

## The Model of Simultaneous General Elections in Order To Realize Democratic Elections: Analytical Study of The Decision of The Constitutional Court No. 55/PUU-XVII/2019

Nuri Vina Mawaddah\*, Tunggul Anshari S. N., Dhia Al Uyun

Faculty of Law, Universitas Brawijaya, Malang, Indonesia  
Corresponding Author: [nurivina340@gmail.com](mailto:nurivina340@gmail.com)

**Abstract.** This research aims to analyse the implementation of the 2019 simultaneous general elections (elections), which actually caused various problems in practice. Responding to these dynamics, the Association for Elections and Democracy (Perludem) submitted a judicial review of the Election Law to the Constitutional Court, which then resulted in Constitutional Court Decision Number 55/PUU-XVII/2019 . This research is based on two main questions. First, how is the simultaneous general election model as stated in the Constitutional Court Decision Number 55/PUU-XVII/2019 analysed in terms of the basic principles of democratic elections? Second, how is the ideal simultaneous general election model after the Constitutional Court Decision Number 55/PUU-XVII/2019 In answering these questions, this research is supported by normative legal research methods (doctrinal) with three approaches, namely the legislative approach, conceptual approach, and historical approach analysed prescriptively analytically. Based on the results of the research and analysis conducted, the following conclusions were drawn: First, with the birth of Constitutional Court Decision No. 55/PUU-XVII/2019 6 variants of the simultaneous election model. In the analysis used, the constitutional judges used historical interpretation and functional interpretation methods in deciding the constitutional simultaneous election model. Second, Constitutional Court Decision Number 55/PUU-XVII/2019 affirms the significance of Constitutional Court Decision Number 14/PUU-XI/2013 in the context of simultaneous general election arrangements. The idea of holding elections with five ballot boxes is actually not the only model that has developed in the discourse on amending the 1945 Constitution of the Republic of Indonesia. The Constitutional Court has explicitly formulated six alternative models of simultaneous elections that are considered to remain in line with constitutional principles. Among these alternatives, the fourth model is considered the most ideal to be implemented in the future simultaneous election system, given its conformity with the principles of effectiveness, efficiency and accountability in organising democratic elections.

**Keywords:** Constitutional Court, Election, Decision.

## 1 Introduction

The organization of general elections in Indonesia must be able to create an electoral system that can be applied consistently in the long term by using a uniform model. Thus, in every election implementation, a comprehensive and coherent set of rules is available so that there is no need for additional regulations. Elections are one of the fundamental principles of Indonesian democracy, providing the people with the opportunity to participate directly in electing their representatives in secret. This reflects Indonesia's respect for the principle of popular sovereignty, which is one of the main cornerstones of the nation's life. This principle is expressly stipulated in Article 1(2) of the 1945 Constitution of the Republic of Indonesia, which states, 'Sovereignty is vested in the people and shall be exercised according to the Constitution.'

In a state of law, popular sovereignty is interrelated and inseparable with democracy. Charles Frederick Strong as cited by Refly Harun provides a view "that elections must be guarded against possible practices that will undermine the implementation of democratic representation" [1]. In addition, Elizabeth Carter and David M. Farrell in Ahmadi also argue that democracy and democratic elections are "conditio sine qua non", the one cannot exist without the other. This means that it is an absolute and interrelated condition. In a representative democracy, there must be a fair and competitive electoral process. Here, elections are interpreted as a procedure to achieve democracy or as a procedure to transfer popular sovereignty to certain candidates to occupy political positions in accordance with the interests of voters or the people [2]. Elections are only an instrument and can be guaranteed based on the constitutional principles and policy directions of the country in question. Therefore, the method can be retained or can also be changed if it is seen as the correct democratic path under certain conditions. The determination of a choice must go through a lot of thought and experience to be able to ascertain the good and bad of the choice itself [3].

Therefore, the process of organizing elections is an indicator of whether a country's democratic system is good or bad. Through the contestation of elections, people exercise their rights by participating in determining their political choices. General elections in Indonesia are a form of real effort in realizing the establishment of democracy and realizing the sovereignty of the people with the principles of direct, general, free and secret and honest and fair [4]. General elections are also a five-year agenda for regenerating national leadership and power holders, where political parties can take part in contestation and compete with each other to get people's sympathy to gain political power in the legislative and executive institutions whose legitimacy is legal in the constitution and law.

Elections in Indonesia are held to elect the President and Vice President, Regional Heads and legislative members who are directly elected, this is a form of popular sovereignty where the people can directly determine who the leaders of their government are [5]. This is actually not a new thing for the Indonesian government system, because in every region in Indonesia, namely at the village level, people directly elect their village heads, only in 2004 Indonesia used the election of the head of government as well as the head of state directly, namely the election of the president and vice president [6]. Historically, legislative and presidential elections in Indonesia have

been held separately. However, some parties consider this model inefficient and not in accordance with the mandate of the 1945 Constitution [7]. The issue of the separation between legislative and presidential elections prompted Effendi Ghazali to file a judicial review petition with the Constitutional Court. The application was directed against a number of provisions in Law No. 42/2008 on the Election of the President and Vice President, namely Article 3 paragraph (5), Article 9, Article 12 paragraphs (1) and (2), Article 14 paragraph (2), and Article 112. He considered that these articles were contrary to the provisions in the 1945 Constitution of the Republic of Indonesia, particularly Article 6A paragraph (2) and Article 22E paragraph (1) and paragraph (2). This request was then granted and became the basis for the birth of Constitutional Court Decision Number 14/PUU-XI/2013.

In its latest decision, the Constitutional Court changed its stance regarding the implementation of the Presidential and VicePresidential Elections after the legislative elections. Previously, through Decision No. 51-52/PUU-VI/2008, the Constitutional Court considered that Article 3 paragraph (5) of Law No. 42/2008 was not unconstitutional because it was considered a customary state practice (*desuetudo*), although logically the law could be debated. The reason is that the MPR as the institution that inaugurates the President must be formed first through legislative elections, so the order is considered constitutionally reasonable.

Presidential Elections after the election of members of representative institutions is not a constitutional issue, but rather a choice of constitutional interpretation that is adjusted to the context at that time. In the decision, the Court based its consideration on three main aspects: the relationship between the electoral system and the presidential system of government, the background to the formulation of the 1945 Constitution, as well as aspects of electoral effectiveness, efficiency, and the right of citizens to vote rationally. In assessing the second and third points, the Court was basically in line with the applicant's arguments in the judicial review.

Following the Constitutional Court Decision No. 14/PUU-XI/2013, the 2019 elections were held simultaneously. The simultaneous elections held in 2019 left a variety of problems. There are many opinions that convey the implementation of the simultaneous elections as a form of unpreparedness of the General Organizing Commission as the organizer and other factors that make the simultaneous general election of 5 (five) boxes in electing candidates for President and Vice President, candidates for members of the House of Representatives, Regional Representatives Council, Provincial and Regency City is not a way out [8].

The petitioner considers that the implementation of simultaneous elections has not been in accordance with the principles of elections, especially in terms of technical and administrative readiness. Elections that are conducted without careful preparation are considered contrary to the main objectives of fair and democratic elections.[9]. A clear legal framework is essential to guarantee the principles of popular sovereignty, namely fair voting rights and measurable and rational elections. With good regulations, elections can take place professionally and transparently. In addition, holding regional head elections simultaneously with regional legislative elections is necessary to maintain the stability and effectiveness of local governance. Unsynchronized selection schedules can weaken local governments and disrupt the democratic process.

Therefore, holding elections simultaneously is not only an administrative efficiency, but also an effort to strengthen democracy and citizens' political rights.

In its decision, the Constitutional Court rejected all of the petitioners' requests because they were deemed not to have a strong legal basis. However, the Court provided a number of alternative models of simultaneous general elections that could be chosen and considered in accordance with the 1945 Constitution of the Republic of Indonesia. The simultaneous general election model is considered to be the right model to be implemented in Indonesia for various reasons, including because simultaneous general elections are mandated by the constitution, then, simultaneous general elections can also strengthen the presidential system, and, simultaneous general elections are considered effective in terms of financing the holding of elections [10]. Indonesia's first simultaneous elections involving the election of the President and Vice President, members of the DPR, members of the DPD, and members of the Provincial and Regency/City DPRD took place in 2019, marking a new chapter in the history of state administration. However, the implementation of this simultaneous election with five ballot boxes faced many obstacles. Syamsudin Haris argues that the main problem lies not in the implementation of simultaneous elections, but in the simultaneous election model chosen and implemented by the election organizers in Indonesia.

## **2 Method**

This research uses a normative juridical research method, also known as dogmatic legal research, because it focuses on analyzing positive legal norms and underlying principles [11]. This approach not only evaluates the applicable legal rules, but also contains prescriptive elements, namely providing direction on how the law should be applied or developed [12]. The approach used is a statutory approach, conceptual approach, and case approach to study by analyzing the simultaneous general election model in the step of realizing democratic elections, by examining the Constitutional Court Decision Number 55/PUU-XVII/2019. Thus, this approach is relevant to bridging legal theory and practice. In line with that, the study in this research is based on primary legal materials in the form of laws and regulations and secondary legal materials from literature.

## **3 Results and Discussion**

### **3.1 Analysis of the Simultaneous General Election Model in Constitutional Court Decision Number 55/PUU-XVII/2019 on the Principles of Democratic Elections**

Elections are the main foundation in the practice of constitutional democracy in Indonesia; they serve as an instrument that allows for the regular circulation of power. Within the framework of constitutional law, elections have a strategic function as a mechanism for articulating popular sovereignty and determining the political legitimacy of public office holders. Normatively, the implementation of elections is regu-

lated in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states:

“General elections shall be held directly, generally, freely, secretly, honestly and fairly every five years”

These principles are not only normative statements but also serve as guidelines to evaluate the quality of democratic elections conducted by a country.

In constitutional practice, Indonesia has undergone significant changes in the format and design of elections in line with political developments and demands for government effectiveness. An important debate that has emerged is over the method of conducting simultaneous or separate elections. Simultaneous elections refer to the conduct of legislative and executive elections at the same time while separate elections separate the timing of the two types of elections. The debate arose after the 2014 elections showed a difference in results between the legislative and executive elections, causing problems with government effectiveness and political fragmentation in parliament.

Subsequently, in response to the constitutional debate regarding the election model, the Constitutional Court issued Decision Number 55/PUU-XVII/2019 which responded to the judicial review of Article 167 paragraph (3) and Article 347 paragraph (1) of Law No. 7/2017 on Elections. In its consideration, the Constitutional Court emphasized that simultaneous elections are an open legal policy that makes the authority of the legislators, as long as it remains in the corridor of constitutional principles and does not cause legal uncertainty [13].

Constitutional Court Decision Number 55/PUU-XVII/2019 can be seen as one of the important milestones in the evolution of the design of the electoral system in Indonesia, as it substantially provides a new direction for the development of an electoral model that is in line with the principles of constitutional democracy [14]. The role of the Constitutional Court in this case goes beyond its traditional function as a judicial review and evolves into a normative entity that guides future electoral legislation [15]. Although the petition filed by Perludem was formally rejected, the Court still used this momentum to put forward a progressive interpretation of the concept of “simultaneity” in elections. This interpretation expands the normative and conceptual scope of contemporaneity, not only to the conduct of elections on a single day, but to include substantial integration between electoral levels in a structured and cohesive democratic cycle.

Furthermore, in its considerations in Decision No. 55/PUU-XVII/2019, the Constitutional Court emphasized that the five-box simultaneous election model though deemed constitutional is not the only concept that emerged during the discourse on amending the 1945 Constitution. The Court also proposed several alternative models for conducting simultaneous elections that remain consistent with constitutional principles, including: first, Simultaneous elections for DPR, DPD, President/Vice President, and regional DPRD. second, Simultaneous elections for DPR, DPD, President/Vice President, and Governors, Regents, and Mayors. third, Simultaneous elec-

tions for DPR, DPD, President/Vice President, regional DPRD, and regional heads. fourth, National elections first, then simultaneous regional elections. fifth, National elections, then provincial elections, then district/city elections in stages. sixth, Other options as long as it remains simultaneous for DPR, DPD, and President/Vice President.

The judges' considerations in Decision Number 55/PUU-XVII/2019 can be used as a normative basis in encouraging the transformation of the electoral system in Indonesia, among the various election models that have been put forward. The process of democratic transformation basically leads to the determination of the most appropriate simultaneous election model in order to realize state goals [16]. A suitable election model to support the transformation of the electoral system in Indonesia can be built by combining various existing models and incorporating the principles of participation, efficiency, effectiveness, fairness and professionalism as formulated in Constitutional Court Decision No. 55/PUU-XVII/2019. In the decision, the KPU said that the 2019 Election was safe, orderly, and on schedule. However, evaluation is still needed for improvement, especially on the technical aspects of counting and recapitulation.

A state can be called a rule of law if it fulfils four main requirements: it guarantees human rights, separates powers, governs by law, and has administrative courts. This kind of rule of law usually goes hand in hand with a democratic system. According to Padmo Wahjono, the ideal form is called a democratic rule of law, because democracy without the rule of law is not real democracy. Suseno also emphasizes that democracy is the safest way to ensure the law remains in check. Today, law and democracy are considered complementary. If democracy goes without law, there could be abuse of power and domination of the majority over the minority. On the other hand, law without democracy tends to lose its participatory and representative aspects. Looking at the relationship between law and democracy, it is clear that they complement each other. Democracy needs law so that it is not abused, and law needs democracy to remain in favor of the people. Without this balance, the state can lose its way-either towards authoritarianism, or rigid laws without a public voice.

In addition, the basic concept of democratic elections initially refers to two main requirements, namely freedom and fairness in its implementation. However, along with the dynamics of the development of democratic systems, there has been an expansion of the conceptual dimensions of the parameters of democratic elections. The International Institute for Democracy and Electoral Assistance (IDEA) has formulated 15 international standards as guidelines in assessing the democratic quality of an election. In the national context, the regulation of democratic election principles is reflected in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which includes the principles of direct, honest, general, fair, free, and secret. In addition, Law No. 7/2017 on General Elections in Article 3 regulates the principles of organizing elections which include independence, honesty, justice, legal certainty, order, openness, accountability, proportionality, professionalism, efficiency, and effectiveness.

The Constitutional Court Decision No. 55/PUU-XVII/2019 places the Court in a strategic position to objectively assess the extent to which the six proposed simultaneous election design schemes are capable of running effectively. In this context, the

Court is not only required to be neutral but must also consider the real impact of each option on the quality of democracy and electoral governance going forward. The assessment should ideally use a rational choice approach that considers the efficiency and rational consequences of each alternative. In addition, John Rawls' theory of justice, especially the maximin strategy, needs to be applied as consideration in choosing the best alternative from the worst possible conditions [17]. This approach is important to ensure that elections are not only procedural, but also able to reflect substantive justice.

The first alternative refers to the five-box election model as applied in the 2019 elections, which included the elections for president, DPR, DPD, and provincial and district/city DPRD. Although this model is constitutionally appropriate, an evaluation of the implementation practice shows several technical and administrative problems, such as the high workload of organizers, the complexity of logistics distribution, and difficulties in vote counting [18]. These problems have resulted in a decline in the quality of proportionality and accountability in election results, as well as high election operational costs that burden the state budget.

The second design is also essentially a five-box model, but with the difference that the election of regional heads (governors and regents/mayors) is combined with the national election instead of the election of DPRD members. Although there are fewer candidates for regional heads, the complexity of implementation remains high given the differences in issues, administrative scale and geographical distribution. This can have an impact on reducing the quality of voter participation and optimal voter representation. The third model is a seven-box electoral design that integrates all national and local elections at once. Logically, if the implementation of a five-box election alone poses significant challenges, then the addition of two ballot boxes would increase the technical and administrative burden. This design is expected to reduce efficiency, confuse voters, and increase the likelihood of technical and administrative errors.

The fourth design offers the separation of national and local elections into two distinct electoral cycles over a five-year period. This separation is believed to improve the efficiency of organization and the quality of voter participation because it provides sufficient time to understand the issues and candidates at each level of government. In addition, campaign strategies by political parties can be more focused and structured according to the electoral level. The fifth option proposes the implementation of elections in three stages, namely national elections, provincial elections and district/city elections. This model provides convenience for voters and organizers because there are fewer ballots to deal with at one time. However, the main challenge is the high frequency of elections in five years, which can trigger political saturation in the community and burden the resources of political parties. The sixth alternative has not had an in-depth study regarding the effectiveness or quality of the results of its implementation. However, it can generally be assumed that this design does not offer significant advantages over the previous five models, both in terms of substantive and technical aspects.

The following researchers describe the comparison of the six simultaneous election models in the table below:

**Table 1.** Analysis of Simultaneous Election Models after Constitutional Court Decision No 55/PUU-XVII/2019

Simultaneous Election Model	Strengths	Weaknesses
Model 1: Simultaneous DPR, DPD, President/President, DPRD (5 boxes)	This electoral model offers significant optimisation of the coattail effect for the simultaneous consolidation of executive (national-regional) legislative support, increased budgetary efficiency and electoral logistics through the implementation of one-day simultaneous voting, as well as potential escalation of voter turnout as a consequence of comprehensive political mobilisation and massive single electoral momentum	This model was identified as having several fundamental flaws. First, the high electoral complexity for voters in processing candidate information from five different ballot papers has the potential to increase the prevalence of invalid votes and reduce the quality of rational choices. Secondly, the excessive workload and high risk for technical organisers (especially the Polling Organiser Group/KPPS) increases vulnerability to fatigue, procedural errors, and fatalities. Third, the potential dominance of national political issues, especially presidential contestation, can marginalise discourse on legislative issues and local problems. Fourth, there are indications of weakening the process of institutionalising political parties due to excessive focus on the figure of presidential candidates and the time limitation for parties to carry out mature recruitment and regeneration simultaneously for various levels of positions
Model 2: Simultaneous DPR, DPD, President/President, Governor, Regent/Mayor (5 boxes)	This model offers the potential to strengthen policy and programme coherence between the national and regional executives, assuming that there is a tendency to align voter choices based on the same political platform or affiliation. In addition, this model shows	The disadvantages of this model include a very high level of complexity for voters, potentially even exceeding that of the five-box model, due to the merging of national legislative elections with local executive elections that have a very diverse context of issues and political dynamics, as



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	relatively higher budget efficiency compared to the scenario of implementing national and regional elections (Pilkada) in completely separate and uncoordinated cycles. Its implementation still refers to the principle of simultaneity of the core of the National General Election (covering DPR, DPD, President/Vice President), as one of the emphases in the Constitutional Court's decision	well as an extreme workload for election organisers with the potential for technical, logistical and human resource problems similar to or even greater than those of the five-box model, plus the risk of the dominance of presidential election issues that could obscure or reduce public attention to crucial issues in regional head elections that are essential for regional governance and autonomy, and excluding the election of DPRD members so that the potential for misalignment or disconnection between elected regional executives and legislative bodies in their respective regions remains open
Model 3: Concurrent DPR, DPD, President/President, DPRD, Governor, Regent/Mayor (7 boxes)	This model offers the potential for maximising alignment between the executive and legislature at all levels of government (national, provincial and district/city) if voters consistently vote based on the same political party affiliation or coalition supporting a similar platform, as well as the theoretical highest electoral cost efficiency as all types of elections for directly elected political office are consolidated on a single polling day	This model suffers from the highest level of complexity for voters in processing information and making choices between different types of ballot papers, which has a high potential for voter confusion, a significant increase in the number of invalid votes, and a decrease in the overall quality of electoral participation, as well as the most extreme workload for election administrators and a very high risk to the quality of the technical implementation of elections and the health and safety of officials in the field, plus the very high risk of marginalisation of local issues and regional legislative agendas by the dominance of presidential contestation and national issues, and is considered an unmanageable model with the potential for logistical and

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Model 4: Concurrent National (DPR, DPD, President/President) (3 boxes), followed by Concurrent Local (DPRD, Governor, Regent/Mayor) (4 boxes)	This model offers the advantages of significantly reducing the workload of election administrators by separating the administration into two different waves of elections at different times, simplifying the choices for voters in each wave of elections which allows a better and deeper focus on national issues in the first stage and then on local issues in the second stage, and providing an adequate time lag for political parties to carry out internal consolidation, evaluation and strategy adjustment between the implementation of national and local elections, while maintaining the principle of simultaneity of the core national elections (DPR, DPD, President/Vice President) in the first wave of elections	technical chaos if implemented without very careful preparation The weaknesses of this model include the potential reduction or weakening of the coattail effect of the presidential election on the election of DPRD members and the election of local heads due to the time lag between the two waves of elections, the total cost of conducting elections which is likely to be higher than that of a fully simultaneous one-day model even though the peak load at any one time can be reduced, as well as the need to set the optimal duration of the time lag between national and local elections so that it is neither too long (which can reduce political momentum) nor too short (which is less significant in reducing the burden on organisers), and local simultaneous elections which still combine the election of DPRD members with the election of local heads so that it still has its own level of complexity for voters and organisers at the local level
Model 5: National Simultaneous (DPR, DPD, President/Vice President) (3 boxes), followed by Provincial Simultaneous (DPRD Prov, Governor) (2 boxes), followed by District/City Simultaneous (DPRD Kab/Kota, Regent/Mayor) (2	This model offers advantages in the form of the most significant and equitable distribution of the workload of election administrators through the implementation of three time-separated electoral stages, the maximum simplification of choices for voters at each electoral stage which allows for a more specific and in-depth focus on issues (national,	This model has the disadvantages of the total cost of conducting elections, which is likely to be the highest of all models due to the three separate elections in a five-year cycle, the potential for voter fatigue due to the high frequency of elections in a relatively close period of time, and the fragmentation of political momentum that can complicate the process of overall government consolidation and

boxes)	<p>then provincial, and finally district/city), and provides greater space and time for political parties to carry out the process of regeneration, candidate recruitment, and adjustments to campaign strategies at each level of government in stages, while maintaining the principle of simultaneity of the core national elections (DPR, DPD, President/Vice President) in the early stages of the electoral cycle</p>	<p>continuity of policy agendas between levels, and the need for highly complex coordination of logistics, budgets and schedules between central, provincial and district/municipal election administrators</p>
<p>Model 6: Other options as long as the simultaneity of DPR, DPD, President/President is maintained</p>	<p>This model gives lawmakers maximum flexibility to design the most innovative and adaptive electoral model to country-specific needs or new socio-political and technological developments as long as the core principle of national simultaneity is maintained, and allows for adjustments to the electoral design based on the results of a comprehensive evaluation of the implementation of other models or the emergence of new electoral technologies that are more efficient and accountable</p>	<p>The weaknesses of this model lie in the uncertainty of the electoral model design until it is concretised and clearly formulated by lawmakers, which can affect the long-term planning of election administrators and participants, and the need for a very strong and comprehensive process of academic study and constitutional justification for each proposed new model variant to be in line with democratic and constitutional principles, plus the risk of the emergence of empirically untested electoral models that have the potential to cause new problems if they are not carefully designed, participatory and evidence-based</p>

Source: Primary Legal Materials processed by the Author

Based on the above tabulation, there is a fundamental trade-off between the various design objectives of simultaneous elections. The models that maximise the number of elections at any one time (models 1, 2 and 3) theoretically offer the potential for budgetary efficiency and presidential system strengthening through stronger knock-on effects. However, these advantages are often overshadowed by significant increases in complexity for voters and extreme workloads for election administrators, as reflected in the shortcomings column. In contrast, models that divide the conduct of elections

into stages, particularly model 4 (four) which separates national and local elections, inherently reduce the technical burden of holding and simplify the process for voters at each stage. Model 4, with its separation between national elections (DPR, DPD, President/Vice President) and simultaneous local elections (DPRD, Governor, Regent/Mayor) sometime afterwards, offers a better balance. Its main advantages are a significant reduction in the workload of organizers and a simplification of choice for voters, allowing a better focus on national and then local issues. Despite the potential attenuation of knock-on effects and increase in total costs compared to the full simultaneous model, model 4 maintains the national core and provides space for political parties to consolidate, in line with the findings of various studies that highlight the need to mitigate against complexity and overburden.

### **3.2 The Ideal Simultaneous Election after the Constitutional Court Decision Number 55/PUU-XVII/2019**

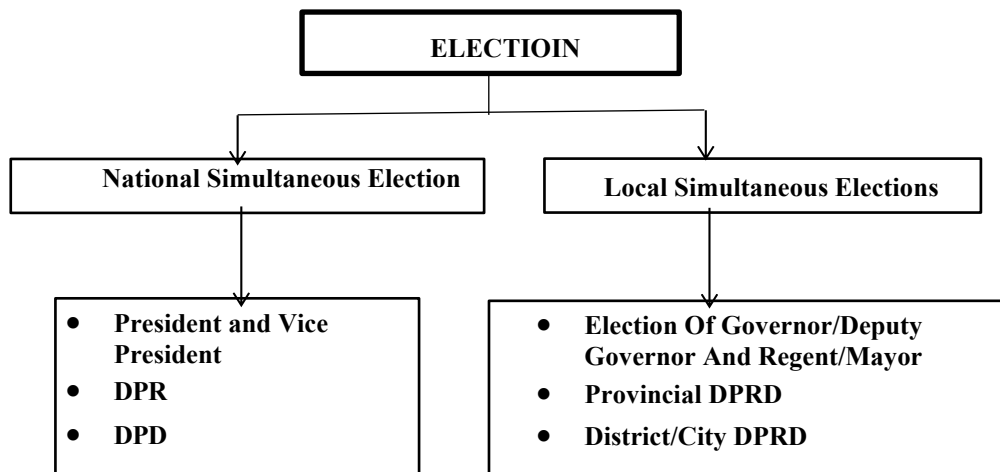
The presence of the Constitutional Court actually carries a noble task that is in line with the principles of democracy and the rule of law. The Constitutional Court is a judicial institution designed to play an important role through the activities of protecting the constitutional rights of citizens (the protector of constitutional citizen rights) and the protection of human rights [19]. These roles and authorities are then regulated attributively through Article 24C paragraph (1) of the 1945 Constitution. One of the provisions in the article explains that the Constitutional Court has the authority to hear cases at the first and last instance, and its decision is final and binding, to decide on the constitutionality of a law against the 1945 Constitution. According to Bambang Sutiyoso, "the final decision means that the Constitutional Court's decision is the first resort as well as the last resort for justice seekers" [20]. In my opinion, the firmness of the Constitutional Court in determining final and binding decisions as stipulated in Article 10 paragraph (1) of Law No. 24/2003 and reaffirmed in Law No. 8/2011, is very important to maintain legal certainty. Decisions that are final and cannot be appealed further ensure that constitutional conflicts can be resolved firmly and clearly. Moreover, the fact that the Court's decisions are binding not only for the litigants, but also for all parties, shows the strategic role of this institution in maintaining the stability and supremacy of the constitution in Indonesia. This, in my opinion, strengthens the Court's position as the guardian of the constitution that must be respected and obeyed by all elements of the nation.

After twenty-seven years of reform, Indonesia has yet to find an ideal standardized format for its electoral system. Extreme changes always occur from one period to the next. Starting from the election system, election schedule, to the separation of the election regime. These dynamics are a sign that there are always efforts to evaluate and project in order to improve the electoral system. The 2019 election is the beginning of history, which is a simultaneous election between executive and legislative elections. Including, the election design was then also arranged by the Constitutional Court Number Decision No.55 of 2019.

Basically, the amendments to the 1945 Constitution contain seven ideas related to the implementation of simultaneous elections. One of them affirms that simultaneous

elections should be held in accordance with the end of the term of office to be elected, so that within a span of five years several simultaneous elections can be held, including direct elections of Governors and Regents or Mayors. This idea clearly emphasizes that regional elections are an integral part of the national electoral system. There is no difference between the regional election system and the national election system, because in the Constitutional Court's decision, the design of simultaneous elections equates presidential, legislative and regional elections as a single election unit [21].

Academically, the concept of simultaneous elections is generally relevant in presidential systems of government. The essence of this idea is to unite the implementation of legislative and executive elections on the same day. The aim is that the government formed as a result of the election can run in the same direction and support each other, thus creating political stability and effectiveness in governance. That is, elected executive officials who get legislative support so that the government is stable and effective [22]. The organization of simultaneous elections, or national simultaneous and local simultaneous elections. In a more comprehensive manner, it can be seen in the following conceptual framework on the organization of National and Local Elections:



**Fig. 1.** Simultaneous General Election Scheme

In my opinion, the absence of a clear distinction between Pilkada and Pemilu in the design of simultaneous elections recognized by the Constitutional Court reflects an attempt to simplify the electoral system in Indonesia while improving the efficiency of the administration. However, this approach also poses its own challenges. Pilkada and elections, although both democratic processes, have different characteristics and complexities, especially in terms of specific local issues and levels of public participation. By combining or strictly aligning central and local election schedules, there is a risk that voters' focus and attention on local issues may be diminished. Therefore, while the four designs are constitutionally valid, their implementation must take into

account technical readiness and political education aspects to keep democracy at the local level vibrant and meaningful. The choice of simultaneous election design should ideally not only be seen in terms of efficiency, but should also consider the overall quality of democracy.

According to Fadli Ramadhani, that there is no distinction between Pilkada and Election can also be seen from the four simultaneous election designs mentioned by the Constitutional Court, which are considered constitutional [23]. In the second, third, fourth and fifth designs. Simultaneous elections can be held simultaneously with the elections of Governors, Regents and Mayors. This means that the simultaneous mechanism has the appropriate reasoning. In the Constitutional Court Decision No. 55 / PUU-XVII-2019, there are several terms used whose material contains elections, namely, simultaneous elections, local simultaneous elections, provincial simultaneous elections, and district/city simultaneous elections. In the Constitutional Court's decision, the elections of governors and regents/mayors have been referred to as part of the elections [24]. In my opinion, the Constitutional Court's decision to offer six alternative models for simultaneous elections shows that holding elections in Indonesia is not a simple matter and requires a thoughtful approach. The fourth model, which is considered the most ideal, does appear to be a compromise solution that accommodates national and local elections in stages. With this approach, the campaigns of political parties, executive candidates, and legislative candidates can take place with more resonance and direction, because they do not overlap at the same time. As a result, the presidential system at the national level will be strengthened as it builds more solid legitimacy from centralized election results. On the other hand, this separation also strengthens the position of local governments as implementers of autonomy, as local elections are organized with special attention to local dynamics without being distracted by the national agenda. This new simultaneous design not only provides a neater and more effective organization of elections but also brings great hope for strengthening democracy and governance in Indonesia in the future. However, I believe that the implementation of this model must be accompanied by technical preparations and intensive socialization so that the public can understand the process well. In addition, the readiness of the organizing body is also crucial for elections to run smoothly and produce an effective and democratic government. Without these, even the best model may fail to realize the main goal of simultaneous elections, which is to increase the legitimacy and stability of government.

#### **4 Conclusions**

Thus, it can be concluded that simultaneous elections are a relevant necessity in the context of the Indonesian constitutional system, especially considering the plural character of society and the evolving political dynamics. The Constitutional Court Decision Number 55/PUU-XVII/2019 has expanded the meaning of elections, which is no longer limited to the election of members of the DPR, DPD, DPRD, and the President and Vice President, but also includes the election of regional heads, namely Governors, Regents and Mayors. Through its interpretation, the Constitutional Court

offers six variants of simultaneous election models that are considered constitutional. In a democratic perspective, the ideal election design should pay attention to the principles of ease and simplicity for voters in exercising their voting rights, as a tangible manifestation of the exercise of popular sovereignty. Therefore, in determining the simultaneous election model to be applied in the future, lawmakers need to consider not only the efficiency of implementation, but also the quality of participation, political representation, and the overall legitimacy of election results.

The Constitutional Court Decision Number 55/PUU-XVII/2019 confirms that there are six models of simultaneous elections that are constitutional. Among these models, the fourth model is considered the most ideal to be implemented in Indonesia. This model separates national elections (DPR, DPD, President/Vice President) and local elections (DPRD and regional heads) in two different time stages. The hope is that the DPR and the President need to amend Law No. 7/2017 on General Elections by emphasizing that the more ideal model to be applied in Indonesia in the implementation of simultaneous elections in the future is model 4 (fourth) as stated in the Constitutional Court Decision No. 55/PUU-XVII/2019. However, the implementation of this model remains within the realm of open legal policy, which is the authority of the legislator.

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