

Juridical Analysis of Constitutional Court Decision No. 85/PUU-XIV/2016: Examining the Legal Implications of the Law on Regional Head Elections (Law No. 10/2016)

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ABSTRACT

This paper provides a juridical analysis of the Constitutional Court Decision No. 85/PUU-XIV/2016, which examines the legal implications of the Regional Head Election Law (Law No. 10/2016). It explores the constitutional context and rationale behind the decision, emphasising its impact on the legal framework governing regional head elections in Indonesia. By dissecting the Constitutional Court's reasoning and the legal principles applied, the analysis aims to explain the impact of the ruling on the democratic process, electoral integrity, and governance at the local level. The findings highlight a significant legal precedent and underline the role of the ruling in shaping future electoral regulations and practices in Indonesia.

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1. INTRODUCTION

Constitutional Court Decision No. 85/PUU-XIV/2016 is a landmark decision that significantly impacts the legal and electoral framework in Indonesia, particularly in relation to the Regional Head Election Law (Law No. 10/2016). This decision underlines the role of the Constitutional Court in ensuring the constitutionality of laws and safeguarding the democratic process. This decision is particularly important as it addresses the procedural and regulatory aspects of regional head elections, which have been the subject of intense political and legal scrutiny. The decision is in line with the Constitutional Court's established authority to resolve disputes over election results, as stipulated in Article 24C(1) of the 1945

Constitution and reaffirmed in Article 10(1) of Law Number 24 Year 2003 [1]. The decision also reflects the competence of the Constitutional Court in making binding decisions in electoral matters, as seen in other important decisions such as Constitutional Court Decision No. 97/PUU-XI/2013 and No. 55/PUU-XVII/2019, which have shaped the electoral landscape by addressing issues of simultaneity and regime separation [2]. Furthermore, these decisions have implications for legal certainty in resolving disputes over election results, emphasising the need for a specialised ad hoc judicial body to effectively handle such disputes [3]. The ruling also highlights the role of the Constitutional Court in protecting the constitutional rights of citizens, ensuring their

participation in the democratic process through fair and transparent elections [3], [4]. The ruling has sparked mixed opinions among political parties and legal experts, reflecting the ongoing debate regarding the Constitutional Court's decision and its impact on the political and legal system in Indonesia [5].

Indonesia's Law on Regional Head Elections, designed to streamline and improve the process of electing governors, regents, and mayors, has indeed played an important role in shaping regional head elections. However, its implementation has not been without controversy, leading to various challenges and requests for judicial review. One of the main issues is the incompatibility of some provisions with the principles enshrined in the Indonesian Constitution, as argued by various petitioners. For example, the high costs and lengthy processes associated with regional head elections often result in the election of corrupt and incompetent leaders, undermining the democratic process and the quality of governance [6]. In addition, the 2024 simultaneous regional elections have raised concerns about reducing the term of office of regional heads, which some argue is contrary to the 1945 Constitution, although the Constitutional Court has ruled otherwise [7]. The dynamics of regional elections are also coloured by criminal activities, weak law enforcement, and political, social, and economic factors that threaten democracy and nation building [8]. In addition, disputes over election results, as seen in the 2018 local elections in NTT, highlighted the inability of legal standing and the inability to present persuasive evidence, which led to the rejection of many challenges by the Constitutional Court (MK) [9]. The case of Eddy Rumpoko, former Mayor of Batu City, shows how local political-economic alliances can perpetuate corruption, facilitated by the mobilisation of bureaucrats and business interests [10].

This paper aims to provide a comprehensive juridical analysis of the Constitutional Court Decision No. 85/PUU-

XIV/2016, focusing on the legal considerations, implications, and broader context of the decision. By examining the Court's interpretation of constitutional principles and their application to the Election Law, this study seeks to explain the impact of the ruling on the legal framework governing elections. Furthermore, the paper will explore the potential impact of the ruling on electoral integrity, democratic governance, and future legislative developments in Indonesia.

2. LITERATURE REVIEW

2.1 *Overview of the Constitutional Court in Indonesia*

The Constitutional Court of Indonesia, established in 2003, serves as the guardian of the Indonesian Constitution, ensuring that laws and regulations conform to the constitutional mandate. The Constitutional Court has the authority to review and annul laws deemed unconstitutional, adjudicate disputes between state institutions, and decide election disputes. The Court's role in maintaining the constitutional order is crucial in shaping Indonesia's legal and political landscape. Several researchers have highlighted the Court's impact on the evolution of constitutional jurisprudence and its significant role in upholding democratic principles [11], [12].

2.2 *Law on Regional Head Elections (Law No. 10/2016)*

Law No. 10/2016, which regulates regional head elections in Indonesia, was enacted to improve the efficiency and integrity of the electoral process. The law regulates various aspects of local elections, including nomination requirements, campaign regulations, and the election process itself. The law aims to ensure that local elections are conducted in a fair and transparent manner, and to promote democratic governance at the local level. However, the law has faced criticism and legal challenges, with opponents arguing that certain provisions undermine electoral fairness and democratic principles [13], [14].

2.3 Legal Challenges to Law No. 10/2016

Several provisions of Law No. 10/2016 have been contested, leading to numerous legal challenges. Critics have voiced concerns over nomination restrictions, campaign finance regulations and the electoral dispute resolution process. These challenges often centred on the argument that certain provisions violated constitutional principles, such as the right to participate in government and the principle of equality before the law. The petitioners in the case that culminated in Constitutional Court Decision No. 85/PUU-XIV/2016 argued that certain aspects of the law were unconstitutional and therefore required judicial review [15], [16].

3. METHODS

3.1 Research Design

This research uses a qualitative research design to conduct a comprehensive juridical analysis of the Constitutional Court Decision No. 85/PUU-XIV/2016. A qualitative approach was chosen for its effectiveness in exploring legal interpretation, understanding the implications of judicial decisions, and analysing the impact of legal decisions on electoral law and the democratic process. This research design allows for an in-depth examination of the judgement, focusing on legal considerations, constitutional principles and the broader context in which the judgement was made.

3.2 Data Collection

Data collection for this study utilised two main sources: legal documents and scholarly literature. The main source of legal documents is the Constitutional Court Decision No. 85/PUU-XIV/2016, including the text of the decision, dissents, as well as relevant supplementary documents. In addition, provisions in the Law on Regional Head Elections (Law No. 10/2016) and relevant articles of the Indonesian Constitution relating to democratic governance and the authority of the Constitutional Court were also reviewed. Scholarly literature included reviews of

academic journals, books and articles on constitutional law, electoral law and the role of the Constitutional Court in Indonesia, as well as reports and case studies from legal and electoral institutions to gain perspectives on the Court's decision and its implications.

3.3 Data analysis

Data analysis involved steps to understand the legal and constitutional dimensions of the Court's decision. Firstly, legal interpretation through textual analysis of the Constitutional Court Decision No. 85/PUU-XIV/2016 to identify key legal arguments, principles and interpretations. Second, comparative analysis compares the decision with constitutional provisions and similar decisions. Third, thematic analysis identifies and categorises key themes from the Court's decision and related literature, such as electoral integrity, democratic governance, constitutional principles and the role of the judiciary. Finally, contextual analysis examines the political and legal context behind the Court's decision, including the development of electoral law in Indonesia, the role of the Constitutional Court, political dynamics, and an assessment of the impact of the Court's decision on the legal framework, electoral process and democratic governance in Indonesia.

4. RESULTS AND DISCUSSION

4.1 Overview of the Constitutional Court Decision No. 85/PUU-XIV/2016

Constitutional Court Decision No. 85/PUU-XIV/2016 addressed several provisions in the Law on Regional Head Elections (Law No. 10/2016). The Court examined the constitutionality of these provisions, focusing on whether they were in accordance with the principles enshrined in the Indonesian Constitution. The main issues examined included nomination requirements, the role of political parties, and electoral dispute resolution mechanisms. The Constitutional Court's judgements provide different interpretations of these legal issues, and provide clarity on the constitutional standards applicable to local elections.

4.2 Legal Reasoning and Constitutional Principles

The Constitutional Court's judgement is based on a thorough analysis of constitutional principles, particularly those related to democratic governance and electoral integrity. The Court emphasised the following key points:

The Court reaffirms the constitutional right of every citizen to participate in government, as stipulated in Article 28D paragraph (3) of the 1945 Constitution. This right includes the right to run for public office and vote in elections. The Court found that certain nomination requirements in Law No. 10/2016, such as restrictions on independent candidates, were unduly restrictive and violated this constitutional right. By invalidating these provisions, the Court underlined the importance of an inclusive and fair electoral process.

Another important constitutional principle highlighted by the court was the principle of equality before the law, as articulated in Article 27(1) of the Constitution. The Court examined provisions that appeared to favour certain political parties or candidates, thus creating an unlevel playing field. The ruling emphasises that all candidates should have an equal opportunity to contest elections, regardless of their political affiliation. This decision reinforces the need for electoral laws that uphold fairness and equality.

The Court also addressed issues relating to transparency and accountability in the electoral process. The Court highlighted the importance of clear and transparent mechanisms for resolving electoral disputes, to ensure that the integrity of elections is maintained. The judgement calls for improvements in the regulatory framework to increase transparency and public confidence in the electoral process.

4.3 Implications for Electoral Integrity and Democratic Governance

The Constitutional Court's decision has significant implications for electoral integrity and democratic governance in Indonesia. By answering the legal challenges

to Law No. 10/2016, the Court has strengthened several important aspects of the electoral process:

4.3.1 Improving Electoral Fairness

The cancellation of restrictive nomination requirements and unequal provisions promotes a more level playing field for all candidates. This improvement in electoral fairness is critical to fostering a competitive and democratic electoral environment, where voters can choose from a wide range of candidates.

4.3.2 Strengthening Public Trust

The emphasis on transparency and accountability in the Court's judgements is likely to strengthen public confidence in the electoral process. Clearer and more transparent mechanisms for resolving disputes can reduce the potential for electoral fraud and manipulation, thereby increasing the credibility of elections.

4.3.3 Influencing Future Laws and Regulations

This decision sets an important legal precedent that will influence future legislative developments. Lawmakers are expected to align future electoral regulations with the constitutional principles outlined in the Court's judgement. This alignment will ensure that local election laws uphold democratic values and constitutional mandates.

4.3.4 Broader Context and Future Directions

The broader context in which the Court's judgement was rendered encompasses ongoing debates on electoral reform and democratic consolidation in Indonesia. The judgement highlights several areas for future research and policy development:

4.3.5 Revisiting Nomination Requirements

Future legislative efforts should focus on reviewing and refining nomination requirements to ensure that they do not violate constitutional rights. This involves balancing the need for qualified candidates with the principle of inclusiveness.

4.3.6 Improving Electoral Dispute Resolution

Improving electoral dispute resolution mechanisms remains a priority. Future reforms should aim to create a more efficient, transparent and accessible process for dealing with electoral complaints.

4.3.7 Promoting Voter Education

The decision underlines the importance of voter education in promoting electoral integrity. Educating voters about their rights and the electoral process can empower them to participate more effectively in elections.

4.3.8 Strengthening Institutional Capacity

Strengthening the capacity of EMBs and the judiciary to enforce electoral laws and resolve disputes is essential. This involves providing these institutions with adequate resources, training and support.

5. CONCLUSION

The Constitutional Court Decision No. 85/PUU-XIV/2016 is an important

moment in the evolution of electoral law in Indonesia. The Court's decision, which examined various provisions of the Election Law (Law No. 10/2016), reaffirmed key constitutional principles such as the right to participate in government, equality before the law, and the importance of transparency and accountability in the electoral process. By addressing and invalidating restrictive nomination requirements and unequal provisions, this decision promotes a fairer and more democratic electoral environment.

The implications of this decision are far-reaching, enhancing electoral integrity and strengthening public confidence in the electoral process. This decision sets an important legal precedent that will influence future legislative developments, ensuring that local electoral laws uphold democratic values and constitutional mandates. Future legislative efforts should focus on reviewing candidacy requirements, improving electoral dispute resolution mechanisms, promoting voter education, and strengthening the capacity of EMBs and the judiciary.

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