



The Electoral Legal Framework and The Existence of The Constitutional Court in Electoral Justice in Indonesia

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Abstract- Elections are not just about voting and electing representatives, but go much deeper. Elections symbolize the principles of legitimacy and justice. The enforcement of the legal framework, the electoral justice system, the design and implementation of the electoral process as a whole are some of the important instruments in implementing the concept of electoral justice in a country. The design of the electoral justice system must be able to realize free, fair and honest elections and pay attention to each stage of the electoral process so that the electoral justice system becomes comprehensive and effective. This research will discuss the legal framework and the existence of the constitutional court in realizing electoral justice in Indonesia. By using a normative juridical method with a qualitative approach, it is concluded that the electoral legal framework in Indonesia has been made in accordance with international election standards which include the constitution, laws and implementing regulations of the Election Management Body which are oriented towards electoral justice, while the existence of the constitutional court as the guardian of constitutional justice is very important and its authority as an electoral judicial body has produced important decisions in democracy and the establishment of electoral justice.

Keywords : Legal Framework, Constitutional Court, Electoral Justice, Modern Democracy

1. INTRODUCTION

1.1 Modern Democracy

The phrase "[Democracy is a] government of the people, by the people, for the people" from Abraham Lincoln's Gettysburg Address is frequently used to recognize and define modern democracy. This straightforward and condensed viewpoint is based on the ancient Greek term "dmokrata," which means popular rule. However, more sophisticated elements must be taken into account for democracy to operate properly and efficiently. Representation, free and fair elections, a multi-party system, the separation of powers, the rule of law, and the preservation of human rights are, the five characteristics that best describe a modern democracy.[1]

Representation

Representative and direct democracy are two notions that characterize democracy and distinguish it from other forms of administration. In modern civilization, representative democracy is the most prominent kind of democracy. It gives the people the ability to rule indirectly at the national level via locally elected representatives. Most importantly, it provides the people control over local problems within their districts. A key component of representative democracy is the protection of local interests. This system also recognizes that not everyone can participate completely in politics. Placing authority, responsibility, and accountability in the hands of a single well-informed local representative ensures that local residents' political opinions are heard on the national stage.

Direct democracy is the polar opposite of representational democracy. There are no elected representatives; instead, the general population votes and participates in assemblies. This type of democracy is uncommon today since it is dependent on a well-informed and politically engaged populace. In Ancient Greece, it was more popular. Nonetheless, it has been adopted by a few states, including Switzerland, where referendums and votes are often used to change or pass new legislation. Both systems of democracy have crucial distinguishing characteristics that allow voters to empower elected officials and hold them accountable for their actions. These characteristics distinguish modern democracy from alternative governing styles, such as authoritarian regimes in which the people have no influence or control over the government's policies and actions.

Free and fair elections

Elections must be free and fair in order for a contemporary democracy to function. They ensure that a government is chosen that reflects the will and preferences of the voting public. Elections are an important part of democracy because they provide the government in power legitimacy and the capacity to make decisions on behalf of the nation. Furthermore, holding elections on a regular basis can help keep the government accountable for its policies and actions as public opinion shifts. If a government fails to represent the desires of its constituents, it risks being voted out in the following election. Politicians and governments can be held accountable by holding regular, free, and fair elections. However, it is important to note that such a system is not without risk. Regular elections might result in short-term policy decisions aimed to placate the public on partisan concerns in order to win an election, rather than focusing on the long-term good of the nation. Elections are such an important defining aspect of democracy because they allow the public to be heard and represented. In other governing systems, the people have no say in what the state chooses, hence elections are critical in displaying the democratic state's independence and fairness.

Multi-Party System

A multi-party system aids in the provision of checks and balances within governance. Opposition parties can use debates to question the ruling party and monitor its activities, while also expressing their own ideas and suggestions. This assures that the dominant

party will enact laws and policies with which voters of unelected parties may approve. When it comes to elections, opposing parties compete for power, which provides the public with an option, allowing voters to select a party that is better aligned with their own values and beliefs. A multi-party system is crucial to democracy since a single-party system can easily lead to dictatorship. A communist state is an example of this, where it is thought that "the Communist Party alone represents the interests of the working class." This one-party system can still be found in modern states like North Korea and China. While they may claim to be democratic, this is not a fair or free democracy; it is a sort of dictatorship. A multi-party system is an essential and important characteristic of modern democracy in order to assure fairness and representation of the entire population.

Separation of Powers

The separation of powers is essential in a contemporary democracy. The legislative and executive branches must be distinct from the judiciary. This democratic characteristic provides a system of checks and balances to avoid abuse of power. There are two types of executive authority: legislative and presidential. In each system, the judiciary must be independent in order to ensure justice, honesty, and impartiality. The parliamentary system has the advantage of being more flexible and capable of representing minority political groups. Because the government is divided into multiple organizations that can check and balance each other, the presidential system is strong and has direct responsibility. The United States of America is a good example of a presidential system, with the government divided into the executive, legislative, and judicial branches. Without separation of powers, the government may seize authority and devolve into monarchy or tyranny. The Kingdom of Saudi Arabia is a notable example of the former; the King controls both the administrative and legislative branches, although his council of ministers has little power over the judiciary. A modern democracy relies on the separation of powers. It defends against dictatorship and prevents the abuse of power.

Rule of Law and Human Rights Protection

The protection of and respect to the rule of law is linked to the separation of powers. The judiciary and independent courts must uphold this. Nobody is above the law, and everyone in government is subject to it. This attribute fosters a democratic system that is secure, fair, and honest. Without it, the legal and judicial systems would be vulnerable to misuse, potentially leading to totalitarian government. Human rights are intertwined with this, as citizens must be granted freedom and equal rights under the rule of law. This is a critical feature of democracy; it assures equality and the safeguarding of minority' political rights. Repression of human rights is a violation of the UN Declaration of Human Rights, which is prohibited under international law. Rights and freedoms are linked to free expression and the independence of independent media from political authority. If the government has power over speech and the media, it has control over the public to some extent. As a result, human rights, free speech, and the rule of law are all essential components of a modern democracy.[2]

1.2 Elections in Modern Democracy

The electoral process has always been an intrinsic part of the democratic structure of a society. Through the lens of this institution, the will of the people is advocated in a functional and realistic manner, leading to the development of a balanced society led by responsible leadership.[3]

As the heart of a democratic society, the electoral process essentially includes various stages. Voting and the election of representatives underscore the robust infrastructure of the electoral process while representing the autonomous decision-making ability of the people. Typically, the process begins with candidates nominating themselves for election, followed by a campaign in which they present their vision to citizens. On election day, citizens cast their votes, which is then followed by a vote counting process. The candidate who receives the most votes is then declared the winner.

Essentially, elections allow citizens to express their will. This stems from the basic right of every adult individual in a democratic environment - the right to vote. This exciting process allows citizens to voice their perspectives and actively contribute to shaping their society. Public participation signifies their trust and confidence in the democratic process, ensuring a balanced and mature society that is free from unilateral decisions.

Elections are not just about voting and electing representatives, but go much deeper. Elections symbolize the principles of legitimacy and fairness. Fair play is expected to permeate the entire process - from the beginning of nominations to the announcement of results. A number of international entities focus on monitoring the fairness of the process, thus preserving the sanctity of democracy.

Elections after war disputes are important in the recovery and reshaping of a country's image. Elections act as a path to revival, offering a sense of normality amidst the chaotic situation caused by war. Elections also ideally offer a new dawn of hope for citizens, demonstrating the nation's commitment and resilience to democracy.

Undoubtedly, this process is not without its threats and shortcomings, especially in countries plagued by terrorism. Admittedly, it becomes even more important to ensure a safe environment to uphold the democratic process. There, it is not uncommon to see stricter security arrangements, sometimes requiring external assistance, to organize peaceful elections. Here, the peaceful conduct of democracy on election day proves the resilience of the nation against terrorist forces.

Interestingly, the outcome of elections is not only limited to the domestic sphere but also extends to international forums. Elected representatives through their policies can markedly affect the country's relations with other countries. This underscores the

importance of electoral outcomes, which have far-reaching implications for international alliances and partnerships.

In conclusion, elections are the cornerstone of democracy. They underpin a country's political stability and socio-economic development. More than just regime change, elections represent the power, will and rights of the people - echoing a country's move towards progress, prosperity and peace.

1.3 The Concept of Electoral Justice

The enforcement of the legal framework, the electoral justice system, and the design and implementation of the electoral process as a whole are some of the important instruments in implementing the concept of electoral justice in a country. In the process, electoral justice exerts many influences on the behavior of interested parties. Electoral justice systems can differ from one country to another. It is strongly influenced by the socio-cultural conditions, historical context and political interests of each country.[4]

The term 'electoral legal framework' generally refers to the combination of laws and rules related to elections in a country. The legal framework for elections includes applicable provisions in the constitution, the electoral law and other laws affecting elections, such as laws on political parties. The legal framework also includes regulations annexed to the electoral law and other relevant laws, as well as relevant instructions and regulations issued by the Election Management Body. The legal framework also includes regulations annexed to the electoral law and other relevant laws, as well as relevant instructions and regulations issued by the Election Management Body. The legal framework defines the "rules of the game" for the different phases of the electoral process. It is therefore in the direct interest of electoral contestants and citizens to ensure that the rules of the electoral competition, as well as the manner in which these rules are enforced, ensure that democratic elections are held. Information about the legal framework, and any changes to it, should be made transparent to all parties and provide citizens with the opportunity to be involved in the process of reforming the legal framework. In the process of reforming the legal framework for elections, interested actors - whether Election Management Body, government bodies, civil society groups or political parties - should consider what the framework means for transparency, inclusiveness and accountability of each part of the electoral cycle.

As the foundation for protecting and safeguarding human rights, the rule of law is an important instrument to create a structure that promotes equal accountability, the rule of law in any human rights violation, legal certainty and predictability, and the independent and impartial administration of justice.[5] This has been stated as a fundamental principle at the regional level by the Organization of American States, the African Union and the Council of Europe, and at the international level by the United Nations.[6]

The design of an electoral justice system in a country is important in realizing free, fair and honest elections in accordance with applicable regulations and carried out thoroughly.

The design must take into account each stage of the electoral process, namely the pre-election stage, the election stage and the post-election stage so that the electoral justice system is comprehensive and effective. The system is an important instrument for upholding the law and ensuring the full implementation of democratic principles through the conduct of free, fair and genuine elections. Any act, practice or decision relating to the electoral process that does not comply with the law is considered an irregularity. Given that discrepancies in the voting process can lead to disputes, an electoral justice system exists to avoid this and to ensure free, fair and honest elections. The proper design of an electoral justice system is therefore crucial to ensuring the legitimacy of democracy and the credibility of the electoral process.

2. PROBLEM FORMULATION

This research will discuss important matters in the enforcement of electoral justice in Indonesia with the following formulation;

1. how the electoral legal framework in Indonesia in realizing electoral justice in Indonesia?
2. how is the existence of the constitutional court in realizing electoral justice in Indonesia?

3. RESEARCH METHOD

The research method used in writing this paper uses a normative juridical research method that examines document studies, such as laws and regulations. The data used in writing this paper is secondary data, namely data obtained from books, journals, and the internet that have relevance to the topic of the paper.[7] The objects analyzed in this paper are analyzed with a qualitative approach. Qualitative is a research method that refers to the applicable legal norms in laws and regulations.[8]

4. ELECTORAL LEGAL FRAMEWORK IN INDONESIA

Constitutional Provisions

Regulations regarding elections are actually contained in the third amendment to the 1945 Constitution in 2001. These provisions can be seen in Article 22E of the 1945 Constitution which stipulates that general elections are held directly, generally, freely, secretly, honestly and fairly every five years. In addition, elections are held to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President and the Regional Representatives Council (DPRD). In line with the provisions in the formulation of Article 22E of the NRI 145 Constitution, amendments were also made to Article 6 and Article 6A. Article 6A states that the President and Vice President are elected in one pair directly by the people. Then, the presidential and vice presidential candidates are proposed by a political party or a coalition of political parties participating in the general election before the general election.

Based on this provision, the lawmakers then designed the general election into 2 (two) types, namely legislative elections to elect members of the DPR, DPD Provincial DPRD and Regency / City DPRD and presidential and vice presidential elections to elect the president and vice president. In this case, the legislative elections are held before the presidential and vice presidential elections.

Electoral arrangements in state constitutions are, of course, much more entrenched than with ordinary laws, as amending the constitution requires the approval of a majority of the legislature. This provides greater protection for opposition parties as the incumbent regime cannot arbitrarily change electoral rules to retain power. In addition, changing the constitution is inherently more difficult and time-consuming.

It is indeed a record of Indonesian electoral history, where through the Constitutional Court Decision Number 14/PUU-XVI/2013 regarding the Examination of Law Number 42 of 2008 concerning General Elections for President and Vice President against the 1945 Constitution, the Constitutional Court confirmed that the holding of Elections for Members of the DPR, DPD, and DPRD and Elections for President and Vice President are held simultaneously as stated in the following considerations:

"...to determine the constitutionality of holding the Presidential Election whether after or simultaneously with the holding of the Election of Members of Representative Institutions, at least three main considerations must be considered, namely the link between the electoral system and the choice of the presidential system of government, the original intent of the framers of the 1945 Constitution, the effectiveness and efficiency of organizing elections, and the right of citizens to choose intelligently...."

Of course, the Constitutional Court's decision is an important carving in the electoral complexity in Indonesia and should be appreciated even though many parties questioned the legality and constitutionality of the decision, especially the initial start in the 2019 elections. This needs to be appreciated because of the courage of the Constitutional Court in upholding constitutional values.

Provisions of the Law and Regulations of the Election Organizing Body

Currently, the organization of simultaneous elections in 2019 itself is regulated through Law Number 7 Year 2017 on General Elections (Election Law 2017). In principle, this Act was formed on the basis of simplifying and harmonizing and combining election arrangements contained in three separate regulations, namely Law Number 42 of 2008 concerning General Elections for President and Vice President, Law Number 15 of 2011 concerning General Election organizers, and Law Number 8 of 2012 concerning General Elections for Members of the DPR, DPD and DPRD.

The simultaneous general election model adopted from the 2017 Election Law was initiated by the mandate of the Constitutional Court through the Constitutional Court Decision Number.

14/PUU-XI/2013 dated January 23, 2014 which states that the implementation of presidential and vice-presidential elections, and the election of members of representative institutions separately is unconstitutional and not in accordance with the spirit of the 1945 Constitution which requires efficiency in governance and the right of citizens to vote intelligently. In addition, it is also intended to mitigate political dynamics related to the regulation of election organizers and participants, the electoral system, election management, and law enforcement in one Law, namely the Law on General Elections.

The 2017 Election Law regulates the Election Organizer along with its duties, responsibilities, authorities and functions. The Election Organizer is an institution that organizes elections consisting of the General Election Commission, the Election Supervisory Body, and the Honorary Board of Election Organizers as a unit of the function of organizing elections to elect members of the House of Representatives, members of the Regional Representatives Council, the President and Vice President, and to elect members of the Regional People's Representatives Council directly by the people. The regulation of the General Election Commission and the Election Supervisory Board is not only national but also at the provincial and district/city levels.

General Election Commission

The General Election Commission (hereinafter referred to as KPU) is a national, permanent, and independent election organizing body in conducting elections. The number of KPU members is seven people. Based on the Law, the duties of KPU are as follows:

1. Planning the program and budget as well as setting the election schedule
2. Arrange and determine the working procedures of KPU, Provincial KPU, Regency / City KPU, PPK, PPS, KPPS, PPLN, and KPPSLN
3. Formulate and stipulate technical guidelines for each stage of the Election after prior consultation with the DPR and the Government
4. Coordinating, organizing, and controlling all stages of the election
5. Receive the electoral roll for the General Election
6. Updating the voters' data based on population data prepared and submitted by the government by taking into account the election data and/or the last election of governor, regent, and mayor and stipulating it as the voters' list.
7. Determining the election participants
8. Determining and announcing the results of the vote count recapitulation
9. Make minutes of vote counting and certificates of vote counting and must submit them to witnesses of election participants and Bawaslu
10. Issuing KPU decisions to certify the election results and announce them.

In carrying out its duties, the law authorizes the KPU to establish KPU regulations for each stage of the election, determine election participants, determine and announce the results of the recapitulation of the national level vote count based on the results of the recapitulation of vote counting in the provincial KPU for the Presidential and Vice Presidential Elections and for the

DPR elections as well as the results of the recapitulation of vote counting in each provincial KPU for the DPD elections by making minutes of vote counting and certificates of vote counting results, issuing KPU decisions to certify the election results and announce them and exercising other powers in organizing elections in accordance with statutory provisions.

Election Supervisory Agency

The Election Supervisory Body (hereinafter referred to as Bawaslu) is an election organizing body in charge of overseeing the implementation of elections in all regions of the Unitary State of the Republic of Indonesia. The number of Bawaslu members is five people. Bawaslu consists of;

1. Bawaslu;
2. Provincial Bawaslu;
3. Bawaslu at the regency/city level;
4. Sub-district Panwaslu;
5. Panwaslu Kelurahan/Village;
6. Panwaslu LN; and
7. TPS Supervisor

Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu, Sub-district Election Supervisory Committees, Village / Village Election Supervisory Committees, Overseas Election Supervisory Committees, Polling Station Supervisors are hierarchical, including Provincial Bawaslu and Regency / City Bawaslu in special or special regional government units regulated by law. Meanwhile, sub-district election supervisory committees, sub-village / village election supervisory committees, overseas election supervisory committees, and polling station supervisors are ad hoc.

Bawaslu is tasked with:

- a. formulating standards for the supervision of the Implementation of the Election for election supervisors at each level;
- b. to prevent and take action against election violations and disputes over the election process;
- c. overseeing the preparation of the Election, which consists of planning and determining the schedule of the Election stages, planning the procurement of logistics by the General Election Commission, organizing the Election, and implementing other preparations for the Election in accordance with the provisions of laws and regulations;
- d. supervise the implementation of the stages of the Implementation of the Election; consisting of updating voter data and determining temporary voter lists and permanent voter lists, structuring and determining district / city DPRD electoral districts, determining Election Participants, nomination up to the determination of Candidate Pairs, candidates for DPR members, DPD candidates, and DPRD candidates in

accordance with the provisions of laws and regulations, implementation of campaigns and funds. Campaigns, procurement of election logistics and its distribution, the implementation of voting and counting of election results at polling stations, the movement of ballots, minutes of vote counting, and certificates of vote counting results and the polling station level to PPK, recapitulation of vote counting results at PPK, Regency / City KPU, Provincial KPU, and KPU, the implementation of counting and re-voting, further elections, and subsequent elections and the determination of election results.

- e. preventing the practice of money politics;
- f. overseeing the neutrality of the state civil apparatus, the neutrality of members of the Indonesian National Army, and the neutrality of members of the Indonesian National Police;
- g. overseeing the implementation of decisions, consisting of: DKPP decisions, court decisions regarding violations and election disputes, Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu decisions, KPU, Provincial KPU, and Regency / City KPU decisions; and decisions of authorized officials for violations of the neutrality of the state civil apparatus, neutrality of members of the Indonesian National Army, and neutrality of members of the Indonesian National Police;
- h. submitting allegations of violations of the Election Organizer's code of ethics to DKPP;
- i. submitting allegations of election crimes to the Gakkumdu;
- j. manage, maintain, and care for archives and carry out their depreciation based on a schedule
- k. retention of archives in accordance with the provisions of laws and regulations;
- l. evaluating the election supervision;
- m. overseeing the implementation of KPU Regulations; and
- n. performing other duties in accordance with the provisions of laws and regulations.

In preventing election violations and preventing disputes over the election process, Bawaslu is tasked with:

1. identifying and mapping potential vulnerabilities and election violations;
2. coordinating, supervising, guiding, monitoring, and evaluating
3. The organization of elections;
4. coordinate with relevant government agencies; and
5. increasing public participation in election supervision.

In prosecuting election violations, Bawaslu is tasked with:

1. receive, examine and review allegations of election violations;
2. investigate allegations of election violations

3. determining alleged election administration violations, alleged violations of the code of ethics
4. organizers and/or alleged election crimes; and
5. decide on election administration violations.

In taking action on election process disputes, Bawaslu is tasked with:

1. receiving requests for settlement of disputes over the election process;
2. verifying formally and materially the application for settlement of disputes over the Election process;
3. conduct mediation between the parties in dispute;
4. conducting the election process dispute adjudication process; and
5. deciding the settlement of disputes over the electoral process.

In carrying out its duties, the Law authorizes Bawaslu to receive and follow up reports relating to alleged violations of the implementation of laws and regulations governing elections; examine, review, and decide on violations of election administration; examine, review, and decide on money politics violations; receive, examine, mediate or adjudicate, and decide on the settlement of election process disputes; carry out other authorities in accordance with statutory provisions.

Honorary Council of Election Organizers

The Honorary Council of Election Organizers, hereinafter abbreviated as DKPP, is an institution in charge of handling violations of the code of ethics of the Election Organizers. DKPP is established to examine and decide complaints and/or reports of alleged violations of the code of ethics committed by members of the KPU, members of the provincial KPU, members of the Regency / City KPU, members of Bawaslu, members of the Provincial Bawaslu and members of the Regency / City Bawaslu.

DKPP compiles and establishes a code of ethics to maintain the independence, integrity and credibility of members of KPU, Regency / City KPU, PPK, PPS, KPPS, PPLN, KPPSLN and members of Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, District Panwaslu, Village / Village Panwaslu, LN Panwaslu, and TPS supervisors. In compiling the code of ethics DKPP includes KPU and Bawaslu. The code of ethics is binding and must be obeyed by members of the KPU, Provincial KPU, Regency / City KPU, PPK, PPS, KPPS, PPLN, KPPSLN and members of Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, District Panwaslu, Village / Village Panwaslu, LN Panwaslu, and TPS supervisors.

In carrying out its duties, the Law gives DKPP the authority to summon election organizers suspected of violating the code of ethics to provide explanations and defenses; summon the reporter, witnesses, and / or other related parties for questioning, including documents or other evidence; impose sanctions on election organizers who are proven to have violated the code of ethics; and decide on violations of the code of ethics. to carry out its duties and functions in

enforcing the code of ethics of election organizers, DKPP forms DKPP Regulations and stipulates DKPP decisions.

5. THE ROLE OF THE CONSTITUTIONAL COURT IN REALIZING ELECTORAL JUSTICE

Constitutional justice is a very important foundation in maintaining the stability and sustainability of a country's legal system. In Indonesia, the Constitutional Court acts as the guardian institution of constitutional justice. The Constitutional Court of the Republic of Indonesia has a central role in realizing constitutional justice. As an independent constitutional justice institution, the Constitutional Court has duties that include ensuring the conformity of laws with the Constitution.[9]

The Constitutional Court of the Republic of Indonesia was established based on the 1945 Constitution of the Republic of Indonesia, and is an important institution in safeguarding the principles of democracy, the rule of law, and the protection of human rights in Indonesia. With broad authority, the Constitutional Court is tasked with maintaining constitutional justice by testing the constitutionality of laws and regulations, resolving disputes over election results, and adjudicating disputes over authority between state institutions. Through its role, the Constitutional Court provides protection and ensures that the constitution that is the foundation of the state is respected and implemented.

Through the law review process, the Constitutional Court plays a crucial role in verifying the conformity of existing laws with the values and principles enshrined in the Constitution. Its function as the guardian of consistency between laws and the Constitution makes the Constitutional Court the main guardian of legal integrity. Thus, the Constitutional Court significantly contributes to ensuring legal certainty and constitutional justice for all citizens.

The role of the Constitutional Court in the judicial review process has very important implications. Through in-depth research and examination of proposed laws, the Constitutional Court plays a role in ensuring that laws are in accordance with the basic principles enshrined in the Constitution. By performing this function, the Constitutional Court guarantees that the resulting legal decisions are within the boundaries set by the Constitution, thus ensuring equitable legal certainty for all individuals in the country.

The Constitutional Court of the Republic of Indonesia has played a significant role in the development of constitutional law and justice in the country. One of the most notable examples is its decision in 2002, in which the Constitutional Court struck down a number of articles in the General Election Law that restricted citizens' rights to vote and be elected. This decision significantly contributed to strengthening democracy and fairness in Indonesia's political system, by giving people greater freedom to actively participate in the country's political process.

With regard to simultaneous elections starting with the 2019 elections and beyond, some of the constitutional court's reflections on realizing electoral justice can be summarized in the following points:

1. The holding of simultaneous elections starting in the 2019 elections and beyond is a follow-up to Constitutional Court Decision Number 14/PUU-XI/2013. The Constitutional Court's decision is in line with Article 10 of Law No. 12/2011 on the Establishment of Laws and Regulations, which stipulates that one of the materials that must be regulated in the law is a follow-up to the Constitutional Court's decision.
2. The Constitutional Court has read out the decisions of 19 cases of disputes over general election results (PHPU) for the 2020 simultaneous regional elections out of 32 cases received by the Constitutional Court. The reading of these 19 decisions was carried out on Thursday (18/3/2021) for 10 cases and Friday (19/3/2021) for 9 cases. Meanwhile, the verdicts on 13 other cases will be read out on Monday (22/3/2021). Of the 19 cases that have been read out by the Constitutional Court, there are 7 Pilkada cases that have been partially granted by the Constitutional Court, 7 cases that have been rejected and 5 cases declared inadmissible. Partially granted, means that some of the arguments in the petition are well-founded according to the law or in other words, the petitioner can prove these arguments in the trial so that they affect the election results. Of the 7 cases granted by the Constitutional Court, one of the rulings, generally ordered the KPU (respondent) to conduct re-voting (PSU) in all polling stations in one district or some polling stations in one district or province that held the 2020 Simultaneous Regional Elections.[10]
3. In the 2019 presidential election dispute, the Constitutional Court rejected the petition of presidential candidate pair Prabowo Subianto-Sandiaga Uno regarding the 2019 presidential election results. The Constitutional Court stated in the exception; rejecting the exception of the respondent and related parties in their entirety. In the main petition, rejecting the petition of the applicant in its entirety... The Constitutional Court rejected the arguments of Prabowo's team (Presidential Candidate Pair Number 02) regarding money politics, the non-neutrality of law enforcement officials, the non-neutrality of intelligence, structured, systematic and massive fraud in the 2019 presidential election. [11]
4. Based on the evaluation of the implementation of the 2019 elections and the projection of the simultaneous elections and regional elections in the same year in 2024, Perludem argued to submit a judicial review of Law No. 7/2017 on Elections and Law No. 10/2016 on Regional Elections related to the aspect of "simultaneity" to the Constitutional Court. In deciding this case, the Constitutional Court traced the original intent of the 1945 Constitutional amendment. The search is intended to see the ideas that were raised or developed during the discussion of the 1945 Constitutional amendment, especially with regard to General Elections. Based on the results of the search for the original intent of the 1945 Constitutional amendment deliberations, especially related to Article 6 paragraph (2) and Article 22E paragraph (2), it turns out that the idea of simultaneous elections was discussed in the PAH MPR meetings at that time with various

simultaneous options. This then became the basis for the Constitutional Court to decide that the choice of simultaneity in Decision Number 55/PUU-XVII/2019 was constitutional. In addition, based on the results of tracing the original intent of the discussion of the 1945 Constitutional amendment, the Constitutional Court is of the opinion that the choice of simultaneous aspects in the electoral system must lead to the strengthening of the presidential system in accordance with the agreement to amend the 1945 Constitution.[12]

5. The Constitutional Court granted the entire petition of the Association for Elections and Democracy (PERLUDEM) related to the judicial review of Article 157 paragraph (3) of the Law on the Election of Governors, Regents and Mayors, which concluded that the phrase "until the establishment of a special election judicial body" was contrary to the Constitution so that the authority of the Constitutional Court to examine and hear disputes over election results was no longer limited to "until the establishment of a special judicial body", but would be permanent.[13]
6. The Constitutional Court (MK) decided that former convicts with a sentence of more than 5 years can only run for the Regional Representative Council (DPD) after 5 years out of prison. This decision was read out by a panel of constitutional judges in a hearing held on Tuesday (28/2/2023) on case number 12/PUU-XXI/2023. This case was filed by the Association for Elections and Democracy (Perludem) on Article 182 letter g of Law Number 7 Year 2017 concerning Elections.[14] Meanwhile, the Constitutional Court's decision number 87/PUU-XX/2022 regulates former convicted corruptors who run for legislative positions.
7. In a hearing held by the Constitutional Court, the judges decided that the 2024 election system would continue to use open proportionality, aka voting for legislative candidates. The Constitutional Court's decision rejected the petition for judicial review of Article 168 paragraph (2) of the Election Law related to the open proportional system to become closed proportional as submitted by the applicant. Chairman of the Constitutional Court Anwar Usman considered that the arguments of the petitioners were not well-founded according to the law in their entirety.[15] With the open list proportional system, this election system provides access to the public to choose their own candidates. In addition, the community has a high degree of representation and has a high level of justice for candidates participating in the election.[16]

6. CONCLUSION

The electoral legal framework in Indonesia has been established in accordance with international electoral standards. The legal framework for elections includes applicable provisions in the constitution, the electoral law and other laws affecting elections, such as laws on political parties. The legal framework also includes regulations annexed to the electoral law and other relevant

laws, as well as relevant instructions and regulations issued by EMBs such as the General Election Commission (KPU), the Election Supervisory Body (Bawaslu) and the Honorary Council of Election Administrators (DKPP). The Election Law regulates every stage of the electoral process, efforts to prevent electoral disputes to the electoral dispute resolution system which is part of the electoral justice system. The Constitutional Court as the guardian institution of constitutional justice has a central role in realizing constitutional justice. The Constitutional Court plays a crucial role in verifying the conformity of existing laws with the values and principles enshrined in the Constitution. Its function as the guardian of consistency between laws and regulations and the Constitution makes the Constitutional Court the main guardian of legal integrity. In addition, as an electoral judicial institution authorized to hear electoral disputes, the Constitutional Court has delivered decisions based on the establishment of electoral justice in Indonesia.

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