

The Constitutional Court's Progressive Interpretation of Simultaneous Elections from the Perspective of Pancasila Democracy

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Abstract: The Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 introduces a significant transformation in Indonesia's electoral system by separating national and regional elections. This decision generates constitutional debates regarding the scope of judicial authority, the nature of constitutional interpretation, and the balance between judicial innovation and democratic principles. This study aims to analyze the Constitutional Court's progressive interpretation in Decision Number 135/PUU-XXII/2024 and examine its implications for Pancasila democracy. This research employs a normative legal method using statutory, conceptual, case, and comparative approaches. The analysis focuses on the Court's *ratio decidendi*, constitutional reasoning, and comparative experiences of judicial interpretation in democratic constitutional systems. The findings demonstrate that the decision adopts a hybrid interpretive approach, combining progressive constitutional reasoning responsive to democratic needs with an expansive judicial role that approaches positive lawmaking. The decision contributes to strengthening substantive democratic justice and improving electoral governance; however, it also raises concerns regarding legal certainty, consistency with previous jurisprudence, and the balance of powers within constitutional democracy. This study argues that progressive constitutional interpretation in Indonesia requires a balance between responsiveness to societal developments and judicial restraint to maintain institutional legitimacy and the integrity of Pancasila constitutionalism.

Keywords: Constitutional Court; Constitutional Interpretation; Judicial Activism; Pancasila Democracy; Electoral System.

1. Introduction

Since the Reform Era, Indonesia has undergone fundamental changes in its constitutional system, including in the governance of general elections as a pillar of democracy (Tulaseket et al., 2020). The transformation includes the transition from a separate electoral system for legislative and executive elections to simultaneous elections, as regulated by Constitutional Court of the Republic of Indonesia Decision Number 14/PUU-XI/2013. This decision was subsequently incorporated into Law Number 7 of 2017, which regulates the simultaneous implementation of the "five-box election" to strengthen Indonesia's presidential system (Rajab, 2020). However, the implementation of simultaneous elections in the two most recent national cycles (2019 and 2024), has revealed several significant issues. The challenges include a significant number of invalid votes, complex technical and logistical challenges, excessive workloads on election officials resulting in numerous fatalities, and a deterioration in the quality of political party institutionalization due to insufficient time for recruitment and cadre development (Mahkamah Konstitusi Republik Indonesia, 2025). This reality has prompted various

parties, including the Association for Elections and Democracy, to file a judicial review of the simultaneous election norms with the Constitutional Court.

In response to the petition, the Constitutional Court, through Decision Number 135/PUU-XXII/2024 read on June 26, 2025, decided to separate national elections (president/vice president, House of Representatives, and The Regional Representative Council) from regional elections (DPRD and regional heads), with an interval of two to two and a half years between them (Mahkamah Konstitusi Republik Indonesia, 2025). This decision represents a substantive shift from the 2019 paradigm and marks a turning point in Indonesia's constitutional practice (Moch et al., 2025). Moreover, it has generated widespread controversy from legal, political, and theoretical perspectives.

One of the main sources of controversy is the alleged overreach of the Constitutional Court's authority. The Constitutional Court is a judicial institution in the domain of negative legislators, namely, it has the authority to annul legal norms that conflict with the constitution, but not to create new norms (Afif et al., 2025). However, some view this decision as reflecting the practice of a positive legislator, in which the judiciary creates norms. This approach is argued to be contrary to the principle of the separation of powers and to weaken the system of checks and balances (Aditya et al., 2024). The Court's judgment is also considered inconsistent with Constitutional Court of the Republic of Indonesia Decision Number 55/PUU-XVII/2019, which affirmed that the simultaneous election model constitutes an open legal policy within the authority of the legislator (Sundariwati, 2024).

On the other hand, this Court's decision can also be seen as the Constitutional Court's effort to prioritize real justice for society and electoral bodies (Aditya et al., 2024). Building on this interpretation, within the framework of progressive law developed by Satjipto Rahardjo (2006), law is not a rigid text but a dynamic instrument oriented toward the welfare of humanity (Faiz, 2016). This approach reflects the living constitution paradigm, which gives the Constitutional Court the flexibility to adapt its interpretation to current socio-political dynamics (Hapsoro & Ismail, 2020). The tension between the Constitutional Court's authority as a negative legislator and its tendency to adopt progressive interpretations through judicial activism raises a fundamental question about how far the Court can interpret the constitution substantively without exceeding the limits of authority established in Article 24C of the 1945 Constitution of the Republic of Indonesia. It is also important to consider whether these decisions strengthen or undermine the principles of constitutionalism and democratic stability (Manurung, 2019).

The Constitutional Court, through its Judicial Review authority, has issued several landmark decisions on the norms governing the organization of general elections. Decision Number 14/PUU-XI/2013 established the rule for simultaneous elections to reinforce the presidential system, based on a structured interpretation of and adherence to the original intent of Article 22E of the 1945 Constitution (Silalahi & Maharani, 2021). Furthermore, in Constitutional Court of the Republic of Indonesia Decision Number 55/PUU-XVII/2019, the Court broadened its interpretation by recognizing six models of simultaneous elections as constitutional and emphasized that the choice of model falls within the realm of open legal policy, which is the authority of the legislative, not the judiciary (Rajab, 2020). In constitutional literature, Siregar identifies the Constitutional Court's interpretive approaches within five methods: textual, original intent, pragmatic, structural, and proportionality. These methods provide the academic basis underpinning the Constitutional Court's complex decisions (Siregar, 2015).

Several studies highlight the dimension of judicial activism and note that the Constitutional Court shapes the normative direction of the legal system when statutory

norms are inadequate (Faiz, 2016). The Court does this by identifying gaps or ambiguities in constitutional provisions and interpreting them in ways that influence policy, even without explicitly creating new norms (Tulaseket et al., 2020). This phenomenon has subsequently sparked a debate regarding the Constitutional Court's role as a negative legislator and the potential shift toward a positive one (Sari & Raharjo, 2022).

The concept of a living constitution serves as a relevant theoretical framework for understanding the shift in the Constitutional Court's interpretation. Strauss explains that the Constitution is a living document that embodies adaptation to socio-political realities. This aligns with Satjipto Rahardjo's concept of progressive law, which emphasizes law as a means to realize substantive justice (Aditya et al., 2024). A similar perspective can be observed in the need to reposition village regulations in response to social and governance realities, where legal arrangements are expected to support local autonomy and promote effective and responsive governance (Baskoro et al., 2025). In Indonesia, this approach has been used to justify the Constitutional Court's interpretations, which are oriented toward practical solutions to electoral democracy issues.

The authority of the Constitutional Court and its practice of constitutional interpretation have been extensively discussed in the constitutional law literature. Building on this foundation, several studies highlight the interpretive methods the Constitutional Court employs in adjudicating judicial review cases under the 1945 Constitution of the Republic of Indonesia. For example, a study by Fritz Edward Siregar identifies various interpretive approaches used by the Court. These approaches include textual interpretation, original intent, structural approach, pragmatic approach, and proportionality approach, each applied in constructing constitutional reasoning in the Court's decisions (Siregar, 2015). Furthermore, research on judicial activism also demonstrates that, in several of its decisions, the Constitutional Court tends to assume a more active role in shaping the development of law and public policy when statutory norms are deemed inadequate to address the constitutional needs of society (Sundariwati, 2024). In the context of the evolution of the electoral system, the Constitutional Court's evolution in interpreting the design of simultaneous elections, particularly through Decisions Number 14/PUU-XI/2013 and 55/PUU-XVII/2019, affirmed that the model of simultaneous elections essentially constitutes an open legal policy for the legislative branch to determine the framework and timing of such elections (Zulhidayat et al., 2024).

Nevertheless, most existing studies still focus on two main tendencies: general analyses of judicial activism or normative studies of the simultaneous electoral system. These studies have not specifically examined how the progressive interpretation of the Constitutional Court is constructed in its recent decision, particularly Decision Number 135/PUU-XXII/2024, nor how this interpretation affects the understanding of democracy within the Pancasila framework. Furthermore, studies that directly connect the Constitutional Court's constitutional interpretation practices with the principles of Pancasila democracy, such as popular sovereignty, social justice, and deliberation, remain relatively limited and have yet to become a dominant trend in the literature.

Accordingly, there exists a research gap in the absence of comprehensive studies analyzing Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 as a manifestation of progressive interpretation in the issue of simultaneous elections, while simultaneously situating it within the normative framework of Pancasila democracy. In fact, such an approach is essential for assessing whether the development of the Constitutional Court's interpretation remains within the constitutional corridor aligned with the identity of Indonesian democracy, or instead moves toward an expansion of authority that potentially blurs the boundary between interpretation and norm creation.

Based on this gap, the novelty of this research lies in its explicit analytical focus on the Constitutional Court's progressive interpretation in Decision Number 135/PUU-XXII/2024, which serves as a significant milestone in the development of Indonesia's electoral law. In addition, this study offers an approach that integrates the perspective of Pancasila democracy as an evaluative framework for constitutional interpretation practices, thereby examining not only the legal-formal aspects but also the philosophical and ideological dimensions underlying Indonesia's constitutional system. Therefore, this research is expected to make a theoretical contribution to the development of constitutional law studies, particularly regarding the relationship among constitutional interpretation, electoral system design, and the strengthening of Pancasila democracy.

Based on the foregoing explanation, the research problems to be examined in this study may be formulated as follows: (1) how is the construction of the Constitutional Court's progressive interpretation in Decision Number 135/PUU-XXII/2024 regarding simultaneous elections; and (2) what are the implications of such interpretation when analyzed from the perspective of Pancasila democracy, particularly in relation to the principles of popular sovereignty, social justice, and deliberation within Indonesia's constitutional system.

2. Method

This study employs normative legal research with a conceptual-doctrinal approach, examining law both as a set of legal norms and as a theoretical construct. The study focuses on Constitutional Court Decision Number 135/PUU-XXII/2024, particularly the limits of the Court's constitutional interpretive authority and its implications for Indonesia's democratic system. The analysis incorporates constitutional law theories, including judicial activism, the living constitution, separation of powers, negative legislator, positive legislator, and progressive law.

The research applies several complementary approaches. First, the statutory approach examines relevant constitutional provisions, particularly Articles 22E and 24C of the 1945 Constitution of the Republic of Indonesia, and legislation concerning elections and the authority of the Constitutional Court. Second, the conceptual approach develops a theoretical framework for assessing constitutional interpretation and judicial authority. Third, the case approach analyses Constitutional Court Decisions Number 14/PUU-XI/2013, Number 55/PUU-XVII/2019, and Number 135/PUU-XXII/2024 to examine the development and consistency of constitutional interpretation from the perspective of Pancasila democracy.

A comparative approach is also employed to enrich the analysis by examining constitutional review practices and electoral system models in Germany, South Africa, the Philippines, and India. The comparison focuses on constitutional courts' exercise of judicial review, the limits of judicial activism, the separation of powers, and the advantages and disadvantages of simultaneous and separate electoral systems in the Indonesian context.

The primary analytical technique is ratio decidendi analysis, which identifies and evaluates the principal legal reasoning underlying the Court's decisions and compares it with previous judgments. Normative consistency is assessed through vertical consistency between constitutional norms, legislation, and judicial decisions, and horizontal consistency among related Constitutional Court decisions. The study also applies an *ultra petita* framework by comparing the *posita*, *petitum*, legal considerations, and ruling to determine whether the Court exceeded the scope of the petition. The study relies on primary,

secondary, and tertiary legal materials and employs qualitative legal analysis through interpretation and normative argument construction.

3. Results and Discussion

3.1 Doctrinal Inconsistency in the Constitutional Court's Interpretation of Article 22E of the 1945 Constitution of the Republic of Indonesia

The Constitutional Court as the guardian of the constitution has a central role in the Indonesian state system, particularly in interpreting constitutional provisions through its authority to test laws against the 1945 Constitution of the Republic of Indonesia (Maharani & Suprobowati, 2022). In the context of general elections, the Constitutional Court's interpretation of Article 22E of the 1945 Constitution of the Republic of Indonesia has undergone a significant evolution, reflecting the dynamics of state administration and the needs of democracy in Indonesia. The culmination of this evolution is reflected in Decision Number 135/PUU-XXII/2024, which changed the paradigm of simultaneous national and regional elections and became a critical point in the constitutional debate regarding the limits of the Constitutional Court's interpretation.

The Constitutional Court's authority to interpret Article 22E of the 1945 Constitution of the Republic of Indonesia concerning simultaneous elections is an inherent consequence of its position as the sole interpreter of the constitution. In the modern constitutional system, this role places the Constitutional Court at the forefront of maintaining constitutional supremacy and shaping the direction of legal development through its constitutional decisions (Hidayat et al., 2025). However, when examined chronologically, the Constitutional Court's interpretive practices demonstrate dynamics that are not entirely methodologically consistent. In Decision Number 14/PUU-XI/2013, the Court adopted an original intent approach and systematic interpretation to hold that legislative and presidential elections must be held simultaneously as part of a unified constitutional design. This approach aligns with efforts to strengthen the presidential system by integrating the electoral process. Subsequently, in Constitutional Court Decision No. 55/PUU-XVII/2019, the Court adopted a more flexible approach, recognizing the variety of simultaneous election models and emphasizing that determining these models is part of lawmakers' open legal policy. In this phase, the Constitutional Court clearly adopted a posture of judicial restraint, limiting its role solely to constitutional review without entering the realm of legislative policy (Wicaksono & Tonralipu, 2021).

However, this interpretative framework shifted significantly in Decision Number 135/PUU-XXII/2024. In this decision, the Constitutional Court no longer merely assessed the constitutionality of norms but actively formulated a new election design by establishing a separation between national and regional elections with a specific time interval. This shift can be analyzed through the framework of doctrinal inconsistency, namely, an inconsistency in the legal positions taken by the courts that lacks adequate justification in prior precedent (Faisyah, Ali, et al., 2025). In Decision Number 55/PUU-XVII/2019, the Court stated that election design belongs to the legislative. In Decision Number 135/PUU-XXII/2024, however, the

The Court prescribed a new electoral framework. This phenomenon demonstrates a shift from judicial restraint, as seen in the Court's prior deference to the legislature in designing elections, to judicial activism in the latest decision, in which the Court establishes operational norms. This approach aligns with judicial supremacy, in which the judiciary not only interprets legal texts but also shapes substantive public policy (Muttaqin et al., 2025).

The main problem with this inconsistency lies not in the change in interpretation itself, as, from a living constitution doctrine, such changes are legitimate, but rather in the absence of constitutional reasoning that explicitly explain the basis for this shift. In Decision Number 135/PUU-XXII/2024, the Court emphasized empirical considerations, including the burden on election organizers, the high number of invalid votes, and the underdeveloped political party cadres. While these considerations are sociologically relevant, they are not fully accompanied by an adequate reconstruction of constitutional doctrine. As a result, tension arises between the pragmatic approach used in the latest decision and the normative approach used in the previous decision. In this context, the methodological inconsistency has the potential to undermine the coherence of legal doctrine, which the Court, as the guardian of the constitution, is supposed to uphold (Armia, 2018).

To understand the dynamics of the Constitutional Court's interpretation of the concept of simultaneous elections, it is necessary to compare its three key decisions: 14/PUU-XI/2013, 55/PUU-XVII/2019, and 135/PUU-XXII/2024. The evolution of the Court’s view on Article 22E of the 1945 Constitution of the Republic of Indonesia is summarized in the table below:

Table 1. Comparative Development of Constitutional Court Decisions on Simultaneous Elections in Indonesia

Aspects	Constitutional Court of the Republic of Indonesia Decision Number 14/PUU-XI/2013	Constitutional Court of the Republic of Indonesia Decision Number 55/PUU-XVII/2019	Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024
Object of Review	Judicial Review of Law Number 42 of 2008 concerning the Election of the President and Vice President against the 1945 Constitution of the Republic of Indonesia	Judicial review of the provisions on simultaneous elections under Law Number 7 of 2017 concerning General Elections	Judicial review of the provisions on simultaneous elections under Law Number 7 of 2017 concerning General Elections and the Regional Election Law regarding electoral design
Legal Issue	The election of the President and Vice President conducted separately from legislative elections	Interpretation of constitutionally valid models of simultaneous elections	Evaluation of the five-ballot simultaneous election system and the possibility of redesigning the electoral framework
Main Legal considerations	The Court held that the separation of legislative elections and presidential elections was inconsistent with the spirit of Article 22E of the 1945 Constitution and potentially weakened	The Court emphasized that the concept of simultaneous elections does not refer to a single model only. The Court provided several constitutionally	The Court considered the empirical impacts of the five-ballot simultaneous elections, including the excessive workload imposed on election administrators, the high number of invalid votes due to electoral complexity, the

Aspects	Constitutional Court of the Republic of Indonesia Decision Number 14/PUU-XI/2013	Constitutional Court of the Republic of Indonesia Decision Number 55/PUU-XVII/2019	Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024
	the presidential system. Therefore, legislative and presidential elections must be conducted simultaneously to strengthen the effectiveness of presidential governance and reduce transactional political practices	acceptable alternatives for electoral simultaneity, provided that the elections for the President/Vice President, the House of Representatives (DPR), and the Regional Representative Council (DPD) are conducted on the same day. The determination of the electoral model constitutes an open legal policy for the legislature	weakening of political party institutionalization, and the dominance of national issues over local concerns. Therefore, a separation between national elections and regional elections with a certain time interval was deemed necessary
Interpretative Approach	Original intent approach to Article 22E of the 1945 Constitution of the Republic of Indonesia in affirming the concept of simultaneous elections	Normative-interpretative approach providing flexibility for various models of simultaneous elections	Functional and pragmatic approach considering the empirical impacts of electoral implementation
Decision	Partially granted the petition and declared several provisions of Law Number 42 of 2008 unconstitutional and therefore not legally binding. This decision became the legal basis for the implementation of simultaneous elections beginning in 2019	Substantively rejected the petition; however, the Court provided interpretations regarding various permissible models of simultaneous elections and delegated the choice of model to the legislature	Partially granted the petition and interpreted that national elections and regional elections may be separated by an interval of approximately two to two-and-a-half years, thereby altering the previously implemented five-ballot simultaneous election model

Aspects	Constitutional Court of the Republic of Indonesia Decision Number 14/PUU-XI/2013	Constitutional Court of the Republic of Indonesia Decision Number 55/PUU-XVII/2019	Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024
Constitutional Implications	Established the normative foundation for nationwide simultaneous elections and strengthened the presidential system	Provided flexibility in electoral design for the legislature	Shifted the paradigm of electoral simultaneity toward the separation of national and regional elections

Source: Author’s Elaboration, 2026.

This inconsistency also impacts the principle of stare decisis and legal certainty. Although Indonesia does not formally adhere to the doctrine of stare decisis, Constitutional Court decisions still have important precedent value in maintaining consistent constitutional interpretation. In constitutional judicial practice, consistency with previous decisions is a crucial aspect in maintaining legal stability and public trust (Armia, 2018). When the Court deviates from precedent without a strong argument, it can create legal uncertainty for lawmakers and the public. This uncertainty is not only theoretical but also practical, as changes to election design directly impact the political system, the tenure of public officials, and institutional stability. In the long term, this situation could undermine the legitimacy and predictability of the Constitutional Court's decisions (Wicaksono & Tonralipu, 2021).

Decision Number 135/PUU-XXII/2024 undeniably sparked serious debate about the boundaries of the Constitutional Court's authority as a negative legislator. According to Hans Kelsen's theory, the Constitutional Court is a negative legislator, empowered to annul norms that contradict the constitution, but not to create new ones (Ulum & Sukarno, 2023). Nevertheless, this situation becomes more complex when, by determining the separation of elections and specifying the time interval for their implementation, the Court has substantively entered the realm of positive legislation (Kurniawati & Liany, 2019). This shift has given rise to two streams of academic views. On the one hand, there are those who support the Constitutional Court's actions as a form of judicial activism necessary to address real problems when the legislature is unresponsive to public needs. On the other hand, there are critics who believe these actions exceed the Court's constitutional authority and have the potential to undermine the principle of the separation of powers, even opening the door to the emergence of juristocracy (Rahman et al., 2024).

Therefore, when examined through the framework of doctrinal inconsistency, the shift in interpretation in Decision Number 135/PUU-XXII/2024 can only be justified to a limited extent. Although significant changes in the social context have occurred, these are not supported by adequate constitutional reasoning and do not consider implications for legal certainty or the balance of power. As a result, the decision is sociologically valid yet doctrinally problematic, which bears directly on the legitimacy of the Constitutional Court itself. Since the Court depends on moral authority and consistent argumentation, maintaining coherence in its decisions is essential to avoid blurring the lines between judicial and legislative functions. Without such consistency, the Court risks appearing not only as a guardian of the constitution but also as an actor directly shaping political policy.

3.2 The Constitutional Court's Interpretation in Decision Number 135/PUU-XXII/2024: Progressive Interpretation or Expansive Interpretation

Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024, which separated national and regional elections, raises questions about the character of the Court's constitutional interpretation. Specifically, it is important to consider whether the Court adopted a progressive interpretation, which is dynamic and responsive to community needs, or an expansive interpretation that could exceed its constitutional authority. Progressive interpretation does not rigidly adhere to the Constitution's text alone, but also takes into account the socio-political context and evolving values of substantive justice in society (Aditya et al., 2024).

The tension between progressive and expansive interpretations in Decision Number 135/PUU-XXII/2024 cannot be understood descriptively; it requires an analytical framework grounded in clear operational parameters. In the comparative constitutional law literature, the debate over the boundary between judicial interpretation and judicial lawmaking has long been a focus, particularly in the context of the shift in the role of the constitutional court from a negative legislator to a quasi-positive one (Bader, 2016). Progressive interpretation dynamically develops constitutional meaning to address social needs, without changing the substance of constitutional norms. Expansive interpretation creates new norms not reasonably derived from the constitutional text, potentially becoming legislation (Sinaulan et al., 2023). In this context, the differences between the two can be measured through several main parameters, namely: (i) whether or not there are changes to the substance of constitutional norms, (ii) the level of intervention in the legislative domain, (iii) the existence of explicit delegation from the constitution to lawmakers, (iv) compliance with the principle of *non ultra petita*, and (v) the systemic impact on the state structure (Landau, 2014).

Using these parameters, Decision Number 135/PUU-XXII/2024 exhibits characteristics of both approaches. On the one hand, this decision reflects a progressive interpretation because the Court explicitly considers the empirical reality of holding simultaneous elections, which raises various issues, such as technical complexity, a high number of invalid votes, and an excessive workload for election organizers (Perludem, 2024). This approach aligns with global developments, in which constitutional courts adopt a proportionality and balancing approach to adjust constitutional norms to the needs of substantive justice (Sinaulan et al., 2023). From this perspective, the Court does rather than act as a passive interpreter of constitutional text, but also as an institution that maintains the Constitution's effectiveness as a living document. Even in the practice of the German Constitutional Court, the use of the principle of proportionality has resulted in decisions that substantially guide legislators in formulating new policies, without being considered to directly violate the limits of their authority (Hailbronner, 2017).

However, when evaluated from the second and third parameters, the level of intervention in the legislative domain and the existence of explicit delegation, Decision No. 135/PUU-XXII/2024 also shows traits of expansive interpretation. The separation of national and regional elections, with a set time interval, is not clearly regulated in the 1945 Constitution or related laws. This creates a new, prescriptive norm. In comparative literature, such a phenomenon is linked to a shift in the Constitutional Court's function, from a negative to a positive legislator. This shift happens especially when the court goes beyond invalidating norms and also formulates normative solutions, a role usually reserved for legislators (Aboelazm, 2025). Criticism of this trend has also emerged in various studies on judicial overreach, which emphasize that expanding the courts' role can disrupt the principle of the separation of powers if not strictly limited (Faisyah, Safa'at, et al., 2025).

Similar issues are also evident in the practice of Constitutional Courts in other countries, particularly Germany and South Africa. In Germany, the *Bundesverfassungsgericht* plays a significant role in shaping public policy through normative decisions, particularly in the field of human rights. While formally remaining a negative legislator, the Court often provides detailed guidelines that practically bind legislators, leading to criticism that the Court has engaged in judicial lawmaking. However, the legitimacy of this practice remains intact because these decisions can still be traced to constitutional principles such as proportionality and do not explicitly replace the legislative function (Bader, 2016). Meanwhile, the South African Constitutional Court has demonstrated a more explicit approach to managing this tension through the doctrine of transformative constitutionalism. In some cases, the Court has not only invalidated norms but also issued orders to legislators to amend the law within a specified timeframe (a suspended declaration of invalidity). While this practice has also been criticized as a form of judicial overreach, many academics believe it remains justifiable as long as it aims to achieve substantive justice and still allows legislators room to act (Emeziem, 2019).

In relation to the principle of *non ultra petita* and the coherence of the constitutional system, Decision Number 135/PUU-XXII/2024 also requires further evaluation. The principle of *non ultra petita* requires that the Court must not render a decision beyond the scope of the parties' petition. Nevertheless, in modern constitutional adjudication, there has been a growing tendency toward flexibility in applying this principle, particularly when deemed necessary to prevent a legal vacuum or preserve the effectiveness of judicial decisions (Lailossa et al., 2025). In the present case, if the petition concerned only the constitutional review of the simultaneous election norms, yet the Court subsequently established a new electoral design by separating elections with a specific time interval, this would indicate a possible expansion of the judgment's scope. However, a violation of the *non ultra petita* principle cannot be assessed in absolute terms without considering whether such a measure was necessary to preserve the constitutionality of the system. On the other hand, from the perspective of systemic coherence, this decision may have structural implications, such as extending the terms of office of regional officials, which may conflict with the principles of electoral democracy. This demonstrates that an expansive interpretation carries systemic consequences that the legislature must manage carefully.

Accordingly, Decision Number 135/PUU-XXII/2024 cannot be dichotomously categorized as merely a progressive or expansive interpretation. Rather, the decision is better understood as a hybrid constitutional interpretation, namely a combination of responsiveness to social needs and the expansion of the judiciary's role in norm formation. This phenomenon is not an anomaly in modern constitutional practice, but rather part of a broader global dynamic in which constitutional courts play an increasingly active role in safeguarding the quality of democracy. Nevertheless, as comparative constitutional practice demonstrates, the legitimacy of such a role depends substantially on the judiciary's ability to maintain its institutional boundaries, particularly by respecting the legislative domain, preserving the consistency of the legal system, and refraining from creating norms lacking an adequate constitutional foundation.

3.3 The Implications of Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024

Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 carries significant consequences for Indonesia's constitutional system and electoral design. One of the most significant implications of this decision is a shift from the principle of simultaneous elections, previously implemented through the "five-ballot

election” model, toward the separation of national and regional elections (Silalahi & Maharani, 2021). National elections, encompassing the election of the President/Vice President, the House of Representatives, and the Regional Representative Council, will be conducted earlier, with an interval ranging from a minimum of two years to a maximum of two-and-a-half years before regional elections, which include elections for Regional Legislative Councils and regional heads (Mahkamah Konstitusi Republik Indonesia, 2025). Consequently, this decision effectively nullifies the simultaneity principle previously regulated under the Election Law and implemented during the 2019 and 2024 elections.

This change is based on several empirical and normative considerations advanced by the Court. The Constitutional Court held that the implementation of simultaneous elections had resulted in excessive workloads for election administrators, voter confusion leading to a high number of invalid ballots, and the weakening of political party cadre formation due to insufficient time for regeneration and organizational consolidation (Mahkamah Konstitusi Republik Indonesia, 2025). Therefore, the temporal separation between national and regional elections was considered a more proportionate solution for improving the quality of democracy, electoral effectiveness, and voter participation. Nevertheless, the decision has not been free from criticism. Several political parties, including the NasDem Party, argued that the decision violates Article 22E of the 1945 Constitution of the Republic of Indonesia, which stipulates that elections shall be conducted simultaneously every five years. They contend that altering the electoral model without an adequate legislative process may create a constitutional crisis and undermine legal certainty (*NasDem: Putusan MK 135 Pencurian Kedaulatan Rakyat*, 2025).

Decision Number 135/PUU-XXII/2024 carries significant implications for the design of Indonesia’s electoral system, particularly by shifting the paradigm from simultaneous elections to the separation of national and regional elections. This transformation is not merely normative in nature, but also generates administrative, political, and constitutional consequences. To comprehensively understand these implications, the impact analysis is mapped by implementation timeframe and the principal stakeholders involved: election management bodies, political parties, voters, and regional governments.

Table 2. Impact Matrix Based on Timeframe and Stakeholders

Stakeholders	Short-Term	Medium-Term	Long-Term
Election Management Bodies (KPU/Bawaslu)	Adjustment of electoral stages, redesign of the electoral system, increased technical burden	Stabilization of the management of separated elections, enhancement of institutional capacity	Administrative efficiency through electoral specialization
Political Parties	Disruption of nomination and campaign strategies	Adaptation of cadre formation and political recruitment patterns	Strengthening of party institutionalization and professionalization

Stakeholders	Short-Term	Medium-Term	Long-Term
Voters	Confusion arising from changes to the electoral system	Increased issue-based political literacy	More rational participation based on policy preferences
Regional Governments	Uncertainty regarding tenure and legitimacy	Institutional adjustment and recalibration of central-regional relations	Stability of regional governance based on differentiated electoral cycles

Conceptually, the separation of electoral schedules creates a multi-cycle electoral system, which may enhance issue-based focus while simultaneously prolonging the cycle of political competition (Stockemer & Calca, 2014). In the short term, the most immediate impact will be experienced by the General Elections Commission and the Election Supervisory Agency as election management bodies. They will be required to undertake substantial adjustments to the electoral process, including restructuring schedules, logistics, and supervisory mechanisms. This complexity is a direct consequence of altering a system that had previously become institutionalized through the simultaneous 2019 and 2024 elections. Studies on electoral management demonstrate that changes in electoral system design require a high degree of administrative capacity in order to maintain the quality of electoral administration.

For political parties, the separation of elections will initially require adjustments to nomination strategies and campaign patterns. Rather than concentrating political competition within a single electoral period, parties will need to develop more differentiated national and regional strategies. In the medium and long term, however, separate electoral cycles may create greater opportunities for party institutionalization and systematic cadre development (Gunawan et al., 2025). An electoral system that is less concentrated within a single period provides political parties with greater opportunities to develop more stable organizational structures that are not solely dependent on electoral momentum.

From the voters' perspective, the transition may initially generate confusion as citizens adapt to the new electoral arrangements. Over time, however, separate elections may enable voters to focus more specifically on issues and performance at each level of government. This may strengthen political engagement and create greater opportunities for voters to assess national and regional political choices independently, potentially encouraging more rational and policy-oriented participation (Stockemer & Calca, 2014). Meanwhile Regional governments face particular challenges during the transition, especially concerning the terms of regional heads and members of Regional Legislative Councils. Differences in electoral schedules may create situations in which terms need to be extended to maintain institutional continuity. Such arrangements must remain consistent with constitutional limits on the duration of public office and the principle of legal certainty. Transitional mechanisms should therefore be designed to provide practical solutions while maintaining constitutional legitimacy (Emeziem, 2019).

Compared with the separation of national and regional elections, the practice of synchronizing elections is not unfamiliar in other democratic systems. The experience of the Philippines provides a useful comparison with Indonesia’s previous synchronized electoral model. Republic Act No. 7056 of 1991 established the legal basis for

synchronizing national and local elections and envisaged synchronized regular elections beginning in 1995. Subsequent electoral arrangements have generally maintained the synchronization of national and local elections, although the electoral cycle and terms of different offices vary. The Philippine experience demonstrates relatively high voter participation: turnout reached 82.6% in the 2022 presidential election and 83.1% in the 2025 mid-term election (International IDEA, 2025).

High electoral participation, however, does not necessarily translate into stronger party institutionalization or more programmatic political competition. Philippine political parties have frequently been characterized as candidate-centred and factional organizations, with electoral competition shaped by personalistic leadership, political clans, and local political elites rather than stable ideological or programmatic platforms (Teehankee, 2020). Budi (2017) similarly highlights the persistence of personalistic politics within the Philippine party system, whereby political organizations tend to depend on individual leaders and political networks rather than develop strong and enduring ideological identities. This tendency may weaken party institutionalization and limit the capacity of elections to foster programmatic political accountability. Moreover, the persistence of political dynasties, patronage, and vote-buying illustrates how high electoral participation may coexist with clientelistic forms of political competition (Mendoza et al., 2019; Canare et al., 2018). Harefa et al. (2024) further emphasize that such practices remain important challenges to substantive democratic governance in the Philippines. Consequently, electoral simultaneity alone does not guarantee substantive democratic quality, as its effects depend on political institutions and the broader electoral environment. The Philippine case shows that synchronized elections may encourage high voter participation while coexisting with persistent personalistic and clientelistic politics.

Conversely, India uses a staggered electoral system in which national elections to the Lok Sabha are held every five years, while State Legislative Assembly elections are conducted separately across different states, resulting in a relatively continuous electoral cycle. This arrangement has important implications for voter participation and electoral behaviour. Manyura (2025) argues that the frequent conduct of elections can contribute to voter fatigue, particularly as the expansion of the electorate has not been accompanied by a proportionate increase in voter participation. Nikolenyi (2010), for example, found that the de-linking of state elections from parliamentary elections was associated with lower voter turnout in national elections, providing empirical support for the proposition that concurrent elections may encourage greater electoral participation. Separate elections may nevertheless provide voters with greater opportunities to focus on local issues and assess the performance of regional governments, potentially strengthening state-level accountability (Ritu, 2025).

The staggered system may also increase the cumulative political and financial costs of electoral competition by requiring political parties, candidates, and electoral institutions to mobilize resources across multiple electoral cycles. Non-official estimates cited by PRS Legislative Research place total expenditure associated with the 2024 Lok Sabha election at approximately INR 1.35 lakh crore, although this figure represents an estimate of overall electoral expenditure rather than official election-administration costs alone (PRS Legislative Research, 2025). The frequent recurrence of elections may also contribute to a condition of “permanent campaign,” in which political contestation and electoral mobilisation occur almost continuously (Neelambari & Balasubramaniam, 2025). Evidence indicates that synchronizing national and state elections can produce a modest increase in voter turnout while increasing the salience of political parties and encouraging straight-ticket voting (Balasubramaniam et al., 2025).

The comparison between Indonesia, the Philippines, and India indicates a trade-off between electoral efficiency, voter participation, and democratic deliberation. Synchronized elections may reduce electoral mobilization and administrative burdens while encouraging higher turnout, but they may also strengthen national party salience and straight-ticket voting (Balasubramaniam et al., 2025). Separate elections provide greater opportunities to distinguish national and regional political choices, but may increase recurrent campaigns, administrative burdens, and cumulative electoral costs. Thus, neither model is inherently superior; its democratic effects depend on institutional design, voter education, campaign regulation, and electoral capacity.

To effectively implement the Constitutional Court's decision, the House of Representatives and the Government should undertake several strategic measures in revising the Election Law and the Regional Election Law. First, a clear transitional mechanism should be established to address the expiration and possible extension of terms of office, including constitutionally limited transitional extensions, caretaker arrangements where permissible, or other legally defined mechanisms. This is essential to prevent prolonged vacancies, excessive extensions, and uncertainty regarding periodic elections.

Second, the revised legal framework should explicitly establish the institutional and temporal separation of national and regional elections to ensure legal certainty and consistency with the principles of popular sovereignty, constitutionalism, and democratic representation. Pratama et al. (2025) emphasize that electoral regulation should reflect Pancasila's principles of popular sovereignty, political participation, social justice, and inclusive democracy.

Third, clearer regulations on campaign periods and electoral mobilization are needed to prevent a prolonged or "permanent campaign" environment. Although separate elections may provide greater opportunities for voters to evaluate different levels of government, excessive electoral frequency may increase political polarization and cumulative campaign costs. The Indian experience shows that electoral timing influences campaign intensity and party behaviour, while synchronized elections may increase party salience and straight-ticket voting (Balasubramaniam et al., 2025).

Fourth, electoral logistics and budgeting should adopt integrated multi-year planning while maintaining separate electoral cycles. Such planning should cover procurement, personnel, voter data, security, and other administrative requirements to avoid unnecessary duplication and ensure institutional readiness.

Finally, voter education should be strengthened through continuous and issue-oriented political literacy programmes. Voters should be equipped to distinguish national and regional responsibilities, assess government performance, and make informed choices. This approach is consistent with Pancasila democracy, in which popular sovereignty extends beyond voting to meaningful political participation and deliberative decision-making (Basit, 2023). Thus, the success of the new electoral system should be assessed not only through administrative efficiency and turnout but also through accountability, representation, voter competence, and democratic quality.

3.4 Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 from the Perspective of Pancasila Democracy

Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 may be understood as a significant milestone in the development of Indonesia's constitutional system, particularly in the context of electoral dispute resolution and democratic reform. The decision emerged amid increasingly strong demands for substantive justice without neglecting legal certainty. Within the framework of Pancasila

Democracy, the decision reflects a paradigm shift from a rigid, legalistic approach to one that is more responsive to societal needs (Samekto & Purwanti, 2023). The Court acts not only as a textual interpreter of legal norms, but also as a guardian of the values of social justice, deliberation, and national unity (Basit, 2023). Consequently, this decision affects not only the legal sphere but also democratic governance, political stability, and the legitimacy of state institutions.

From a legal-analytical perspective, the Constitutional Court in this decision employed an eclectic interpretative approach, combining textual, historical, purposive, and dynamic methods, while positioning Pancasila as the foundational norm (Haryono, 2021). This approach demonstrates an effort to balance formal legality and substantive justice, particularly in addressing electoral disputes involving systemic violations (Diar & Saputra, 2026). Furthermore, the Court applied the principle of *ultra petita*, namely issuing a decision beyond the scope of the petition, to fill legal gaps and protect citizens' constitutional rights. Although this approach has generated debate over the limits of judicial authority, the practice reflects the Court's increasingly progressive tendency to ensure justice (Sani et al., 2025).

The application of *ultra petita* in judicial decisions must be regulated by clear guidelines to preserve legitimacy and legal predictability. One of the primary principles is the existence of clear rules and proportional application (Armia, 2018). Courts must impose firm limits on when and under what conditions *ultra petita* may be invoked, particularly in cases requiring substantive justice. Without such limitations, there is a risk that perceptions will arise that judges are acting arbitrarily beyond their authority. Therefore, its application must remain relevant to the principal subject matter of the dispute and must not generate excessive legal uncertainty (Adriganti et al., 2025).

Moreover, the use of *ultra petita* must be grounded in the need to prioritize substantive justice, particularly in cases such as electoral disputes or violations of constitutional rights. In this context, courts are granted flexibility not only to avoid strict adherence to legal formalities but also to consider broader notions of justice. Nevertheless, such flexibility cannot be absolute. The implementation of *ultra petita* must remain within the framework of prevailing legal principles to avoid undermining the legitimacy of the judiciary itself (Abra & Wahanisa, 2020).

Fundamentally, transparency constitutes a crucial aspect in maintaining public trust. Every decision containing *ultra petita* elements must be accompanied by legal reasoning that is rational, systematic, and comprehensible. Judges are obliged to provide adequate explanations for employing such an approach, including its relation to the realization of justice and legal certainty (Krištofik, 2025). Accordingly, the public may assess that such decisions are not arbitrary but rather based upon accountable considerations. The regulation of *ultra petita* may be incorporated into legislation, such as the Judicial Power Law, to provide more concrete guidance to judges (Imran, 2021). In this regard, the application of *ultra petita* should ideally be limited to specific circumstances, such as a legal vacuum or situations in which rigid application of the law would obstruct the realization of justice, including cases involving public interests or human rights (Abra & Wahanisa, 2020).

From the perspective of Pancasila Democracy, Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 affirms that the Constitution must be interpreted dynamically and contextually. Pancasila, as the philosophical foundation of the state, serves as a source of normative legitimacy requiring that every judicial decision reflect the values of deliberation, social justice, and national unity. The Court adopted a living constitution approach, viewing the Constitution as a living document that must adapt to contemporary developments (Yunaldi, 2020). Electoral reforms resulting from this

decision, such as strengthening the representative system and expanding political access, reflect concrete efforts to internalize these values within democratic practice.

The implications of this decision for democratic practice and governance are not without challenges. While the decision creates opportunities for greater political diversity and more inclusive representation, it may also increase the risk of political fragmentation and instability if not accompanied by adequate regulation (Hanan et al., 2025). Furthermore, the Court's role as a positive legislature may potentially create interinstitutional conflicts, particularly with the legislative and executive branches (Sulastrri & Sanmas, 2025). These tensions highlight the importance of clearly defining institutional boundaries and strengthening institutional dialogue to maintain an effective system of checks and balances (Alief et al., 2023).

Theoretically, these developments have also attracted criticism concerning expansive judicial activism, which may extend beyond the Constitutional Court's constitutional role and raise questions about the limits, consistency, and legitimacy of judicial power (Faiz, 2016; Hapsari, 2025). In addition, the absence of a constitutional complaint mechanism remains a limitation in Indonesia's constitutional rights protection framework, as citizens lack a direct procedural avenue to challenge alleged violations of constitutional rights arising from government actions or other exercises of public authority (Lailam et al., 2022; Holish & Maharani, 2023). Addressing these challenges requires further interdisciplinary research integrating legal, political, and social perspectives, including comparative constitutional studies, to strengthen Pancasila Democracy while maintaining constitutionalism, institutional accountability, and effective protection of fundamental rights.

4. Conclusion

Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024 has significant implications for Indonesia's electoral system, constitutional relations among state institutions, and the development of democratic practices. The decision demonstrates that electoral reform is not merely an administrative matter but involves fundamental constitutional principles, including legal certainty, limitation of power, separation of powers, and the appropriate boundaries of judicial authority. Therefore, the implementation of this decision requires normative and institutional strengthening to ensure that electoral transformation remains consistent with the principles of the 1945 Constitution. First, the revision of the Election Law and Regional Election Law is necessary to establish clear transitional arrangements and reaffirm the constitutional principle of periodic elections and limitations on political power. Second, the Constitutional Court Law requires further development by establishing clearer parameters for constitutional interpretation, particularly regarding the application of the living constitution approach and judicial activism, to maintain a balance between constitutional responsiveness and judicial restraint. Third, strengthening the role of the House of Representatives (DPR) and political parties is essential to ensure that electoral system design remains primarily within the legislative domain through participatory, evidence-based, and constitutionally grounded processes. This study argues that the legitimacy of constitutional reform depends not only on judicial innovation but also on institutional collaboration and democratic accountability among constitutional actors. Accordingly, progressive constitutional interpretation should be accompanied by normative boundaries and institutional capacity-building to preserve the Constitutional Court's role as guardian of the Constitution while maintaining the stability of Indonesia's Pancasila constitutional democracy.

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