

Role of the Constitutional Court in Indonesia's Electoral Justice System

Gede Dandi Pratama Putra¹, I Gede Yusa²

Fakultas Hukum Universitas Udayana^{1,2},
e-mail: dandigede99@gmail.com¹, gedeyusa345@gmail.com²

ABSTRACT

This study examines the position and authority of the Constitutional Court of Indonesia (*Mahkamah Konstitusi*) within the national electoral justice system and its institutional relationship with other electoral law enforcement bodies in realizing substantive electoral justice. Elections function as a core mechanism of constitutional democracy, requiring not only procedural legality but also effective judicial protection to ensure legitimacy and public trust. Using a normative legal research method, this study analyzes the 1945 Constitution of the Republic of Indonesia, the Election Law, the Constitutional Court Law, and other relevant statutory regulations through a statutory and conceptual approach. The findings show that the Constitutional Court holds strong constitutional legitimacy as the final and binding adjudicator of election result disputes. Its role has developed beyond merely correcting vote tabulations to assessing qualitative violations, particularly those that are structured, systematic, and massive, which affect the integrity of the electoral process. Furthermore, Indonesia's electoral justice system is implemented through an integrated framework involving the Election Supervisory Body (Bawaslu), the Honorary Council of Election Organizers (DKPP), the Integrated Law Enforcement Center (Sentra Gakkumdu), and the Constitutional Court. Each institution exercises distinct yet interrelated authority across administrative, ethical, criminal, and constitutional domains. This study concludes that the effectiveness of electoral justice in Indonesia depends not only on the Constitutional Court's final decisions but also on institutional synergy among electoral law enforcement bodies. Strengthening coordination and normative integration is essential to ensure that electoral justice is realized substantively, democratically, and constitutionally.

Keywords:

Constitutional Court;
Electoral Justice;
Election Law

DOI. <https://doi.org/10.56442/ijble.v7i1.1374>

INTRODUCTION

General elections constitute a fundamental instrument in the implementation of constitutional democracy, functioning as a means of realizing popular sovereignty within a state governed by the rule of law (Siagian et al., 2022; Thohir & Sukriono, 2023). Through elections, citizens determine the direction of political power in a legitimate, periodic, and constitutional manner (Pradipta, 2025; , Butt & Siregar, 2021). In a democratic state, elections are not merely understood as political procedures but as legal mechanisms to ensure the legitimacy of government formed based on the will of the people in accordance with the principles of justice, legal certainty, and constitutional supremacy Fatriansyah, 2024), (Thohir & Sukriono, 2023; , (Harisudin & Alfiella, 2022).

The quality of democracy in a country is largely determined by the extent to which elections are conducted in a free, fair, honest, and dignified manner (Thohir & Sukriono, 2023; , (Pradipta, 2025; . Therefore, elections must be supported by a legal system capable of protecting citizens' political rights and providing mechanisms to resolve any violations and disputes arising during the electoral process (Pradipta, 2025; , Kurnia & Melatyugra, 2024). In this context, the concept of the electoral justice

system becomes a crucial element in safeguarding the integrity of both the process and the outcomes of elections Butt & Siregar, 2021), (Pradipta, 2025; . An electoral justice system ensures that every stage of the election is carried out in compliance with the law and provides fair, transparent, and accountable procedures for dispute resolution (Thohir & Sukriono, 2023; , (Pradipta, 2025; .

Without an effective electoral justice system, election results risk losing their constitutional legitimacy (Kelliher et al., 2019; , Adiwijaya et al., 2022). Unresolved disputes and unaddressed violations may generate public distrust, political conflict, and weaken democratic stability (Pambudi et al., 2024; , (Kelliher et al., 2019; . Consequently, the electoral justice system functions not only as a corrective instrument but also as a preventive mechanism to maintain public confidence in democratic institutions Butt & Siregar, 2021), (Pradipta, 2025; .

Within Indonesia's constitutional framework, the Constitutional Court (Mahkamah Konstitusi) occupies a strategic position in the electoral justice system, particularly in adjudicating disputes over election results (Harisudin & Alfiella, 2022; , (Thohir & Sukriono, 2023; . This authority is granted by the 1945 Constitution of the Republic of Indonesia as part of the Court's function to safeguard constitutional supremacy, democratic principles, and the protection of citizens' political rights (Harisudin & Alfiella, 2022; , Fatriansyah, 2024). The Court's decisions are final and binding, positioning it as the ultimate forum (the guardian of electoral constitutionality) in determining the legal and constitutional validity of election outcomes (Pitrinyantini & Astariyani, 2022; , Nata & Baskoro, 2023).

Nevertheless, electoral justice in Indonesia is not administered solely by the Constitutional Court Butt & Siregar, 2021), (Pradipta, 2025; . Institutionally, the enforcement of electoral justice involves several bodies with distinct but interrelated functions Butt & Siregar, 2021), (Pradipta, 2025; . The Election Supervisory Body (Badan Pengawas Pemilu – Bawaslu) is authorized to handle administrative violations and procedural electoral disputes Butt & Siregar, 2021), (Pradipta, 2025; . The Honorary Council of Election Organizers (Dewan Kehormatan Penyelenggara Pemilu – DKPP) is responsible for enforcing the ethical conduct of election administrators (Rahmatunnisa et al., 2017; , (Pradipta, 2025; . Furthermore, the Integrated Law Enforcement Center (Sentra Penegakan Hukum Terpadu – Gakkumdu) plays a crucial role in addressing electoral crimes through coordination among Bawaslu, the police, and the public prosecutor's office; this institutional design reflects that Indonesia's electoral justice system is constructed through a systemic and integrated approach (Rahmatunnisa et al., 2017; , Butt & Siregar, 2021).

In practice, however, this complexity gives rise to various issues, particularly concerning the boundaries of authority, inter-institutional coordination, and the effectiveness of integrating decisions from different electoral law enforcement bodies in realizing substantive electoral justice (Kelliher et al., 2019; , (Sabar, 2025; . Differences in legal assessments between electoral institutions and the Constitutional Court often emerge, especially in evidentiary processes and in evaluating the impact of violations on election results (Sabar, 2025; , (Kelliher et al., 2019; . These conditions raise fundamental questions about the Constitutional Court's actual position within Indonesia's electoral justice system (Kelliher et al., 2019; , Hantoro, 2024).

Given this background, an analysis of the Constitutional Court's role in the electoral justice system is essential (Thohir & Sukriono, 2023; , (Harisudin & Alfiella, 2022; . Such an examination is necessary to understand the Court's constitutional

standing, the legal basis of its authority, and its functional relationship with other electoral law enforcement institutions (Awanisa et al., 2021; , (Harisudin & Alfiella, 2022; . Accordingly, this study is expected to contribute both theoretically to the development of electoral law and practically to the strengthening of the institutional design of electoral justice, thereby preserving the legitimacy of constitutional democracy in Indonesia (Pradipta, 2025; , Najichah, 2022).

METHOD

This study uses a normative legal research approach to analyze the 1945 Constitution of the Republic of Indonesia and the laws and regulations governing election law enforcement. The normative approach was chosen because it emphasizes the study of positive legal norms that underpin the constitutional justice system and election law enforcement mechanisms (Majeed et al., 2023; Amancik et al., 2024). The normative legal research in this study examines elements of the legal system—including the historical background of rule formation, legal principles, norm structure, regulatory harmonization, and a comparative approach—as the basis for doctrinal and conceptual analysis of the legal norms governing the implementation and resolution of election disputes (Majeed et al., 2023; Amancik et al., 2024). To strengthen this normative framework, this study applies a systematic legislative/statutory approach to examining positive legal norms related to elections, the authority of the Constitutional Court, and the role of other election law enforcement institutions, enabling an assessment of the coherence of norms and the position of authority between regulations (Majeed et al., 2023; Amancik et al., 2024).

The primary legal materials analyzed consist of binding legal sources—including the 1945 Constitution, the Election Law, the Constitutional Court Law, and related implementing regulations—while secondary legal materials include legal textbooks, doctrines, and recent scholarly journal articles discussing election justice and law enforcement as analytical and interpretive references (Aulia et al., 2021). The analysis was conducted qualitatively through structured stages: (1) systematization, namely the collection, classification, and inventory of relevant legal materials; (2) descriptive analysis to describe the content and variety of norms and institutional practices; and (3) explanatory reasoning to construct legal arguments that explain the functional relationships between provisions and their implications for the Constitutional Court's position in the Indonesian electoral justice system (Aulia et al., 2021). With these procedures, the research presents rational and accountable conclusions regarding the role of the Constitutional Court in Indonesia's electoral justice system and its normative consequences for the harmonization of norms and mechanisms for enforcing election law (Aulia et al., 2021).

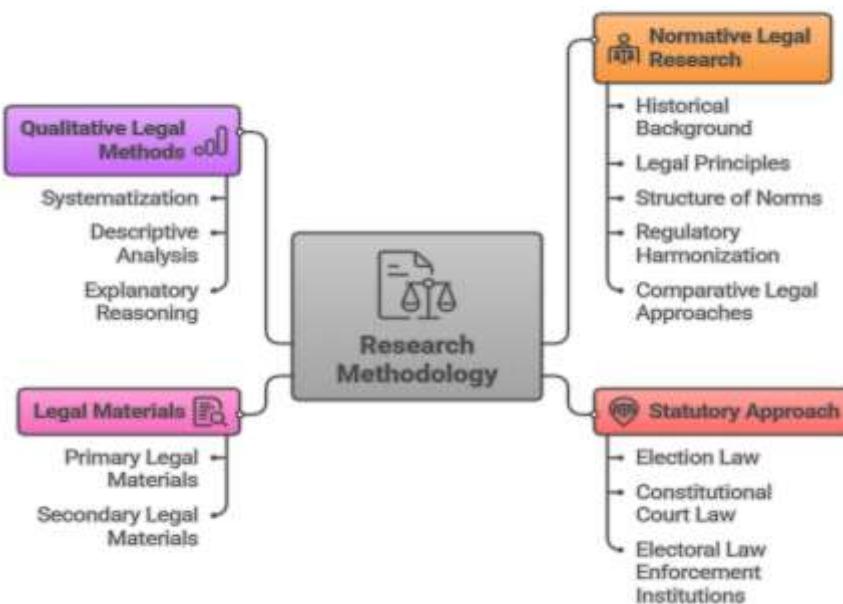


Figure 1. Research Methodology for Electoral Justice System Analysis

RESULTS AND DISCUSSION

Results

1. The Position and Authority of the Constitutional Court in the Electoral Justice System

The results of this study indicate that the Constitutional Court of Indonesia (*Mahkamah Konstitusi – MK*) was established as a constitutional court under the Third Amendment to the 1945 Constitution of the Republic of Indonesia. Its establishment was mandated by Article III of the Transitional Provisions of the Constitution and implemented through Law Number 24 of 2003 on the Constitutional Court, as lastly amended by Law Number 7 of 2020. Since commencing operations in August 2003, the Constitutional Court has become part of the judicial power alongside the Supreme Court.

Constitutionally, the authority of the Constitutional Court is regulated under Article 24C of the 1945 Constitution. The Court is authorized to conduct judicial review of statutes against the Constitution, resolve disputes concerning the authority of state institutions, decide on the dissolution of political parties, and adjudicate disputes over election results. In addition, Article 24C paragraph (2) mandates the Court to rule on the opinion of the House of Representatives regarding alleged violations by the President and/or Vice President.

In the electoral context, the constitutional basis is provided in Article 22E of the 1945 Constitution, which stipulates that elections must be conducted directly, publicly, freely, secretly, honestly, and fairly. Further regulation is provided by Law Number 7 of 2017 on General Elections, which grants the Constitutional Court jurisdiction over disputes regarding election results (*Perselisihan Hasil Pemilihan Umum – PHPU*) for members of the DPR, DPD, and DPRD, as well as for the President and Vice President.

The findings also demonstrate that, in practice, the Constitutional Court does not merely assess numerical vote margins but also evaluates qualitative violations, particularly those that are structured, systematic, and massive (SSM), as well as

violations of the principles of honest and fair elections. The Court's decisions in election disputes are final and binding and are predominantly constitutive in nature, as they create new legal circumstances, such as annulling decisions of the General Election Commission (KPU), correcting vote tabulations, or determining constitutionally valid winners.

2. The Relationship between the Constitutional Court and Other Electoral Law Enforcement Institutions

The results reveal that Indonesia's electoral justice system operates through an integrated framework comprising several institutions: the Election Supervisory Body (*Bawaslu*), the Honorary Council of Election Organizers (*DKPP*), the Integrated Law Enforcement Center (*Sentra Gakkumdu*), and the Constitutional Court.

Under Law Number 7 of 2017, *Bawaslu* is authorized to supervise all stages of elections, prevent and prosecute violations, and resolve electoral process disputes. It has adjudicative authority to receive, examine, assess, and decide administrative violations and procedural disputes in elections.

DKPP enforces the code of ethics for election organizers. It examines and decides allegations of ethical misconduct committed by election officials, issuing final and binding decisions that safeguard the integrity and impartiality of election administration.

Sentra Gakkumdu is designed to handle electoral crimes through coordination among *Bawaslu*, the National Police, and the Public Prosecutor's Office. Its role covers the stages of receiving reports, conducting investigations, prosecutions, and ensuring legal certainty in criminal election law enforcement.

The Constitutional Court occupies the final position in the electoral justice system by adjudicating disputes over election results. In *PHPU* proceedings, the Court may use findings and decisions from *Bawaslu*, *DKPP*, and *Gakkumdu* as evidence and legal considerations.

Discussion

1. Constitutional Court as the Guardian of Electoral Constitutionality

The position of the Constitutional Court reflects that electoral justice in Indonesia is not merely procedural but fundamentally constitutional. With final and binding authority, the Court determines the political legitimacy of electoral outcomes. This reinforces the Court's role as the guardian of electoral constitutionality, rather than merely an arithmetic court assessing vote counts (Siagian et al., 2022; , Aman & Tomsa, 2022; , (Aditya, 2023).

The expansion of the Court's role in evaluating structured, systematic, and massive violations demonstrates a shift from formal electoral justice toward substantive electoral justice. Justice is no longer limited to numerical correctness but extends to the integrity of the electoral process itself. This approach aligns with the theory of substantive democracy, in which legitimacy is derived from both outcomes and the fairness of procedures (Triningsih et al., 2022).

Moreover, the constitutive nature of the Court's decisions indicates that it performs a reconstructive function in democratic governance. By annulling results or ordering recounts and re-elections, the Court reshapes political reality through constitutional reasoning. However, this also requires judicial restraint to prevent excessive judicialization of politics (Aditya, 2023).

2. Institutional Synergy in Realizing Substantive Electoral Justice

The relationship between the Constitutional Court, *Bawaslu*, *DKPP*, and *Sentra Gakkumdu* illustrates that Indonesia's electoral justice system is multilayered.

Each institution enforces justice within different domains: administrative, ethical, criminal, and constitutional. This structure strengthens checks and balances and prevents the monopolization of electoral law enforcement by a single institution (Zairudin, 2023; , Arifin et al., 2024).

Nevertheless, the effectiveness of this system depends heavily on inter-institutional coordination and consistency. Fragmented enforcement risks reducing electoral justice to procedural formalism. Therefore, normative and functional integration among these institutions is essential so that the Constitutional Court's adjudication reflects the entire spectrum of electoral legality (Lisma et al., 2025).

In PHPU cases, the Constitutional Court's use of findings from other institutions represents systemic harmonization of electoral justice. It enables the Court to assess not only electoral outcomes but also process integrity. Consequently, electoral justice becomes substantive, democratic, and constitutionally grounded, reinforcing public trust in Indonesia's electoral system (Rahmat et al., 2025; , Umam & Sidik, 2023).

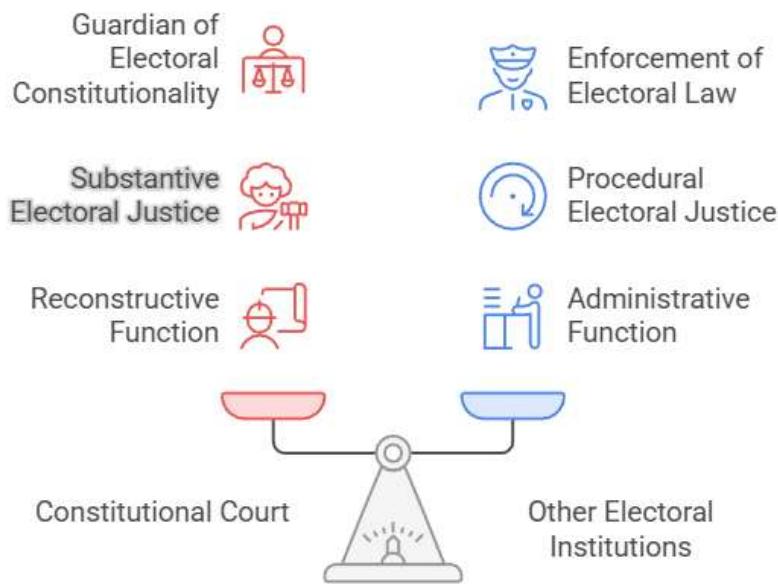


Figure 2. Balancing Constitutional and Procedural Electoral Justice in Indonesia

CONCLUSION

Conclusion

This study demonstrates that the Constitutional Court of Indonesia occupies a central and strategic position within the national electoral justice system. Constitutionally mandated under Article 24C of the 1945 Constitution, the Court serves as the final and binding forum for resolving election result disputes and determining the constitutional legitimacy of electoral outcomes. Its authority has evolved from merely examining numerical vote margins to evaluating substantive violations, particularly those that are structured, systematic, and massive, thereby safeguarding not only electoral results but also the integrity of the electoral process.

Furthermore, electoral justice in Indonesia is implemented through a multilayered institutional framework involving Bawaslu, DKPP, Sentra Gakkumdu, and the Constitutional Court. Each institution enforces electoral justice within different domains—administrative, ethical, criminal, and constitutional—forming an integrated

system. The Constitutional Court stands at the apex of this framework, utilizing findings from other institutions as evidentiary and legal considerations in adjudicating disputes over election results. Consequently, electoral justice in Indonesia is not solely procedural but also substantive and constitutional.

Recommendations

To strengthen the effectiveness of Indonesia's electoral justice system, several recommendations are proposed. First, institutional coordination among Bawaslu, DKPP, Sentra Gakkumdu, and the Constitutional Court should be enhanced through clearer procedural integration and data-sharing mechanisms to avoid fragmentation in law enforcement. Second, regulatory harmonization is necessary to ensure consistency between administrative, ethical, criminal, and constitutional adjudication processes in electoral disputes. Third, capacity building for electoral law enforcement officials should be continuously developed to improve professionalism, impartiality, and legal reasoning in handling complex electoral violations. Finally, future research should incorporate comparative and empirical approaches to evaluate the practical impact of Constitutional Court decisions on electoral integrity and democratic consolidation in Indonesia.

References

- Aditya, I. (2023). Solutions for follow-up on constitutional court decisions that are final and binding implementative. *Nomoi Law Review*, 4(1). <https://doi.org/10.30596/nomoi.v4i1.14945>
- Adiwijaya, A., Foeck, D., & Tampubolon, M. (2022). Continuing disputes and validity of voting for the Regent and Deputy Regent of Yalimo Regency in Papua, Indonesia. *Britain International of Humanities and Social Sciences Journal*, 4(1), 151–161. <https://doi.org/10.33258/biohs.v4i1.602>
- Aman, A., & Tomsa, D. (2022). The constitutional and legislative foundations of Indonesia's electoral regime. In *Oxford Scholarship Online* (pp. 133–150). <https://doi.org/10.1093/oso/9780192870681.003.0007>
- Amancik, A., Saifulloh, P., Ayub, Z., Barus, S., & Susi, R. (2024). Choice of law for democratic regional head election dispute-resolution institutions in Indonesia. *Jambura Law Review*, 6(2), 304–338. <https://doi.org/10.33756/jlr.v6i2.24792>
- Arifin, W., Satoto, S., & Zarkasi, A. (2024). Reconstruction of the position and authority of the honorary council of general election organizers (DKPP) as a quasi-ethical court. *Journal of Law and Regulation Governance*, 2(9), 316–331. <https://doi.org/10.57185/jlarg.v2i9.67>
- Asshiddiqie, J. (2019). *Konstitusi dan konstitusionalisme Indonesia*. Sinar Grafika.
- Aulia, N., Husen, L., & Gadjong, A. (2021). The presidential system with a multiparty system based on the 1945 Constitution of the Republic of Indonesia. *Sovereign International Journal of Law*, 3(1), 1–19. <https://doi.org/10.37276/sijl.v3i1.34>
- Awanisa, A., Yusdianto, Y., & Khoiriah, S. (2021). The position of constitutional complaint in the Constitutional Court of the Republic of Indonesia. *Pancasila and Law Review*, 2(1), 61–78. <https://doi.org/10.25041/plr.v2i1.2308>
- Butt, S., & Siregar, F. (2021). Multilayered oversight: Electoral administration in Indonesia. *Asian Journal of Comparative Law*, 16(S1), S121–S135. <https://doi.org/10.1017/asjcl.2021.32>
- Fatriansyah, F. (2024). Eksistensi putusan Mahkamah Konstitusi. *Legalitas Jurnal Hukum*, 15(2), 339. <https://doi.org/10.33087/legalitas.v15i2.537>

- Hantoro, B. (2024). Pembatasan yudisial dan perluasan kewenangan Mahkamah Konstitusi dalam memutus sengketa hasil pilkada. *Media Iuris*, 7(1), 101–130. <https://doi.org/10.20473/mi.v7i1.41871>
- Harisudin, M., & Alfiella, F. (2022). Kewenangan positive legislature Mahkamah Konstitusi. *Constitution Journal*, 1(1), 1–18. <https://doi.org/10.35719/constitution.v1i1.4>
- Harun, R. (2016). *Pemilu konstitusional: Desain penyelesaian sengketa pemilu kini dan ke depan*. Rajagrafindo Persada.
- Isra, S. (2020). *Lembaga negara: Konsep, sejarah, wewenang, dan dinamika konstitusional*. Rajagrafindo Persada.
- Isra, S., & Fahmi, K. (2019). *Pemilihan umum demokratis: Prinsip-prinsip dalam konstitusi Indonesia*. Rajagrafindo Persada.
- Kelliher, C., Isra, S., Daulay, Z., Tegnan, H., & Amsari, F. (2019). Unconstitutional authority of Indonesia's Constitutional Court. *Election Law Journal*, 18(3), 297–308. <https://doi.org/10.1089/elj.2018.0535>
- Kurnia, T., & Melatyugra, N. (2024). Universality of rights as an interpretive principle for the Indonesian Constitutional Court. *Constitutional Review*, 10(2), 474–504. <https://doi.org/10.31078/consrev1027>
- Lisma, L., Satriadi, S., Salam, S., & Oluwaseyi, F. (2025). Integration of juridical and sociological approaches in election criminal law enforcement. *Sasi*, 31(3), 246. <https://doi.org/10.47268/sasi.v31i3.3049>
- Majeed, N., Hilal, A., & Khan, A. (2023). Doctrinal research in law: Meaning, scope and methodology. *BBE*, 12(4), 559–563. <https://doi.org/10.61506/01.00167>
- Nata, A., & Baskoro, M. (2023). Analisis dampak putusan hakim Mahkamah Konstitusi. *Sanskara Hukum Dan HAM*, 2(2), 105–117. <https://doi.org/10.58812/shh.v2i02.288>
- Palguna, I. D. G. (2018). *Mahkamah Konstitusi: Dasar pemikiran, kewenangan, dan perbandingan dengan negara lain*. Konstitusi Press.
- Pambudi, B., Prajarto, N., & Irawanto, B. (2024). Sinyal bahaya demokrasi pascaputusan MK. *JRP*, 14(1), 131–150. <https://doi.org/10.15642/jrp.2024.14.1.131-150>
- Pitrinyantini, P., & Astariyani, N. (2022). Final and binding essence on constitutional court's judgment. *Journal of Social Sciences and Management Studies*, 1(2), 86–90. <https://doi.org/10.56556/jssms.v1i2.170>
- Pradipta, A. (2025). The position of election law in ensuring regional political justice and stability. *JLHS*, 2(1), 15–22. <https://doi.org/10.59613/vfzg8f05>
- Rahmat, D., Sujono, S., Sudarto, S., & Farhani, A. (2025). The role of Gakkumdu Bawaslu East Jakarta in law enforcement of election crimes. *Jurnal Cita Hukum*, 13(1), 61–72. <https://doi.org/10.15408/jch.v13i1.44442>
- Rahmatunnisa, M., Witianti, S., & Hendra, H. (2017). Evaluasi kinerja DKPP. *Jurnal Wacana Politik*, 2(2). <https://doi.org/10.24198/jwp.v2i2.14419>
- Sabar, S. (2025). Problematika penyelesaian sengketa pilkada di Mahkamah Konstitusi. *Jurnal USM Law Review*, 8(3), 1411–1423. <https://doi.org/10.26623/julr.v8i3.12624>
- Siagian, A., Alify, R., & Alghazali, M. (2022). Tinjauan yuridis kewenangan Bawaslu. *JAPHTN-HAN*, 1(2). <https://doi.org/10.55292/japhtnhan.v1i2.50>
- Siahaan, M. (2011). *Hukum acara Mahkamah Konstitusi Republik Indonesia*. Sinar Grafika.
- Soekanto, S. (2012). *Pengantar penelitian hukum* (3rd ed.). Rineka Cipta.

- Soeprapto, M. F. I. (2007). *Ilmu perundang-undangan 1: Jenis, fungsi, dan materi muatan* (6th ed.). Kanisius.
- Sulistyowati, et al. (2024). Relevansi badan khusus dalam penanganan sengketa pilkada. *Unes Law Review*, 6(4).
- Thohir, M., & Sukriono, D. (2023). Implementation authority of the Constitutional Court. *International Journal of Business, Law, and Education*, 4(2), 1495–1503. <https://doi.org/10.56442/ijble.v4i2.350>
- Triningsih, A., Hidayat, A., & Tyesta, L. (2022). Ideal concept of dispute settlement on local election results. *International Journal of Health Sciences*, 10779–10789. <https://doi.org/10.53730/ijhs.v6ns6.12897>
- Umam, M., & Sidik, M. (2023). Legal aspects in handling criminal acts in the 2019 election. *Al-Mikraj*, 4(1), 467–481. <https://doi.org/10.37680/almikraj.v4i1.3935>
- Zairudin, A. (2023). Rekonstruksi wewenang Bawaslu melalui Sentra Gakkumdu. *LSJ*, 3(1). <https://doi.org/10.33650/lsj.v3i1.5819>