore his political rights in accordance with the law. By refusing to enforce that ruling, the KPU not only violated Irman's constitutional rights but also created an imbalance in the fair distribution of political opportunities. According to the theory of distributive justice, every citizen is entitled to an equitable share of political rights. In this case, Irman's right to run for office should have been upheld by the KPU. Failing to do so not only disadvantaged the individual but also disrupted social equilibrium and public trust in the rule of law and democratic principles. Such injustices risk widening social inequality and eroding confidence in the fairness and inclusiveness of the political system.

From the standpoint of public utility (*kemanfaatan*), the Constitutional Court's order for a re-vote generated positive systemic impacts in the 2024 West Sumatra DPD election. The decision not only restored Irman Gusman's constitutional right to stand for election but also provided broader benefits for the democratic and electoral system in Indonesia. By holding a re-vote, the process became more transparent and fair, ensuring that all candidates had equal opportunities free from legal violations or administrative bias. The re-vote strengthened public trust in the integrity of elections and demonstrated that the legal system could correct errors and deliver outcomes that reflect the true will of the people.

In the context of Islamic leadership ethics, the integrity of candidates is of paramount importance. A leader must exhibit the qualities of **siddiq** (honesty), **amanah** (trustworthiness), **tabligh** (truthful communication), and **fathanah** (wisdom/intelligence). The re-vote provided an opportunity for candidates previously disadvantaged by unfair practices – including Irman Gusman – to recontest fairly. This aligns with the Islamic principle of leadership, which emphasizes justice, accountability, and public trust. Through the re-vote, it is hoped that only those who embody these characteristics will be elected, ensuring that future leaders possess the integrity required to uphold public trust.

From the perspective of *siyasah dusturiyyah* – the Islamic theory of constitutional governance – justice is the ultimate goal of political and legal decision-making. The Constitutional Court’s acknowledgment of the injustice in the previous electoral process, and its directive to conduct a re-vote, represents a serious effort to uphold justice for all parties. This is in line with the Islamic concept of *shura* (consultation), which calls for inclusive and participatory decision-making processes. By allowing the people to cast their votes again in a fair and honest election, the Court operationalized the principles of *shura* and public accountability.

The potential challenges of implementing a re-vote – such as political tensions and conflict – must be carefully managed. Electoral officials and leaders are responsible for ensuring that the PSU proceeds peacefully and respectfully. They must prioritize the principle of **islah** (reconciliation) and avoid divisive actions. This is essential to fulfill the core objectives of the PSU: to restore justice and maintain the integrity of the electoral process without inflicting further harm on society.

In conclusion, Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024, when viewed through the lens of *siyasah dusturiyyah*, reflects a commitment to the principles of justice, transparency, and accountability in governance. The integrity of candidates reentering the electoral competition must be maintained to ensure that those ultimately elected are truly deserving, capable of fulfilling the public trust, and consistent with the Islamic conception of ethical leadership.

Conclusion

Based on the findings of this study on the Constitutional Court Decision No. 03-03/PHPU.DPD-XXII/2024 concerning the Dispute over the 2024 Regional Representative Council (DPD) Election, examined through the perspective of legal ideals (*cita-cita hukum*) and *siyasah dusturiyyah*, the following conclusions can be drawn:

1. The Constitutional Court’s ruling, which addressed the exclusion of Irman Gusman from the Final Candidate List (DCT) by the General Elections Commission (KPU) – despite his eligibility in the Preliminary Candidate List (DCS) – is consistent with the foundational principles of Indonesian legal ideals, namely legal certainty, justice, and benefit. However, the KPU’s failure to comply with a final and binding court decision represents a violation of those same legal ideals. This highlights the need for stricter verification procedures by the KPU to prevent the unlawful disqualification of candidates who meet the requirements, as such acts infringe upon the constitutional right of citizens to stand for public office. The aspect of legal certainty in Decision No. 03-03/PHPU.DPD-XXII/2024 was achieved by reaffirming the authority and finality of court decisions. In terms of justice, the decision primarily reflects substantive justice at the individual level, focused on restoring the political rights of Irman Gusman.

2. Regarding the impact of the Constitutional Court's decision – which ordered a re-vote for the DPD election in West Sumatra – it may be positively viewed as a corrective mechanism against previous electoral irregularities or unfairness, thereby enhancing public trust in the electoral system. However, it also produced notable negative consequences, including the high costs and significant resource demands – both in terms of budget and logistics – which can place a considerable burden on the state budget and electoral institutions.

From the standpoint of *siyasah dusturiyyah*, the Court's decision aligns with Islamic legal principles. Nonetheless, there remains a point of concern regarding the integrity of the candidate. Although the implementation of a re-vote (PSU) is justified under the principle of *maslahah* (public benefit), it also reflects an ethical dilemma when a candidate previously involved in corruption is reinstated. However, weighing the harms (*mafsadah*), the re-vote is considered to carry lesser harm than allowing an election outcome tainted by irregularities to stand. This affirms the Islamic legal maxim that prioritizes the mitigation of greater harm in the pursuit of justice and social welfare.

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