

## Implementation of Constitutional Court Decision Number 60/Puu-Xxii/2024 and Its Impact on the Democracy of Regional Head Elections In 2024

Andi Sahibuddin<sup>1)</sup> & Widayati<sup>2)</sup>

<sup>1)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [andisahibuddin.std@unissula.ac.id](mailto:andisahibuddin.std@unissula.ac.id)

<sup>2)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [widayati@unissula.ac.id](mailto:widayati@unissula.ac.id)

**Abstract.** *The problem of the threshold for regional head nominations in the Pilkada has so far been considered an obstacle to the principle of inclusive representation in local democracy. A threshold that is too high tends to benefit large parties, making it difficult for independent candidates and small parties to participate in political contests. This situation is the background to the issuance of the Constitutional Court Decision Number 60/PUU-XXII/2024, which provides a new interpretation of the provisions on the nomination threshold in the Pilkada Law. This study was conducted to examine how the decision was implemented and its impact on the democracy of the 2024 regional head elections, especially in creating more open and fair political opportunities at the local level. This study uses normative and sociological juridical methods with a qualitative approach, combining analysis of laws and regulations, Constitutional Court decisions, and interviews with various stakeholders such as the KPU, individual candidates, Bawaslu, and political party administrators in Southeast Sulawesi. Data were obtained through literature studies and direct interviews, then analyzed descriptively-qualitatively to assess the effectiveness of the implementation and challenges in implementing the Constitutional Court's decision in the regions.*

**Keywords:** *Constitutional; Decision; Election; Regional.*

### 1. Introduction

The threshold for nomination of regional heads and deputy regional heads is a mechanism that directly affects the quality of local democracy in Indonesia. This provision regulates the minimum requirements for support that must be obtained by a candidate from a political party or coalition of political parties in order to advance in the regional head election as regulated in Law Number 2 of

2020, the third amendment to Law Number 1 of 2015, which was previously regulated in Law Number 10 of 2016, the second amendment to Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors, specifically in Article 40 paragraph (1), which states that Political Parties or coalitions of Political Parties may register candidate pairs if they have met the requirements for obtaining at least 20% (twenty percent) of the number of seats in the Regional People's Representative Council or 25% (twenty five percent) of the accumulation of valid votes in the general election of members of the Regional People's Representative Council in the relevant region.<sup>1</sup>Candidate pairs proposed by political parties or coalitions of political parties must meet a certain threshold based on the number of seats in the DPRD or valid votes in the previous legislative election. The main objective is to ensure that participating candidates have strong enough political support, so that when elected, they have clear legitimacy from the community or their representatives in the Regional People's Representative Council (DPRD) to run the regional government. However, a threshold that is too high tends to monopolize the participation of nominations in large parties and coalitions of dominant parties, while small parties, independent candidates, and minority coalitions have difficulty nominating candidates. This condition limits the diversity of political choices of the community and creates obstacles to a more inclusive democracy.<sup>2</sup>Regional Head Elections (Pilkada) are one of the main instruments in the Indonesian democratic system which aims to ensure political representation and people's participation in determining their leaders. As a local democratic mechanism, Pilkada is expected to be able to produce leaders who have strong legitimacy and are able to accommodate the interests of the wider community. However, in practice, various regulations related to the nomination of regional heads are still being debated, especially in relation to the requirements for the nomination threshold (electoral threshold).

The Constitutional Court Decision Number 60/PUU-XXII/2024 has significant implications for local political dynamics, especially in opening up greater opportunities for independent candidates and small parties to compete more fairly in the 2024 Pilkada. The implementation of this decision is also a challenge for the General Election Commission (KPU) in adjusting technical regulations and ensuring that the nomination process continues to run in accordance with the principles of transparency and fairness. In several regions, including Southeast Sulawesi, this change is expected to encourage more candidates with diverse backgrounds to participate in political contests, thus producing regional leaders who are more representative of the aspirations of the local community.

---

<sup>1</sup>Law Number 10 of 2016

<sup>2</sup>Dewi, Y. (2021). *Local Democracy in Indonesia: A Study of Pilkada Implementation*. Jakarta: Pustaka Demokrasi

However, the implementation of the Constitutional Court's decision also has the potential to face a number of obstacles, such as resistance from large political parties that have so far benefited from the stricter threshold system, as well as the potential for political fragmentation due to the increasing number of candidates in the Pilkada. Therefore, further study is needed on the extent to which this policy change can have a positive impact on local democracy and how the challenges that arise can be addressed effectively.

As a legal basis, the threshold for regional head nominations is regulated in Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors, specifically in Article 40 paragraph (1). This article states that candidate pairs proposed by political parties or coalitions of political parties must meet the support requirements based on the acquisition of seats in the DPRD or valid votes in the previous legislative election. Constitutional Court Decision Number 60/PUU-XXII/2024 provides a new interpretation of this provision, taking into account aspects of justice and openness in local democracy.

In this context, the Constitutional Court (MK) as the guardian of the constitution plays an important role through Decree Number 60/PUU-XXII/2024 which changes the provisions on the nomination threshold for regional heads and deputy regional heads. The Constitutional Court recognizes the importance of the role of the nomination threshold as a safeguard for democracy, but at the same time considers the impact of a high threshold on fair and equitable political representation. By lowering or relaxing the nomination threshold, the Constitutional Court intends to provide wider opportunities for candidates from small parties or non-dominant coalitions to compete in regional head elections, which is expected to increase political choices for the community.<sup>3</sup> The Constitutional Court Decision Number 60/PUU-XXII/2024 is a manifestation of the Constitutional Court's (MK) responsibility to ensure that the democratic process runs in a balanced and inclusive manner, especially at the regional government level which has a direct impact on people's daily lives. The impact of this change in the nomination threshold is very significant in the context of local political dynamics. In various regions, including Southeast Sulawesi, this change opens up opportunities for parties that previously had difficulty in nominating candidates. With the adjustment of the threshold, small parties and smaller coalitions can have the opportunity to voice their political aspirations through the regional head candidates they propose, so that the community gets more varied and representative choices. This not only increases political competition

---

<sup>3</sup> Constitutional Court.(2024). Constitutional Court Decision Number 60/PUU-XXII/2024 concerning Changes to the Threshold for Nominating Regional Heads. (Accessed on November 1, 2024) from the page [www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id)

but also strengthens the representation of various local aspirations that may have been marginalized due to the dominance of large parties.<sup>4</sup>

In the context of Southeast Sulawesi, for example, the diversity of party coalitions and the participation of independent candidates are highly expected in order to create a regional government that is more responsive to local needs. This region is known for its diverse social and political composition, so the implementation of the Constitutional Court Decision is expected to provide space for all elements of society to obtain more balanced and fair political representation. In addition, the success of the change in the nomination threshold also tests the readiness and capability of the General Election Commission (KPU) in the region to manage the Pilkada more dynamically in accordance with the new provisions. Of course, this adaptation process requires coordination and support from various parties, ranging from election organizers, political parties, to the community.<sup>5</sup> This study aims to examine the legal implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 concerning changes to the threshold for nomination of regional heads and deputy regional heads and to examine in depth its impact on the democracy of regional head elections in 2024. The main focus of this study is to assess the extent to which changes to the threshold provisions have a positive impact on local democracy, especially in terms of political representation and more inclusive representation in the regions. On the other hand, this study will also identify the challenges that arise in implementing this decision in the field, considering that changes to the threshold create new dynamics that need to be addressed with strategy and thorough preparation.

In addition to the challenges faced by the KPU in implementing changes to the nomination threshold, there are also several external factors that affect the effectiveness of the implementation of the Constitutional Court's decision. One of the main factors that needs to be considered is the readiness of the existing political infrastructure, including an efficient election mechanism and an adequate information system. Regional head elections that are open to more candidates and coalitions require voter data management, candidate registration, and tighter supervision so that the process remains transparent and free from manipulation. In this context, better information technology and administrative systems are key to ensuring that every candidate, whether from a large or small party, has an equal opportunity to compete fairly.

In addition, the change in the nomination threshold also affects the pattern of community participation in the regional elections. A more inclusive democratic

---

<sup>4</sup>Maulana, A. (2022). *The Role of the Constitutional Court in Local Political Policy Reform*. Bandung: Nuansa Cendekia.

<sup>5</sup>Puspitasari, T. (2024). *Challenges in Implementing Regional Election Regulations in Indonesia*. Surabaya: Airlangga University Press.

process by opening opportunities for candidates from various political backgrounds can increase public interest in getting involved in politics. People who feel they have more choices in regional head elections tend to be more active in casting their votes. This has the potential to increase voter turnout, which in turn strengthens the legitimacy of the election results. An election process that has a high level of participation can create regional leaders who are more representative of the people's voice, rather than only representing the interests of a handful of groups or political elites.

On the other hand, although the Constitutional Court's decision provides more space for diversity of candidates, the challenge of ensuring that all candidates have adequate quality must still be a concern. A lower nomination threshold allows more candidates to advance, but the quality of these candidates must still be maintained. The government and society have a shared responsibility to ensure that each candidate has the capacity, integrity, and commitment to regional development. The community, in this case, must be smarter and more critical in choosing a leader candidate who not only has a clear vision, but is also able to implement policies that benefit the people.

One way to maintain the quality of candidates competing in the Pilkada is to strengthen political education in the community. With a better understanding of their voting rights, as well as a fair and transparent election mechanism, the community can be wiser in choosing the best candidate. Improving political education is also an important part of overseeing local democracy so that it does not get trapped in narrow practical politics, but rather leads to achieving sustainable regional development goals that support the welfare of the people.

The changes in the nomination threshold decided by the Constitutional Court also create space for changes in the local political landscape, especially in the context of political party coalitions. Previously, large parties with many seats in the DPRD were often able to dominate the nomination process by nominating a single candidate or organizing an exclusive coalition. However, with the lowering of the threshold, new, more diverse coalitions are now likely to form. This can certainly produce a variety of candidate choices that are more representative of the social, economic, and political dynamics in the area.

In addition, the success of the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 does not only depend on the KPU and political parties, but also on other institutions that play a role in supervision and law enforcement, such as the Election Supervisory Agency (Bawaslu) and the Corruption Eradication Commission (KPK). Collaboration between these institutions is very important to ensure that the Pilkada process continues to run fairly, transparently, and free from political practices that harm the people. Therefore, strengthening supervisory institutions is an important step in creating better Pilkada in the future.

This change in the nomination threshold opens up the potential to enrich local democracy by providing more political choices that are relevant to the needs of the community. On the other hand, this change also brings challenges in terms of coalition politics, party support, and the capacity of candidates to meet community expectations. Therefore, further study of the implementation of Constitutional Court Decision Number 60/PUU-XXII/2024 in this region is very relevant to measure the extent to which the policy can bring positive changes to the regional political system.

In addition to the quality of candidates that can be a challenge, the potential for money politics and manipulation in the election process also needs to be considered. With more candidates participating, especially those from various small political parties, the emergence of candidates with limited resources could create a gap for money politics practices to influence voters. Therefore, in addition to changing the threshold, there needs to be strengthened supervision of campaign funds and fair and transparent political campaign practices. Bawaslu and other institutions, such as the Regional General Election Commission (KPUD), must play a more active role in preventing such practices so that regional head elections continue to run with integrity and do not fall into transactional political practices that are detrimental to the community.<sup>6</sup>In addition, this new provision changes the pattern of relations between political parties and regional head candidates. Previously, large political parties had the ability to dominate the nomination process by nominating candidates who had the support of a large voter base. However, with the lowering of the threshold, independent candidates and candidates from small parties can now more freely determine the course of their nomination. However, this also means that they have to fight harder to gain public support and introduce their vision. On the other hand, large parties can no longer rely on the strength of their political machines without challenges from new candidates who may be fresher and more innovative in dealing with developing local issues.

At the regional level, the change in the nomination threshold also influences a more open electoral pattern, allowing for a more representative and responsive government to the aspirations of local communities. Because the lower threshold provides an opportunity for previously less empowered political parties to nominate their candidates, this change could lead to the realization of diversity in the structure of regional government. However, to achieve this goal, this change must also be accompanied by strengthening the institutional capacity of regional governments and governance systems that allow elected regional leaders to carry out their mandates effectively.

---

<sup>6</sup>Haryanto, A. (2023). *Campaign Mechanism and Election Supervision*. Malang: Brawijaya University Press.

Furthermore, for the community, the lowering of the nomination threshold provides an opportunity to be more active in the election process. With more choices of candidates, they can choose leaders who are considered to better represent their voices, especially for those who feel that they have been under-represented by major political parties or existing candidates. This active participation is important, because a healthy democracy depends on maximum public involvement. Thus, this open and inclusive Pilkada has the potential to improve the quality of relations between the community and local government, as well as strengthen local democracy itself.

Therefore, it is necessary to conduct an in-depth legal study on how the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 in the implementation of the 2024 Pilkada, and to what extent the decision has an impact on the principles of democracy, especially in terms of representation, accessibility of nominations, and community participation. This research is important to assess whether the direction of legal reform through constitutional channels is truly capable of realizing a more substantial and just

## **2. Research Methods**

The research method used in this study is a normative legal research method with a theoretical approach, positive law and case analysis. This study aims to analyze in depth the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 and its impact on democracy in the 2024 Regional Head Elections (Pilkada). This research was conducted by reviewing various laws and regulations, relevant legal decisions, and existing literature to gain a comprehensive understanding of the topic being studied.

## **3. Results and Discussion**

### **3.1. Implementation of Constitutional Court Decision Number 60/PUU-XXII/2024 in the Implementation of the 2024 Regional Elections**

Constitutional Court Decision Number 60/PUU-XXII/2024 explicitly revokes the norm governing the threshold for regional head nominations because it is considered contrary to the principles of justice and equality in democracy. This decision was based on the fact that the excessively high nomination requirements have made it difficult for small parties and independent candidates to participate in local political contests. In practice, the implementation of this decision still faces obstacles, especially in the form of technical adjustments to the regulations of the General Election Commission (PKPU), as well as resistance from elites of large parties at the regional level.

This analysis can be viewed from the Theory of Popular Sovereignty, which states that the highest power lies in the hands of the people. The Constitutional Court's decision can be seen as an effort to restore the people's rights to determine their

leaders without being limited by rules that only benefit the majority group of regional parliaments. By lowering or eliminating the threshold, the Constitutional Court expands the space for people's participation in nominating and electing leaders.

Constitutional Court Decision Number 60/PUU-XXII/2024 has marked an important turning point in the implementation of Regional Head Elections (Pilkada) in Indonesia. The Court firmly stated that Article 40 paragraph (1) of Law Number 10 of 2016 concerning Pilkada, which requires political parties or coalitions of political parties to obtain a minimum of 20% of seats in the Regional People's Representative Council or 25% of valid election votes to be able to nominate candidate pairs, is contrary to the 1945 Constitution. The Constitutional Court considered that this provision makes it difficult for citizens to participate in politics and limits the right to be elected. In its ruling, the Constitutional Court emphasized that the nomination threshold requirements must be based on the number of Permanent Voters Lists (DPT) in each region, not on the results of the previous legislative election.<sup>7</sup>

As a follow-up to the ruling, the General Election Commission of the Republic of Indonesia issued General Election Commission Regulation (PKPU) Number 8 of 2024 concerning the Nomination of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors. This PKPU substantially adjusts the mechanism for nominating regional heads, where the minimum percentage of support is determined based on the number of Permanent Voters List. For example, for districts/cities with a Permanent Voters List of less than 250,000 people, the support requirement is set at 10%, while for areas with a Permanent Voters List of more than 1 million people it is only 6.5%.<sup>8</sup>This rule applies to both political parties and individual candidates, and directly impacts the local political landscape throughout Indonesia.

In the context of the implementation of the 2024 Pilkada, this change has a direct impact on increasing political participation, especially from non-parliamentary political parties and independent candidates. In Southeast Sulawesi Province, for example, enthusiasm for candidacy has increased significantly. Based on data from the Southeast Sulawesi Provincial General Election Commission as of May 2024, until after the Pilkada took place, it was recorded that in South Konawe Regency, from only two candidate pairs in the 2020 Pilkada, there are now five prospective candidate pairs who have taken the

---

<sup>7</sup> Constitutional Court, Decision Number 60/PUU-XXII/2024, [www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id) (accessed May 22, 2025).

<sup>8</sup>KPU RI, General Election Commission Regulation Number 8 of 2024 concerning the Nomination of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor, Jakarta, 2024, Article 11.



form, including one individual candidate and two pairs from a coalition of small parties.<sup>9</sup>

The implementation of this new regulation is not without challenges. In an interview conducted by researchers with the Technical Division of the Southeast Sulawesi Provincial General Election Commission, Hazamuiddin, stated that the process of adjusting to the Constitutional Court's decision had to be done in a short time because the General Election Commission Regulation was only issued close to the nomination stage. According to him: "We in the province have to immediately conduct socialization to the districts/cities. Many organizers in the regions do not fully understand the technical changes, especially regarding the adjustment of SIPOL and the calculation of support from the Permanent Voter List. But we are trying our best to avoid administrative errors."<sup>10</sup> Hazamuiddin also added that the Provincial Election Commission received many questions from political parties, especially from small parties that had previously never nominated regional heads because the threshold requirements were too high. They now feel they have new space to nominate their best cadres.

In Baubau City, a similar condition also occurred. In the 2020 Pilkada there were only three candidate pairs, but in 2024 that number increased to five. One of the prospective individual candidates who failed in the previous period because he was unable to collect the minimum support, is now re-registering because the support requirements have changed. In an interview with the research team, the candidate stated: "If it weren't for the Constitutional Court's decision, I wouldn't have run. Before I had to collect 24 thousand supports, now only around 16 thousand. This is realistic, even though the results in the previous Pilkada were less than satisfactory, the community also supported him."<sup>11</sup>

On the other hand, Bawaslu of Southeast Sulawesi Province noted an increase in public complaints related to the verification of support for individual candidates. Many reports relate to inconsistencies in Identity Card (KTP) and domicile data, as well as alleged manipulation of support documents. This shows that although the spirit of the Constitutional Court's decision is to open up democratic space, its implementation still demands increased integrity and capacity of election organizers at the technical level.

Although its implementation is not free from obstacles, academics consider that the Constitutional Court's decision is a structural correction to the inequality of political rights in the nomination system. According to Prof. Zainal Arifin Mochtar: "This decision is a constitutional correction to the dominance of

---

<sup>9</sup>Internal Data of Southeast Sulawesi Provincial KPU, Nomination Stage Report, May 2024.

<sup>10</sup>Interview with Hazamuiddin, Technical Division of the Southeast Sulawesi Provincial KPU, May 24, 2025, Kendari.

<sup>11</sup>Results of researcher interviews with Prospective Individual Candidates in Kendari City, May 24, 2024.

political oligarchy. But we cannot just stop at changing norms. Implementation in the field must be supported by political education and institutional strengthening."<sup>12</sup>

Based on the reality on the ground and the results of interviews with the Provincial General Election Commission, it can be concluded that the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 in the 2024 Pilkada is running dynamically. Although it leaves various technical and administrative challenges, this decision has succeeded in opening up space for more inclusive political participation. The increase in the number of candidates, the involvement of small parties, and the re-emergence of individual candidates are indicators that local democracy in Indonesia is heading towards a fairer and more representative direction.

In the context of the implementation of the 2024 Pilkada in Southeast Sulawesi Province, the enthusiasm of the community and political actors towards the change in the nomination threshold is evident. In West Muna Regency, one of the areas with a Permanent Voter List of under 100,000, an individual candidate pair emerged who managed to collect the minimum support requirement of 10% or 6,029 of the total number of Permanent Voters List. This shows that the relaxation of the threshold rules opens up wider opportunities, not only for small political parties but also for civil society that has social legitimacy. In a telephone interview with one of the administrators of the West Muna Bawaslu, it was conveyed that: "We see an increase in participation from the community in supporting individual candidates. Although many still do not understand the technicalities of factual verification, in substance this indicates the growth of political awareness at the grassroots level."<sup>13</sup>

However, these dynamics also pose serious challenges in terms of administration and supervision. Several district/city General Election Commissions experience limitations in human resources to verify supporting documents. In Bombana Regency, for example, the local General Election Commission technical team had to add volunteers to carry out factual verification of more than 18,000 individual candidate supports. This process was carried out in a short time because it was close to the registration stage. The Bombana KPU noted that around 12% of the submitted supports were declared ineligible due to errors in matching identities and addresses.

Meanwhile, from the political party side, the implementation of this regulation has caused a shift in political strategy. Political parties that previously relied on large coalitions must now adapt to the reality that seat strength is no longer the only parameter for nominating. Coalitions have become more fluid and

---

<sup>12</sup>Zainal Arifin Mochtar, Interview in Tempo, April 2024 Edition, p. 22.

<sup>13</sup>Interview with Bawaslu employees of West Muna Regency, May 25, 2025.

pragmatic, determined not only by electoral calculations, but also by ideological closeness and trust between parties. In Kolaka Regency, for example, the Nasdem Party, which only has four seats in the Regional People's Representative Council, succeeded in forming a coalition with large parties to nominate a pair of regional head candidates because their combined votes were sufficient from the Permanent Voters List for the region. The management of the Kolaka Nasdem Party DPD said: "No, we no longer depend on large parties. With the Constitutional Court's decision, we can join fellow medium-sized parties and nominate cadres that we truly trust, but everything depends on party policy."

The impact of this change is also felt in the formulation of campaign strategies. As candidacy opportunities become more open, political competition becomes denser. Many candidates must work harder to highlight ideas and programs, not just relying on logistics or personalities. This indirectly improves the quality of political discourse in the regions. The Southeast Sulawesi Provincial Election Commission also realizes the importance of the role of political education in this situation. In an official statement released in June 2024, the Provincial Election Commission stated that:

"With so many candidates, we encourage the public to critically understand the vision, mission and background of each candidate. This is part of an effort to strengthen the quality of electoral democracy."<sup>14</sup>

However, some circles have warned that this openness of nominations must be accompanied by strict supervision of money politics practices. In conditions of more crowded competition, the potential for violations of election ethics and law also increases. The Provincial Bawaslu noted that since the opening of the registration period until mid-June 2024, there were 31 reports of alleged violations in the process of collecting support for individual candidates, including forgery of signatures and use of ID cards without approval.

From all the dynamics that have occurred, it can be concluded that the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 has indeed opened up a wider democratic space in the 2024 Pilkada. However, the success of implementing this decision is highly dependent on institutional readiness, administrative accuracy, and active community participation in maintaining election integrity. The technical and legal challenges that arise must be answered by strengthening supporting regulations, increasing the capacity of election organizers in the regions, and encouraging a healthy political culture. Thus, the ideals of the constitution to present fair, open, and participatory elections can truly be realized.

---

<sup>14</sup>Southeast Sulawesi Provincial KPU, Official Statement Regarding the 2024 Regional Election Nominations, Kendari, June 2024.

Although many parties welcomed the Constitutional Court's decision as constitutional progress, there was also criticism from some groups who considered that the decision could cause vote fragmentation and complicate the single-round election process, especially in regions with an overwhelming number of candidates. When too many candidate pairs compete, it is feared that voters' votes will be extremely divided, so that no candidate pair will gain significant majority support. This not only has implications for the swelling of political costs, but also for the effectiveness of post-election governance if the elected regional head does not have strong legitimacy in the eyes of the people.

In general, the implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 in the implementation of the 2024 Pilkada is not only a matter of revising the numbers in the threshold, but is a process of renewing the structure of political access. This renewal changes the perspective on nominations: from exclusive to inclusive, from elitist to more participatory. Of course, there is still a lot of homework to be done to strengthen electoral justice in Indonesia. But this step is an important starting point, which proves that constitutional justice can be a tool for systemic correction in national electoral democracy.

With all these dynamics, the 2024 Pilkada is a momentum for testing and learning for the future of local democracy. Whether this policy will continue to be maintained, improved, or even withdrawn, depends largely on how all political actors, election organizers, and civil society evaluate its implementation honestly and responsibly. One thing is certain, this Constitutional Court Decision has opened a new chapter in the discussion about who is worthy of advancing as a leader, and to what extent the people are given space to choose freely and equally.

### **3.2. The Influence of Constitutional Court Decision Number 60/PUU XXII/2024 on Democracy in the Implementation of the 2024 Regional Elections**

Constitutional Court Decision Number 60/PUU-XXII/2024 not only impacts the legal aspects and procedures of nominations, but also has a profound influence on the quality and character of local democracy in Indonesia. As an institution that guards the constitution, the Constitutional Court has emphasized that restrictions on nominations based on the acquisition of seats in the Regional People's Representative Council or valid votes in previous legislative elections hinder citizens' access to be elected and violate the principle of people's sovereignty. By changing the nomination requirements to be based on the Permanent Voters List (DPT), this decision opens up wider space for citizens, both through small parties and individuals, to appear in democratic contests in the regions.

In substance, the Constitutional Court's decision has strengthened substantive democracy that prioritizes justice in political access and representation. Democracy should not stop at electoral procedures, but must also guarantee that all parties, including minority groups, small parties, and individual candidates, have a fair opportunity to participate. When measured by the principle of inclusive democracy, the implementation of this decision opens up space for the birth of alternative candidates who have the capacity and integrity, but do not have access to large political capital. As stated by Tom Ginsburg, the role of the Constitutional Court in a new democratic country like Indonesia is very important in protecting democratic norms from dominant political forces.

One indicator of the strengthening of democracy after the Constitutional Court's decision is the increasing involvement of non-dominant political actors in the 2024 Pilkada. In various regions, political parties that previously did not have enough seats in the Regional People's Representative Council now have a real opportunity to nominate candidate pairs. This broadens the spectrum of political representation and strengthens the principle of inclusivity in democracy.

In addition, the implementation of the 2024 Pilkada shows an increase in the number of individual candidates who passed the verification and registered as candidate pairs. This phenomenon shows that the people are not only given the right to vote, but also the right to be elected is truly guaranteed constitutionally and procedurally. Based on data from the Southeast Sulawesi Provincial Election Commission, out of 17 districts/cities, 9 regions recorded individual candidates, an increase from only 3 in the 2020 Pilkada.<sup>15</sup> This is an important indicator that the Constitutional Court Decision has an impact on the openness of the local democracy system.

On the other hand, some academics see that the openness of the nomination system encourages healthier political participation. According to Prof. Denny Indrayana, the Constitutional Court's decision "restores the spirit of substantive democracy, where the people are given full space to choose from a variety of alternatives, not from choices that have been filtered by political party elites alone."<sup>16</sup> This is important to build public trust in the political process and strengthen the institutional legitimacy of elected local governments.

Constitutional Court Decision Number 60/PUU-XXII/2024 also encourages the reformulation of political strategies of large parties. If previously they could arrange the nomination process in a closed manner based on seat counts, now they must consider a more dynamic coalition strategy and consider the social strength of the candidates being nominated. This can reduce the practice of

---

<sup>15</sup>Internal Data of the Southeast Sulawesi Provincial KPU, Recapitulation of Individual Candidates for the 2024 Regional Elections, May 2024.

<sup>16</sup>Denny Indrayana, Comments in the Discussion on Constitutional Law, Gadjah Mada University, Yogyakarta, April 23, 2024.

pragmatism and transactional political dominance that often occurs in the regional head nomination process.

However, the positive impact on democracy must continue to be monitored. One important note is the capacity of voters to assess the quality of candidates. Without adequate political education, voters can be trapped in false popularity, money politics, or narrow identity politics. Therefore, strengthening political literacy in society is a shared task between election organizers, political parties, academics, and civil society organizations.

Overall, the Constitutional Court Decision Number 60/PUU-XXII/2024 has made a real contribution to expanding political participation and deepening the democratic process at the local level. The 2024 Pilkada is proof that progressive election law reform can bring significant changes to political dynamics and improve the quality of substantive democracy. In the future, consistency in implementing this decision and increasing institutional capacity will be key to ensuring that democracy is not only procedural, but also meaningful for all Indonesian people.

In various regions, the increasing number of candidate pairs has also encouraged election organizers to improve transparency and the quality of campaign stages. In Baubau City, for example, the regional General Election Commission held an open debate by emphasizing the delivery of visions and missions thematically, such as issues of education, budget management, and local economic empowerment. The debate was broadcast online and received a wide response from the public. This shows that with the increasing number of candidates, the public is actually encouraged to be more active in assessing and comparing the quality of candidates substantively.

However, challenges to the quality of democracy remain. The increasing number of candidates is also accompanied by concerns about the rise of money politics. In conditions where voters are faced with many alternative candidates, the potential for political transactionalism to buy voter loyalty tends to increase. Bawaslu noted that from May to early July 2024, there were 112 reports of alleged money politics practices in the socialization and support gathering stages of individual candidates in 15 provinces.<sup>17</sup> This indicates that the openness of the election system still requires strong social control and supervision to maintain the integrity of democracy.

From the political party side, the Constitutional Court Decision also forced an internal evaluation in terms of the candidate recruitment mechanism. If previously only the central party elite determined who would advance, then with more open opportunities, many middle cadres began to urge the party to

---

<sup>17</sup>Bawaslu RI, Recapitulation of Reports on Alleged Money Politics in the 2024 Regional Election Nomination Stages, Jakarta, June 2024, p. 9.

implement a more democratic and participatory recruitment system. This was the beginning of internal party reform, although the process was still ongoing gradually. In an interview, one of the Gerindra DPW administrators in Southeast Sulawesi, Andi Baso Amirul Haq stated: "We can no longer just appoint. If cadres are disappointed, they can advance themselves through independent channels. This is pressure for the party to be more serious in developing cadres."<sup>18</sup>

Civil society views also reinforce that the Constitutional Court Decision Number 60/PUU-XXII/2024 has brought about significant structural changes in local democracy. The Southeast Sulawesi People's Democracy Community (KODRAT), an independent election and democracy monitoring institution, noted that in the implementation of the 2024 Pilkada in Southeast Sulawesi there was a significant increase in the number of individual candidate registrants and small parties that had never previously appeared in local contests. According to Falihin Bharakati, Coordinator of the Political Law Sector of KODRAT Southeast Sulawesi, in an interview conducted on May 23, 2025 in Kendari, he emphasized that: "This Constitutional Court Decision reopens the meaning of electoral democracy which was previously almost blocked by the dominance of large parties. Now we see, people who have social credibility but do not have a party vehicle, can legally participate in the fight. This is proof that democracy does not belong to a handful of political elites alone."<sup>19</sup>

In line with that, Muh. Fajri Al Kautsar, Director of Research at KODRAT Sultra, said that this decision creates a new healthy challenge for all political actors. He explained: "This Constitutional Court decision makes the competition space more open and egalitarian. But on the other hand, this tests the quality of voters and the capacity of the organizing institution. If the public is not smart in choosing, then this openness can be misused by candidates who only rely on money or image."<sup>20</sup>

According to Fajri, in several districts such as Bombana, West Muna, and South Buton, there has been a shift in campaign patterns from only highlighting party figures to focusing on programs and the candidate's closeness to the community. This shows that a more open system has forced candidates to go directly to and touch the community base, not just appear through billboards or media promotions. Furthermore, the Southeast Sulawesi People's Democracy Community (KODRAT) also highlighted that the Constitutional Court Decision has encouraged the younger generation and local activists to be more courageous in taking part in political contests. In Wakatobi Regency, a youth figure who graduated from abroad and was previously active in marine conservation has put

---

<sup>18</sup>Interview with the Management of the Gerindra DPW Southeast Sulawesi, May 22, 2025.

<sup>19</sup>Interview with Falihin Bharakati, Coordinator of KODRAT Sultra, May 23, 2025, Kendari.

<sup>20</sup>Interview with Muh. Fajri Al Kautsar, Research Director of KODRAT Sultra, May 23, 2025, Kendari.

himself forward as an independent regional head candidate. This kind of courage reflects that a more inclusive election system gives a positive signal for the regeneration of political leadership in the region. However, KODRAT still provides an important note that changes to the nomination system must be balanced with a massive and sustainable voter education system. Falihin added: "We cannot just talk about openness without talking about political literacy. If the people do not understand what the vision and mission are, what the responsibilities of public office are, then this open system could actually produce incompetent regional heads."<sup>21</sup>

The statement emphasized that the influence of the Constitutional Court's Decision on democracy is indeed large, but the quality of democratic results still depends heavily on the capacity of voters and the integrity of election organizers. Overall, both in terms of law, socio-politics, and community participation, the Constitutional Court Decision Number 60/PUU-XXII/2024 has brought new energy to the Pilkada system in Indonesia. It not only widens the entry points for candidates, but also enriches the dynamics of democracy, increases transparency, and strengthens people's trust in the legal system and the constitution. However, the success of democracy after the Constitutional Court's decision cannot be determined solely by the content of the decision itself, but by how democratic actors implement these constitutional values in the field, both by parties, organizers, civil society, and voters themselves.

### **3.3. The Influence of Constitutional Court Decision Number 60/PUU-XXII/2024 on Individual Regional Head Candidates and Local Political Dynamics**

The Constitutional Court Decision Number 60/PUU-XXII/2024 has a very real impact on individual regional head candidates. However, the implementation of this decision has not fully answered the issue of legal certainty. In practice, the KPU as the technical implementer of the election has not immediately adjusted the regulations that accommodate this decision in detail. This has caused confusion in the regions and opened up gaps for multiple interpretations in the regional head nomination process.

In this context, the Legal Certainty Theory put forward by Gustav Radbruch becomes important. He stated that the law must be understandable, applied fairly, and not cause uncertainty in society.<sup>22</sup>The Constitutional Court's decision must be responded to immediately with technical regulations so that it does not become an empty norm that cannot be implemented effectively.

Previously, independent or non-party candidates faced high structural barriers, especially related to the nomination requirements in the form of a very large number of supporters and provisions that indirectly benefit political parties.

---

<sup>21</sup>Ibid.

<sup>22</sup>Gustav Radbruch, *Legal Philosophy*, Oxford: Oxford University Press, 1950, p. 52.



When the nomination threshold was still based on 20% of the seats in the Regional People's Representative Council or 25% of valid votes from the election, figures who had social legitimacy but did not have access to political parties or large capital were practically closed to running. This Constitutional Court decision paved the way for them by changing the basis of the nomination requirements to a percentage of the Permanent Voters List (DPT), which directly made the support requirements more rational and affordable.

In Southeast Sulawesi Province, the impact of this decision is very much felt. Based on data from the Provincial General Election Commission, it was recorded that the number of individual candidates who registered for the 2024 Pilkada increased significantly compared to the 2020 Pilkada.

The dynamics of local politics have also undergone a transformation. With the increasing number of individual candidates, political parties are no longer the only center of consolidation. The public is beginning to realize that the independent path is a legitimate and equal tool for political struggle. This has caused the political space at the local level to become more competitive and fluid. In Bombana Regency, several parties have even approached independent candidates who are considered strong in terms of electability to offer coalitions or simply open support on social media. This proves that the boundaries between "party candidates" and "independent candidates" are becoming less rigid.

From the perspective of democratic theory, this condition strengthens the elements of political equality and competitive elections, two main indicators of a healthy electoral democracy. When there is no longer structural domination by certain actors, then the opportunity to be elected is truly determined by the quality of the candidate and public acceptance. Furthermore, the active involvement of citizens in gathering support for independent candidates is also a form of revitalization of direct political participation of the people, which has so far tended to be reduced to mere passive voters.

From the various descriptions, it can be concluded that the Constitutional Court Decision Number 60/PUU-XXII/2024 has a major influence on increasing the role of individual candidates and shifting local political dynamics to be more open, competitive, and inclusive. Local democratic space is now not only owned by political party elites, but is truly open to anyone who has the commitment, social support, and integrity to lead. This is also a reflection that law can be an effective instrument of social and political change when it is placed to serve justice and the sovereignty of the people.

Thus, the Constitutional Court Decision Number 60/PUU-XXII/2024 has become a catalyst that drives the transformation of the direction of local democracy. It not only gave birth to procedural openness, but also produced cultural changes in

the way local communities and elites interpret political contestation. Of course, the road to a truly participatory and just democracy is still long and full of challenges. However, with the major steps that have been taken by the Constitutional Court, the 2024 Pilkada is an important starting point in efforts to bring more equal political justice to all citizens, especially those who were previously only spectators in the arena of power.

#### 4. Conclusion

The implementation of the Constitutional Court Decision Number 60/PUU-XXII/2024 in the 2024 Regional Head Elections is still partial and not yet fully effective. Although the decision has removed the discriminatory nomination threshold, its technical implementation in the field still faces obstacles, especially because there have been no direct changes in the KPU Regulation. This results in a lack of synchronization between constitutional norms and technical election regulations.

#### 5. References

##### Journals:

Guillermo O'Donnell, "Delegative Democracy", *Journal of Democracy*, Vol. 5, No. 1, Januari 1994.

Irfan Akbar, "Dinamika Pemilihan Kepala Daerah Langsung di Provinsi Sulawesi Tenggara", *Jurnal Administrasi Publik dan Politik*, Vol. 5, No. 2, 2023.

##### Books:

Al-Mawardi, *Al-Ahkam al-Sulthaniyyah*, Kairo: Maktabah al-Khanji, 1996.

Daniel S. Lev, *Hukum dan Politik di Indonesia*, Jakarta: LP3ES, 1990.

Dwi Yuliana, *Koalisi dan Dinamika Politik dalam Pemilihan Kepala Daerah*, Jakarta: Pustaka Pemilu, 2024.

Dewi, Y. "Demokrasi Lokal di Indonesia: Studi Implementasi Pilkada." Jakarta: Pustaka Demokrasi. 2021

Francis Fukuyama, *Political Order and Political Decay*, New York: Farrar, Straus and Giroux, 2014.

Gustav Radbruch, *Legal Philosophy*, Oxford: Oxford University Press, 1950.

Haryanto, A. *Mekanisme Kampanye dan Pengawasan Pemilu*, Malang: Universitas Brawijaya Press. 2023 hal 18

International IDEA, *Electoral System Design: The New International IDEA Handbook*, Stockholm: IDEA Publications, 2017.

- KH. Hasyim Asy'ari, *Nashihat lil Muslimin*, Surabaya: Al-I'tisham, 1930.
- Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*, New York: Henry Holt and Company, 2008.
- Mahfud MD, *Hukum dan Pilar-Pilar Demokrasi*, Jakarta: Genta Publishing, 2011.
- Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, Jakarta: Gramedia Pustaka Utama, 2008.
- Muhammad Al-Ghazali, *Fiqh al-Sirah*, Kairo: Dar al-Syuruq, 1990.
- Nurcholish Madjid, *Islam, Kemodernan dan Keindonesiaan*, Bandung: Mizan, 1993.
- Puspitasari, T., *Tantangan Implementasi Peraturan Pilkada di Indonesia*, Surabaya: Universitas Airlangga Press, 2024.
- R. Setiawan, *Politik Lokal dan Dinamika Pilkada di Sulawesi Tenggara*, Yogyakarta: Gadjah Mada University Press, 2023.
- Robert A. Dahl, *On Democracy*, Yale University Press, 1998.
- Sayyid Qutb, *Tafsir Fi Zhilalil Qur'an*, Beirut: Dar al-Shuruq, 2001.
- Soepomo, *Pemikiran Negara Integralistik*, Jakarta: Universitas Indonesia Press, 1954.
- Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, Bandung: Alfabeta, 2016.
- Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*, Cambridge: Cambridge University Press, 2003.
- Yusuf al-Qaradawi, *Min Fiqh al-Daulah fi al-Islam*, Kairo: Maktabah Wahbah, 2002.

### **Regulation:**

The 1945 Constitution of the Republic of Indonesia.

Constitutional Court, Decision No. 60/PUU-XXII/2024,  
[www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id).

Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors.

KPU RI, General Election Commission Regulation Number 8 of 2024 concerning the Nomination of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor, Jakarta, 2024.

**Interview:**

Interview with Hazamuddin, Technical Division of KPU Southeast Sulawesi, 22 & 24 May 2025.

Interview with Falihin Bharakati, Coordinator of KODRAT Sultra, 23 May 2025.

Interview with Muh. Fajri Al Kautsar, Research Director of KODRAT Sultra, 23 May 2025.

Interview with Bawaslu Staff of West Muna Regency, 25 May 2025.

Interview with Gerindra DPW Management of Southeast Sulawesi, 22 May 2025.

**Etc:**

Data Internal KPU Provinsi Sulawesi Tenggara, Laporan Tahapan Pencalonan, May 2024.

Data Internal KPU Provinsi Sulawesi Tenggara, Rekapitulasi Bakal Calon Perseorangan Pilkada 2024, May 2024.

KPU Provinsi Sulawesi Tenggara, Pernyataan Resmi Mengenai Pencalonan Pilkada 2024, Kendari: Juny 2024.

Tempo, Zainal Arifin Mochtar, "Wawancara", Tempo, Edisi April 2024,