

Voter Rights and Electoral Justice in Indonesia's 2024 Concurrent Elections: System Design, Institutional Fragmentation, and Dispute Resolution

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Abstract

The 2024 Indonesian general elections were the largest and most administratively complex democratic exercise in the country's history, combining presidential, national legislative, and regional legislative contests on a single polling day and holding regional executive elections later in the same year. This article examines the causal relationship between the design of the concurrent election system and the protection of voters' constitutional rights, and evaluates whether Indonesia's dispute resolution architecture is capable of delivering electoral justice. Using normative-juridical research supported by secondary empirical data, and combining statutory, conceptual, case, and comparative approaches, the article advances two arguments. First, the "five-ballot" concurrent design satisfies the formal dimension of the right to vote while eroding its substantive dimension: it imposes an extreme administrative and physical burden on polling station officials and a cognitive burden on voters, so that high turnout coexists with attenuated deliberative capacity, particularly in legislative contests displaced by presidential coattails. Second, the fragmentation of electoral adjudication among the Constitutional Court, the Election Supervisory Agency, the Honorary Council of Election Organisers, and the State Administrative Court generates divergent standards of proof, inconsistent characterisation of identical conduct, and gaps in remedial authority that are most consequential precisely where structured, systematic, and massive violations are alleged. Analysis of the 2024 election result disputes indicates a discernible movement toward substantive justice, but one constrained by evidentiary thresholds and procedural limits rather than by judicial willingness. The article contributes an integrated account linking

concurrency, voter protection, and forum fragmentation, and argues that reconstructing the electoral calendar and unifying electoral jurisdiction are complementary rather than alternative reforms.

KEYWORDS: *Concurrent Elections; Electoral Justice; Constitutional Voting Rights; Electoral Dispute Resolution; Indonesian Constitutional Court*

Introduction

General elections are a foundational institution of constitutional democracy, serving to realise popular sovereignty, confer legitimacy on government, and secure the orderly transfer of power. In Indonesia, elections rest on the constitutional mandate in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which requires that elections be conducted directly, generally, freely, secretly, honestly, and fairly every five years. The 2024 elections were constitutionally significant because, for the first time, Indonesia conducted national elections for the presidency and the legislature alongside regional head elections within a single calendar year, producing an electoral management burden without precedent in the country's democratic history.¹

Theoretically, the right to vote is a fundamental constitutional right and a diagnostic criterion of whether a polity is genuinely democratic. Robert A. Dahl's account of polyarchy identifies two constitutive dimensions: inclusive participation by citizens and genuine contestation among elites.² Political legitimacy matters instrumentally as well as normatively, because a government that commands legitimacy can be trusted to implement its programme. Dahl's minimalist conception of democracy is characterised by competitive contestation for public office, direct citizen involvement in the selection of leaders, and the guarantee of the civil and political freedoms without which participation and contestation are formal only. Yet elections in Indonesia do not take place in a vacuum. They are embedded in socio-political dynamics, an increasingly mediated information environment, and a regulatory framework that is both complex and frequently amended.

The design of a concurrent electoral system combining executive and legislative contests was originally intended to generate budgetary efficiency and to strengthen the presidential system through the coattail effect.³ Comparative evidence from Latin

¹ Mushaddiq Amir, "Keserentakan Pemilu 2024 yang Paling Ideal Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia," *AL-ISHLAH: Jurnal Ilmiah Hukum* 23, no. 2 (2020): 115–32; Rodhotun Nimah, "Menilik Potret Tantangan dalam Menyongsong Pemilu Serentak 2024," *Muhammadiyah Law Review* 8, no. 1 (2024): 1–15.

² Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 220–23.

³ Heroik Mutaqin Pratama and Aditya Perdana, "Judicialization of Politics in Indonesia's Electoral System: Case Study on Judicial Review of Threshold, Balloting Structure, and Simultaneous Election at the Constitutional Court," *Politik Indonesia: Indonesian Political Science Review* 6, no. 1 (2021): 90–110, <https://doi.org/10.15294/ipsr.v6i3.32599>.

America indicates that concurrency does shape participation and the structure of party competition,⁴ and empirical estimation of Indonesian coattail transmission in 2019 confirms that presidential contests exert measurable influence on legislative voting across national and subnational tiers.⁵ The experience of the 2019 and 2024 elections, however, suggests that this model has produced a system that is procedurally saturated but substantively thin: administrators are absorbed by extraordinary administrative complexity, while the qualitative dimension of democratic choice recedes. The extreme workload borne by Polling Station Working Committee (KPPS) officials and the confusion generated among voters by five distinct ballot papers are the practical consequences of what has come to be described as a “wholesale” election.

Electoral justice, in turn, is the instrument through which legality is enforced and the principles of free, fair, and honest elections are given effect. An electoral justice system comprises the formal and informal mechanisms by which disputes are prevented and resolved so that citizens’ voting rights are protected.⁶ In Indonesia, that function is distributed across the Election Supervisory Agency (Bawaslu), the Honorary Council of Election Organisers (DKPP), the Integrated Law Enforcement Centre (Sentra Gakkumdu), the State Administrative Court (PTUN), and the Constitutional Court (Mahkamah Konstitusi, MK). This dispersal of authority, although conceived as a system of institutional checks, has in practice generated jurisdictional friction and legal uncertainty, most acutely in the handling of structured, systematic, and massive (TSM) violations. The 2024 cycle further unfolded within an information environment shaped by large socio-religious organisations and by intensive social media mobilisation, both of which conditioned how voters received and evaluated information about the contesting candidates.

Existing scholarship has approached these questions in largely separate registers. One body of work examines the constitutionality and design of electoral concurrency;⁷ a second analyses the Constitutional Court’s authority and interpretive practice in

⁴ Miguel Carreras, “Presidential Institutions and Electoral Participation in Concurrent Elections in Latin America,” *Political Studies* 66, no. 3 (2018): 541–59, <https://doi.org/10.1177/0032321717723502>.

⁵ Tonny Dian Effendi, “Estimating the Multilevel Coattail Effect during the 2019 Indonesian Election,” *Asian Affairs: An American Review* 49, no. 3 (2022): 140–65, <https://doi.org/10.1080/00927678.2022.2091909>.

⁶ International IDEA, *Electoral Justice: The International IDEA Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, 2010), 9–14.

⁷ Amir, “Keserentakan Pemilu 2024,” 118–24; M. Rijal Al’Hadad Maulana, “Analisis Tantangan Konstitusional dan Problematika Hukum Tata Negara dalam Pelaksanaan Pilkada 2024,” *Constitution Journal* 3, no. 2 (2024): 211–32; Rozidateno Putri Hanida, Redni Putri Meldianto, and Siska Surya Hasnita, “Simultaneous National and Local Elections 2024: Triggering Voter Fatigue, Coattail Effect, and Political Polarization in Indonesia,” *KnE Social Sciences* 10, no. 4 (2025): 21–36, <https://doi.org/10.18502/kss.v10i4.18024>.

resolving election result disputes;⁸ a third evaluates the effectiveness of Bawaslu and the coherence of the multi-institutional dispute framework.⁹ What remains underexamined is the connection between them. The literature has not adequately theorised how the architecture of concurrency itself generates the specific categories of grievance that the dispute resolution system is then asked to absorb, nor how the fragmentation of adjudicative forums determines which of those grievances can obtain a remedy. Comparative work on specialised electoral courts and on the institutional design of electoral management bodies offers analytical resources that Indonesian scholarship has drawn upon only sparingly.¹⁰

Against this background, this article pursues two analytical objectives. First, it examines how the design of the 2024 concurrent elections affected the fulfilment of voting rights, not merely in their formal dimension but in their substantive dimension. Second, it assesses the extent to which the dispute resolution system distributed among Bawaslu, DKPP, the State Administrative Court, and the Constitutional Court is capable of delivering effective electoral justice. The novelty of the article lies in treating concurrency, voter protection, and forum fragmentation as a single analytical problem rather than three adjacent ones, and in supporting that treatment with secondary empirical data and a comparative reading of institutional models in Brazil, Mexico, and India. Its contribution is to show that calendar reform and jurisdictional reform are interdependent: simplifying the electoral design reduces the volume of disputes the system must absorb, while unifying jurisdiction determines whether the disputes that remain can be resolved coherently.

The 2024 elections were further marked by technological contestation, notably surrounding the Sirekap recapitulation system, whose transparency and accuracy became the subject of sustained public controversy. Regulatory change effected through Constitutional Court decisions concerning nomination thresholds and candidate eligibility requirements intensified the legal dynamics preceding polling day.

⁸ Mexsasai Indra, Geofani Milthree Saragih, and Tito Handoko, “Pseudo-judicial Review for the Dispute over the Result of the Regional Head Election in Indonesia,” *Lentera Hukum* 10, no. 1 (2023): 111, <https://doi.org/10.19184/ejlh.v10i1.36685>; Amiruddin and Rizki Ramadani, “Judicial Activism in Regional Head Election Dispute: The Practice and Consistency of the Indonesian Constitutional Court,” *Substantive Justice International Journal of Law* 6, no. 1 (2023): 56, <https://doi.org/10.56087/substantivejustice.v6i1.230>.

⁹ Muhamad Sadi Is, “Penguatan Fungsi Bawaslu dalam Penegakan Hukum Pelanggaran Administrasi sebagai Penataan Pemilu Serentak,” *APHTN-HAN* 2, no. 1 (2024); Septi Nur Wijayanti and Aulia Khansa Nabila, “Catatan Kritis: Evaluasi Multi Lembaga Penyelesaian Sengketa Pemilu terhadap Electoral Justice,” *JAPHTN-HAN* 4, no. 1 (2025): 9–28, <https://doi.org/10.55292/japhtnhan.v4i1.167>.

¹⁰ Carolien van Ham and Holly Ann Garnett, “Building Impartial Electoral Management? Institutional Design, Independence and Electoral Integrity,” *International Political Science Review* 40, no. 3 (2019): 313–34, <https://doi.org/10.1177/0192512119834573>; Joseph Klaver, “Electoral Court and By-Elections in France: Guarantor of Electoral Integrity or Political Sideshow?,” *Election Law Journal: Rules, Politics, and Policy* 24, no. 2 (2025): 150–71, <https://doi.org/10.1089/elj.2024.0011>.

A further unresolved question concerns the authority of the State Administrative Court to adjudicate electoral disputes, a matter that remains contested because of the limits imposed by statute. Taken together, these factors demonstrate that electoral integrity is determined not by the final result alone but by the entire process, which must conform to the governing legal framework. This article accordingly examines how the design of the system affected voting rights, and how the mechanisms of dispute resolution operated amid that complexity.

Method

This research employs a normative-juridical method supported by secondary empirical data. Four approaches are combined: a statutory approach, a conceptual approach, a case approach, and a comparative approach. Primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 on General Elections, Law No. 10 of 2016 on Regional Head Elections, decisions of the Constitutional Court, and the technical regulations governing election administration. Secondary legal materials comprise peer-reviewed journal articles, monographs, institutional reports, and official publications of the General Elections Commission (KPU), Bawaslu, DKPP, and International IDEA. Secondary empirical data are used to substantiate the normative analysis, specifically data concerning the Final Voter List (DPT), voter turnout, the operation of Sirekap, the workload of election officials, and the caseload statistics for disputes over election results. Analysis proceeds qualitatively, relating norms, judicial decisions, empirical data, and administrative practice in order to assess the extent to which the concurrent election design and the dispute resolution system substantively protect voting rights.

Analytical Framework

Theoretically, this article treats the right to vote as a constitutional right that must be read along two dimensions simultaneously. The formal dimension concerns the availability of legal access enabling citizens to register, attend a polling station, and cast a ballot. The substantive dimension requires that the choice be exercised under conditions of adequate information, accessible procedure, and freedom from administrative burdens that obscure voter rationality. Dahl's concept of polyarchy, together with the literature on electoral integrity and ballot complexity, explains why the quality of democracy is determined not only by the continuity of voting but by the quality of the voting experience and the representation it produces.¹¹ This two-

¹¹ Pippa Norris, Holly Ann Garnett, and Max Gröming, "The Paranoid Style of American Elections: Explaining Perceptions of Electoral Integrity in an Age of Populism," *Journal of Elections, Public Opinion and Parties* 30, no. 1 (2020): 105–25, <https://doi.org/10.1080/17457289.2019.1593181>; Holly Ann Garnett and Toby S. James, "Electoral Backsliding? Democratic Divergence and Trajectories in the Quality of Elections Worldwide," *Electoral Studies* 86 (2023): 102696, <https://doi.org/10.1016/j.electstud.2023.102696>.

dimensional reading is the analytical device that allows the article to explain how a system can register high formal participation while degrading substantive choice.

Legally, the protection of voting rights derives from Article 1 paragraph (2) and Article 22E of the 1945 Constitution, together with the guarantees of equality, legal certainty, and equal opportunity in government contained in Article 27 paragraph (1) and Article 28D.¹² This constitutional framework requires that every element of the system, from the concurrency of the calendar through voter registration, polling, recapitulation, and dispute resolution, be constructed so as to vindicate and protect the constitutional rights of citizens, and not merely to satisfy targets of administrative efficiency.

Empirically, the analysis does not confine itself to case studies but uses secondary data as indicators of systemic pressure on voting rights and electoral justice: the magnitude of the Final Voter List, turnout rates, difficulties with the Additional Voter List (DPTb), the incidence of result disputes, accuracy problems in Sirekap, and the workload of KPPS officials. Empirical data thus function not as descriptive ornamentation but as the evidentiary basis for assessing whether the normative design of the election operates effectively in practice.

Comparatively, the article uses the practices of Brazil, Mexico, and India as an analytical mirror. Brazil is instructive because it locates electoral administration and adjudication within a single integrated Electoral Justice structure.¹³ Mexico is significant because it has established a specialised electoral tribunal as a distinct judicial forum.¹⁴ India is relevant because it administers an exceptionally large electorate and has developed rigorous management of election technology under a constitutionally entrenched commission.¹⁵ The comparison is not intended to transplant foreign models mechanically, but to identify institutional principles capable of adaptation to the Indonesian system.

¹² Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, arts. 1(2), 22E, 27(1), 28D(1) and (3); Rahman Yasin, "Hak Konstitusional Warga Negara dalam Pemilu," *Jurnal Bawaslu Provinsi Kepulauan Riau* 4, no. 2 (2022): 188–201.

¹³ Antonio Gomes Moreira Mauês and Juliana Rodrigues Freitas, "Electoral Justice in Brazil: Autonomy and Institutional Resources," *Pensar: Revista de Ciências Jurídicas* 30 (2025): 1–15, <https://doi.org/10.5020/2317-2150.2025.16249>; Tribunal Superior Eleitoral, "Election Process in Brazil," accessed 2025, <https://international.tse.jus.br/en/elections/election-process-in-brazil>.

¹⁴ Luis Eduardo Medina Torres and Adriana Valeria Jaramillo, "La transparencia en el Tribunal Electoral del Poder Judicial de la Federación de México," *Revista Española de la Transparencia*, no. 13 (2021): 71–83, <https://doi.org/10.51915/ret.189>; Instituto Nacional Electoral, "Sistema Político Electoral," accessed 2025.

¹⁵ Ujjwal Kumar Singh and Anupama Roy, "Regulating the Electoral Domain: The Election Commission of India," *Indian Journal of Public Administration* 64, no. 3 (2018): 518–30, <https://doi.org/10.1177/0019556118788497>; Election Commission of India, "Electronic Voting Machine (EVM) FAQ," accessed 2025.

The Design of the Concurrent Election System and the Protection of Voting Rights

Indonesia has undergone a transition toward an increasingly consolidated democratic system, evidenced by the periodic conduct of elections that register the currents and dynamics of Indonesian politics. The design of the concurrent electoral system implemented in 2024 was in essence a constitutional response to the Constitutional Court's ruling requiring that the executive and legislative elections be held on a unified date.¹⁶ Philosophically, the design was intended to strengthen Indonesia's presidential system of government: the expectation was that concurrency would deliver to the elected president majority support in a parliament sharing a consistent political orientation, thereby insulating the government from legislative deadlock. State budgetary efficiency through logistical savings supplied the pragmatic rationale. It bears emphasis that periodic elections are not merely a procedure for gathering votes; they comprise a sequence of stages whose integrity must be safeguarded by administrators and by law. Accordingly, in order to reduce the risk of maladministration capable of maturing into ethical violation, the 2024 concurrent elections were required to be conducted in conformity with the applicable legal framework. Ethical violations in the electoral context characteristically occur in a structured, systematic, and comparatively extensive manner. Ramlan Surbakti identifies two benchmarks for assessing whether elections have been conducted democratically: the presence of legal certainty at every stage of the process, and the application of the democratic electoral principles of directness, generality, freedom, secrecy, honesty, fairness, and accountability.¹⁷ At the level of implementation, however, the concurrent "five-ballot" model, comprising elections for the President and Vice President, the House of Representatives (DPR RI), the Regional Representative Council (DPD RI), the provincial legislature, and the regency or municipal legislature, has generated a serious systemic challenge to the quality of popular sovereignty and to the protection of voters' constitutional rights.

From a legal standpoint, a concurrent electoral design cannot be evaluated solely by reference to efficiency or to the simplification of scheduling. The proper measure is whether the design is compatible with the constitutional mandate to conduct direct, general, free, secret, honest, and fair elections, and whether the state has discharged its obligation to guarantee equal voting rights. It follows that any concurrent design that imposes excessive administrative burdens, induces voter confusion, or creates barriers to access for particular groups is in principle susceptible to constitutional review, because it places at risk the quality with which voting rights are fulfilled. This article argues that the constitutional test for electoral design is therefore not efficiency but the

¹⁶ Mahkamah Konstitusi Republik Indonesia, "Ikhtisar Putusan Perkara Nomor 135/PUU-XXII/2024 tentang Model Kesenjangan Pemilihan Umum"; Amir, "Kesenjangan Pemilu 2024," 120–22.

¹⁷ Ramlan Surbakti, *Memahami Ilmu Politik*.

preservation of substantive electoral choice, and that on this test the 2024 model is deficient.

The protection of voting rights in a democracy should not be construed narrowly as the technical procedure of marking a ballot in a voting booth, but as the fundamental right of citizens to vote in an informed, conscious, and rational manner. This construction accords with the principle of the supremacy of law that the state has adopted, under which the highest authority in the state is the law itself. A. V. Dicey explains that the obligations of a state committed to the rule of law include the supremacy of law over arbitrary power, equality before the law, and a constitution that protects rather than creates the rights of individuals.¹⁸ Because Indonesia adheres to a model of rule by law rather than rule by individual power, every governmental act must rest on legally enforceable and recognised provisions. This requirement is directed at securing the proper and clean operation of public administration, free from deviant practice, and generates in turn improvements in the quality of public services, the satisfaction of community needs, and the prevention of abuse of power by government or other authorised officials.

The complexity of the 2024 electoral design tends, however, to distort this substantive right, because voters are confronted simultaneously with a saturating volume of information. Experimental and observational research demonstrates that ballot format independently generates voting error, irrespective of voter competence,¹⁹ and that voters facing a long sequence of contests on a single occasion exhibit choice fatigue, manifesting as increased abstention and default selection in down-ballot races.²⁰ Comparative evidence from multiparty systems with open-list features indicates that ballot design is a significant determinant of invalid-vote rates.²¹ These findings supply the mechanism through which Indonesian public attention becomes polarised around the presidential contest, while legislative elections are displaced within the wider din of national political discourse. Indonesian survey research confirms that presidential coattails operate substantially on legislative voting behaviour in the concurrent design.²² Available assessments of the 2024 cycle indicate a pronounced

¹⁸ A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, 8th ed. (London: Macmillan, 1915), 183–205.

¹⁹ Paul S. Herrnson, Michael J. Hanmer, and Richard G. Niemi, “The Impact of Ballot Type on Voter Errors,” *American Journal of Political Science* 56, no. 3 (2012): 716–30, <https://doi.org/10.1111/j.1540-5907.2011.00579.x>.

²⁰ Ned Augenblick and Scott Nicholson, “Ballot Position, Choice Fatigue, and Voter Behaviour,” *The Review of Economic Studies* 83, no. 2 (2016): 460–80, <https://doi.org/10.1093/restud/rdv047>.

²¹ Mónica Pachón, Royce Carroll, and Hernando Barragán, “Ballot Design and Invalid Votes: Evidence from Colombia,” *Electoral Studies* 48 (2017): 98–110, <https://doi.org/10.1016/j.electstud.2017.05.005>.

²² Djayadi Hanan and Deni Irvani, “The Coattail Effect in Multiparty Presidential Elections,” *Asian Survey* 62, no. 2 (2022): 240–68, <https://doi.org/10.1525/as.2022.1501924>; Dede Sri Kartini, Mohammad Desgia Adinadya Putra, and Arif Zainudin, “Decision-Making Process in Voting during

asymmetry, with public discussion concentrated on the presidential contest and only a residual share directed toward the legislative elections. This imbalance carries adverse implications for the quality of democracy, since voters tend to select legislative candidates arbitrarily or by reference to prevailing trends, which in turn weakens representation and parliamentary oversight. The difficulty is compounded during the electoral process by insufficient civic education on the exercise of voting rights, which contributes to public apathy toward the electoral process.

The technical burden of administering the elections has emerged as a corresponding humanitarian and professional problem. KPPS officials, who constitute the front line of democratic administration, bear a workload that frequently exceeds ordinary human physical capacity. The simultaneous administration and counting of five elections compels officials to work continuously for more than twenty-four hours without adequate rest. The extreme fatigue this produces bears not only on the health and safety of officials but directly on the accuracy and validity of the count. Comparative research on electoral administration establishes that poll worker recruitment, training, and staffing adequacy are determinants of election quality rather than peripheral logistical concerns,²³ and that the professionalism of electoral management body workforces predicts electoral integrity outcomes across national contexts.²⁴ Numerous administrative errors at the polling station level, frequently attributable to fatigue, subsequently become the legal openings through which disputes over election results are brought before the Constitutional Court. Viewed in this light, a “wholesale” system design places at risk the very integrity of the process, which requires precision and accuracy to be maintained absolutely. The 2019 concurrent elections offered an early warning: they were widely assessed as imposing an excessive burden on voters, in consequence of inadequate socialisation and civic education regarding the electoral map, particularly in the legislative sphere, given the number of candidate names and the physical bulk of the ballots that voters were required to mark.²⁵

Challenges to the protection of voting rights are also closely connected to disorder in civil registration and to the accuracy of the Final Voter List. Although the

the 2024 Election in Indonesia (A Study in Bandung Regency),” *Frontiers in Political Science* 7 (2025): art. 1647672, <https://doi.org/10.3389/fpos.2025.1647672>.

²³ Alistair Clark and Toby S. James, “Electoral Administration and the Problem of Poll Worker Recruitment: Who Volunteers, and Why?,” *Public Policy and Administration* 38, no. 2 (2023): 188–208, <https://doi.org/10.1177/09520767211021203>; Francisco Cantú and Sandra Ley, “Poll Worker Recruitment: Evidence from the Mexican Case,” *Election Law Journal: Rules, Politics, and Policy* 16, no. 4 (2017): 495–510, <https://doi.org/10.1089/elj.2016.0385>.

²⁴ Toby S. James, “Better Workers, Better Elections? Electoral Management Body Workforces and Electoral Integrity Worldwide,” *International Political Science Review* 40, no. 3 (2019): 370–90, <https://doi.org/10.1177/0192512119829516>.

²⁵ Nimah, “Menilik Potret Tantangan,” 5–9; Andiriana Susanto, “Pemilihan Umum Serentak 2024: Menyongsong Era Digitalisasi,” *Jurnal Bhinneka Tunggal Ika* 7 (2022): 27–48.

Constitutional Court has effected a legal breakthrough permitting citizens not registered on the DPT to exercise their right to vote using an electronic identity card or a passport, technical and bureaucratic obstacles persist in practice. Workers in the Nusantara Capital City (IKN), for instance, were not included on the Additional Voter List, which prevented them from exercising their right to vote in the 2024 election. The continuous updating of voter data is a strategically significant step in securing certainty of constitutional rights for every citizen. The potential for maladministration in data collection nonetheless remains, including the presence of duplicate entries, fictitious voters, and deceased persons retained on the list, a vulnerability identified by Bawaslu through its Election Vulnerability Index. The Sintang case, in which a revote was conducted in 2024 following the discovery that two persons recorded as deceased had been registered as present and participating, illustrates the point. Without an accurate register, electoral justice cannot be fully realised. The analytical significance of these failures is that they convert an administrative defect into a constitutional one: an inaccurate register does not merely inconvenience the administration, it extinguishes an individual right that no subsequent remedy restores.

The use of information technology, notably the Sirekap application, became an integral element of the 2024 design, intended to enhance transparency and accelerate the publication of results. Inadequate technical infrastructure and insufficient public education concerning the operation of the digital system nonetheless generated public suspicion and distrust. The system's failure to read or convert data accurately from the C.Hasil form produced a public perception of vote manipulation, which in turn eroded the legitimacy of the process in the eyes of the electorate. Experimental evidence indicates that the verifiability of the tabulation process is a principal determinant of public confidence in results,²⁶ a finding that supplies the analytical explanation for the Sirekap controversy: the difficulty lay less in the incidence of error than in the absence of an accessible procedure by which error could be distinguished from manipulation. Brazil's experience with electronic voting similarly demonstrates that the introduction of electoral technology alters rather than eliminates the categories of error, and that its legitimacy depends on the auditability of the system.²⁷ This carries a clear implication: technological innovation in elections must be accompanied by a robust legal framework, by hardware and software readiness, and by algorithmic transparency, if voters' rights to accurate, honest, and accountable results are to be guaranteed. Indonesian internet penetration is now substantial, with reported figures approaching 221 million users, or approximately 79.5 per cent of the population, in 2024. International IDEA's survey of electronic voting practice records adoption across a

²⁶ Jacob Jaffe, Joseph R. Loffredo, Samuel Baltz, Alejandro Flores, and Charles Stewart III, "Trust in the Count: Improving Voter Confidence with Post-election Audits," *Public Opinion Quarterly* 88, no. SI (2024): 585–607, <https://doi.org/10.1093/poq/nfae029>.

²⁷ Cesar Zucco Jr. and Jairo M. Nicolau, "Trading Old Errors for New Errors? The Impact of Electronic Voting Technology on Party Label Votes in Brazil," *Electoral Studies* 43 (2016): 10–20, <https://doi.org/10.1016/j.electstud.2016.04.001>.

number of jurisdictions,²⁸ although the proposition that electronic voting reduces the incidence of electoral disputes is contested and should not be asserted without qualification. During the semi-electronic recapitulation conducted through Sirekap, numerous discrepancies arose between manually counted totals and the figures displayed by the system, indicating persistent failures of synchronisation.

As an evaluative step for the future of Indonesian democracy, the Constitutional Court has signalled the urgency of reconsidering the concurrent model in Decision No. 135/PUU-XXII/2024.²⁹ The decision identifies several models regarded as more constitutionally and rationally defensible, one of which separates the schedule for national concurrent elections, comprising the President, the DPR, and the DPD, from the schedule for regional concurrent elections, comprising governors, regents, mayors, and the provincial and regency or municipal legislatures. This separation is considered preferable because it introduces a transitional interval, for example of two years, permitting political parties to conduct candidate recruitment with sharper attention to local and national issues in alternation. The model further affords voters the opportunity to evaluate the performance of each level of government more clearly and in greater depth. This reorientation of the national and local electoral calendars can be expected to reduce the workload of election administrators and to improve materially the quality of popular political choice. The decision is analytically significant because it marks the Court's recognition that electoral design is itself a constitutional question, and not a matter reserved to legislative policy discretion.

It is instructive to examine the statistical data illustrating the technical complexity of the 2024 election and its systemic effect on public participation. First, with a registered electorate exceeding 204 million, Indonesia confronted logistical challenges of a magnitude demanding a high degree of accuracy in the Final Voter List. Second, extensive internet penetration indicates substantial potential for the digitisation of elections but simultaneously generates high vulnerability to disinformation. Third, the implementation of the concurrent five-ballot model has been shown to impose an extreme physical burden on administrators and to increase voter confusion. Although turnout remained high, furnishing strong statistical legitimacy, the rationality of the resulting choice remains open to question. The situation is aggravated by the marked asymmetry in public attention between the presidential and legislative contests, which conduces to disregard for the quality of legislative candidates. The 2024 cycle was further marked by pronounced polarisation of political opinion, evidenced by the circulation of hate speech on social media and by protests that culminated in disorder.³⁰

²⁸ International IDEA, *Electoral Justice*, 41–46.

²⁹ Mahkamah Konstitusi, “Ikhtisar Putusan Perkara Nomor 135/PUU-XXII/2024”; Mahkamah Konstitusi Republik Indonesia, “Pemilu Nasional dan Pemilu Lokal Diselenggarakan Terpisah Mulai 2029,” <https://www.mkri.id/berita/pemilu-nasional-dan-pemilu-lokal-diselenggarakan-terpisah-mulai-2029-23414>.

³⁰ Sulistyowati, “The Sabotage in the Election Campaign,” *Law Development Journal* 6, no. 2 (2024): 214–25.

Official data from the KPU record a Final Voter List for the 2024 election of 204,807,222 voters.³¹ High national turnout in the presidential and legislative elections indicates that formal access to polling stations was substantially maintained.³² High quantitative participation does not, however, translate automatically into substantive fulfilment of voting rights. Where voters must contend with the complexity of five ballot types, asymmetric candidate information, defects in voter administration, and uncertainty in results mediated by technology, the measure of electoral success must shift from turnout as such to the quality of that turnout and to the representation it produces. This distinction is the analytical core of the article's first argument: turnout measures access, not choice, and a design that maximises the former while depressing the latter cannot be defended by reference to participation figures alone.

Taken as a whole, the design of the 2024 concurrent election system exhibits a clear contradiction between the ideal of bureaucratic efficiency and the reality of sociological and technical complexity in the field. The constitutional voting rights of citizens are at risk of substantial erosion if voters are not afforded sufficient time and space to comprehend the records, visions, and programmes of the candidates before them amid a saturating volume of information. Reconstructing the electoral calendar and model so as to give proper weight to the position of voters and to the welfare of electoral officials is accordingly no longer merely one policy option among others, but an urgent necessity for the health and sustainability of Indonesian democracy.

Dispute Resolution Mechanisms and the Enforcement of Electoral Justice

Electoral justice is a fundamental instrument in a democratic state, ensuring that every stage and procedure of a general election is implemented in strict accordance with the governing rules, while protecting the political rights of all participants. In Indonesia, the mechanisms for enforcing this justice are divided into distinct jurisdictional clusters: Bawaslu handles disputes arising in the electoral process, the Constitutional Court adjudicates disputes over vote results, and DKPP adjudicates violations of the code of ethics binding election administrators. This institutional fragmentation is a consequence of a complex and multi-layered national legal system. The fragmented structure nonetheless presents significant difficulties, particularly in achieving prompt, effective, and complete legal certainty, given that each electoral stage operates to a tightly compressed schedule that cannot be postponed. Moreover, the

³¹ Komisi Pemilihan Umum Republik Indonesia, "DPT Pemilu 2024 Dalam Negeri dan Luar Negeri, 204,8 Juta Pemilih," 2023, <https://www.kpu.go.id/berita/baca/11702/dpt-pemilu-2024-nasional-2048-juta-pemilih>.

³² Komisi Pemilihan Umum Republik Indonesia, Keputusan Komisi Pemilihan Umum Nomor 1043 Tahun 2024 tentang Tingkat Partisipasi Pemilih yang Menggunakan Hak Pilihnya pada Hari Pemungutan Suara dalam Pemilihan Umum Presiden dan Wakil Presiden, Anggota Dewan Perwakilan Rakyat, dan Anggota Dewan Perwakilan Daerah (2024).

resolution of disputes over general election results in Indonesia frequently involves intense contestation between candidate pairs and their supporting parties, with result disputes deployed to consolidate political position. In such circumstances, the resolution of an election result dispute is not only a legal process directed at justice but also a political contest animated by conflicting interests.

Within this structure, Bawaslu performs a critical function as both mediator and adjudicator in the handling of process disputes. Bawaslu is empowered to supervise the electoral process and, where violations are identified, to take enforcement action. In proceedings before the Constitutional Court concerning election results, Bawaslu may furnish independent reports, statements, and opinions.³³ Such disputes typically arise in response to decisions of the KPU regarded as prejudicial to the rights of electoral participants, as during the verification of political parties or the determination of the final candidate list. In practice, Bawaslu gives priority to mediation in seeking common ground between disputing parties; where deliberation reaches an impasse, the matter proceeds to an adjudicative hearing culminating in a final and binding decision. The effectiveness of Bawaslu's quasi-judicial function depends heavily on the quality of its human resources, the personal integrity of its members, and its institutional independence in the face of substantial political pressure from electoral contestants. Comparative research on electoral management bodies confirms that formal independence is analytically distinct from institutional capacity, and that the latter is frequently the binding constraint on performance,³⁴ a distinction that explains why reforms directed solely at Bawaslu's formal mandate have produced limited improvement.

The Constitutional Court, for its part, stands as the final forum for the resolution of disputes over general election results, exercising conclusive and binding authority over presidential and legislative result disputes. Since the amendment of the 1945 Constitution, the Court has become a central institution in the constitutional order.³⁵ It has achieved significant developments, including the clarification of the duties and authority of judicial institutions, the resolution of legal impasses, and the promotion of a clean and impartial judicial system, with corresponding effects on public confidence in state institutions. In the 2024 election, the Court was called upon not merely to examine the arithmetic of the count but to engage substantive justice by evaluating indications of structured, systematic, and massive violations. TSM violations are understood as fraud involving state officials, executed according to deliberate planning, and producing a broad effect upon the result. Although the burden of proof borne by

³³ Anindya Paramesti Kusumo, "Efektivitas Peran Bawaslu dalam Penyelesaian Sengketa Pemilu melalui Mekanisme Hukum Acara MK," *Jurnal Ilmiah Nusantara* 2, no. 1 (2025): 135–44.

³⁴ Holly Ann Garnett, "Evaluating Electoral Management Body Capacity," *International Political Science Review* 40, no. 3 (2019): 335–53, <https://doi.org/10.1177/0192512119832924>; van Ham and Garnett, "Building Impartial Electoral Management?," 320–26.

³⁵ Sulistyowati, *Hukum Tata Negara*, ed. Dewi Nadya Maharani, 1st ed. (Jakarta: PT Dewi Bintang Maharatu, 2025), 141–58.

an applicant is substantial, the presence of the TSM doctrine in the Court's jurisprudence offers a prospect of restoring voting rights distorted by systemic fraudulent practice. Given its constitutional position, the Court operates not only in the procedural register but in the fundamental constitutional one: its role extends beyond the correction of data to the credibility of the election itself, which concerns the fulfilment of the constitutional rights of Indonesian citizens.³⁶ Comparative constitutional scholarship confirms that constitutional courts adjudicating electoral matters characteristically confront this tension between arithmetical verification and substantive electoral equality.³⁷

The dynamics of the 2024 presidential election result dispute became a focus of attention when candidate pairs 01 and 03 filed petitions advancing serious allegations, ranging from nepotism and the deployment of social assistance programmes for electoral advantage to the partiality of state officials. In response, the Court adopted a procedurally progressive posture by summoning four cabinet ministers to give evidence directly, in order to establish the facts comprehensively. Although the panel ultimately rejected the petitions on the ground that the arguments were legally unfounded or insufficiently evidenced, the ruling nonetheless marked a development in Indonesian procedural law.³⁸ The dissenting opinions of three constitutional justices reflect the intellectual contestation within the judiciary over the meaning of substantive electoral justice under conditions of intense public scrutiny. The analytical significance of the decision lies less in its disposition than in its evidentiary posture: the Court demonstrated a willingness to look behind the certified result, while simultaneously confirming that the applicable standard of proof renders such an inquiry unlikely to succeed.

The extent of dissatisfaction with results determined by the KPU is reflected in the caseload statistics of the Constitutional Court across the 2024 cycle, including in the context of regional head elections. Reported figures record a total of 310 registered regional election result disputes, comprising gubernatorial (23), regental (238), and mayoral (49) contests. Of these, approximately 40 applications, or 12.9 per cent, advanced to the evidentiary stage after satisfying the formal and material requirements.

³⁶ Gede Dandi Pratama Putra, "Role of the Constitutional Court in Indonesia's Electoral Justice System," *International Journal of Business, Law, and Education* 7, no. 1 (2026): 238–46; Sulistyowati, "Refleksi Putusan Mahkamah Konstitusi pada Pemilihan Presiden Tahun 2024 terhadap Politik dan Demokrasi Indonesia," *Qanuniya: Jurnal Ilmu Hukum* 1, no. 1 (2024): 10–25.

³⁷ Andrea Romano, "Constitutional Courts Dealing with Electoral Systems: A Comparative Look at Constitutional Adjudication on Electoral Equality," *Revista de Investigações Constitucionais* 10, no. 2 (2023): 232, <https://doi.org/10.5380/rinc.v10i2.89827>.

³⁸ Dora Mustika, M. Dani Fariz Amrullah D., and Sayyidah Sekar Dewi Kulsum, "Analysis of the Authority of the Constitutional Court in General Election Result Dispute Cases (Study of Constitutional Court Ruling Number 1/PHPU.PRES-XXII/2024 and 2/PHPU.PRES-XXII/2024)," *Pranata Hukum* 19, no. 2 (2024): 166–74, <https://doi.org/10.36448/pranatahukum.v19i2.348>; Rioni Rahmanda Saputri, "Analisis Penyelesaian Perselisihan Hasil Pemilihan Presiden di Indonesia," 2, no. 5 (2024): 140–50.

Twenty-six were granted in part, with the Court ordering corrective measures in the form of a revote or a recount in specified areas. The majority of remaining petitions were rejected or declared inadmissible by reason of obstacles including the two per cent margin threshold stipulated in Article 158 of the Regional Elections Law and questions of legal standing. The Court additionally issued four decisions invalidating candidacies that failed to satisfy the administrative requirement concerning the waiting period applicable to former convicts. These figures are analytically important because they show that the principal filter in Indonesian electoral adjudication is not judicial evaluation of the merits but a statutory admissibility threshold applied before the merits are reached, which means that the system's capacity to deliver substantive justice is constrained by legislative design rather than by judicial disposition.

The fundamental difficulty in the present dispute resolution system remains the fragmentation and overlap of institutional authority. Election administrators must frequently answer reports concerning the same underlying conduct at three separate levels: before Bawaslu in respect of administrative matters, before DKPP in respect of ethics, and before the Constitutional Court in respect of the final result. This produces inefficiency in time and resources and, more seriously, creates the risk of divergent legal characterisation across institutions: conduct may be held not to constitute a violation by Bawaslu yet be treated as a serious violation by the Constitutional Court in the course of a result hearing.³⁹ This reality has prompted proposals for a comprehensive reconstruction through the establishment of a specialised Electoral Court unifying all dispute jurisdictions under a single judicial roof.⁴⁰ Indonesia's archipelagic character compounds the problem, since the effects of jurisdictional dispersal are more pronounced in areas remote from the centre, where limited access renders enforcement more difficult.

Whatever the institutional structure, transparency in the procedures of the Constitutional Court and Bawaslu is decisive for the restoration of public confidence. Initiatives such as the prompt publication of hearing transcripts, broadly accessible live broadcasting of proceedings, and the digitisation of evidentiary documents materially assist the public in monitoring the integrity of enforcement. Persistent constraints on human resources and investigative capacity at the local level nonetheless continue to prevent Bawaslu from investigating reports of TSM violations thoroughly across regions. Without a robust witness protection regime and effective coordination within the Sentra Gakkumdu framework, the enforcement of electoral criminal law frequently

³⁹ Wijayanti and Nabila, "Catatan Kritis," 14–20; M. Wildan Humaidi, "The Ambivalence of Regional Election Dispute Resolution in Indonesia: The Dynamics of the Constitutional Court's Interpretation of Dispute Resolution Designs on Regional Election Results," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 14, no. 2 (2023): 251, <https://doi.org/10.21043/yudisia.v14i2.22742>.

⁴⁰ Firnandes Maurisya, "Special Chamber Mahkamah Konstitusi dalam Penyelesaian Sengketa Pemilu," *Milthree Law Journal* 1, no. 3 (2024): 319–60; Sulistyowati, "Relevansi Badan Khusus dalam Penanganan Sengketa Pemilihan Umum Kepala Daerah di Indonesia," *UNES Law Review* 6, no. 4 (2024): 11155–66.

halts before completion, yielding unsatisfactory outcomes. The problem is therefore not the absence of enforcement authority but its distribution across bodies whose investigative capacity does not match the evidentiary demands of the doctrine they are asked to apply.

Several recurrent problems attend the handling of electoral disputes in Indonesia: the overlapping authority and legal bases of the institutions empowered to handle them, the excessive procedural complexity of the resolution mechanisms, and the compressed statutory time limits governing the process, arising both from limitations in the scope of authority and from the provisions of the applicable procedural law.⁴¹

From a comparative perspective, Indonesia's institutional fragmentation differs materially from the Brazilian model, which locates electoral administration and adjudication within a single Electoral Justice structure, and from the Mexican model, which assigns a specialised electoral tribunal a central role in examining disputed results and electoral complaints more generally.⁴² Empirical study of the Brazilian system indicates that integrated electoral adjudication substantially shapes the conduct of local electoral competition, including through the annulment of mandates and the ordering of supplementary elections, which demonstrates that jurisdictional unification produces real remedial capacity rather than merely administrative tidiness.⁴³ India offers a distinct lesson: in elections of great scale, the legitimacy of results rests not on regulation alone but on standardised procedure, technological audit, and a consistent chain of command among administrators, sustained by a constitutionally entrenched commission with regulatory authority over the electoral domain.⁴⁴ Comparative work on specialised electoral courts nonetheless counsels caution, since the existence of a dedicated forum does not by itself guarantee integrity outcomes and may in some settings function as a political sideshow.⁴⁵ The comparative literature on electoral governance is instructive here in distinguishing rule-making, rule-application, and rule-adjudication as analytically separate functions,⁴⁶ because Indonesia's difficulty is precisely that it has distributed the third function across bodies that also perform the

⁴¹ Sulistyowati, "Urgensi Pembuatan Undang-Undang Hukum Acara di Mahkamah Konstitusi," *Jurnal Sosial dan Budaya Syar-i* 10, no. 5 (2023): 1427–38; Is, "Penguatan Fungsi Bawaslu."

⁴² Mauês and Freitas, "Electoral Justice in Brazil," 4–10; Medina Torres and Jaramillo, "La transparencia en el Tribunal Electoral," 74–79.

⁴³ Ary Jorge Nogueira, "The Judicialization of the Municipal Electoral Competition in Brazil: A Study on Supplementary Elections from 2004 to 2018," *Beijing Law Review* 10, no. 5 (2019): 1282–1304, <https://doi.org/10.4236/blr.2019.105069>.

⁴⁴ Singh and Roy, "Regulating the Electoral Domain," 522–27.

⁴⁵ Klaver, "Electoral Court and By-Elections in France," 165–70; Maria Popova, "Watchdogs or Attack Dogs? The Role of the Russian Courts and the Central Election Commission in the Resolution of Electoral Disputes," *Europe-Asia Studies* 58, no. 3 (2006): 391–414, <https://doi.org/10.1080/09668130600601800>.

⁴⁶ Jonathan Hartlyn, Jennifer McCoy, and Thomas M. Mustillo, "Electoral Governance Matters: Explaining the Quality of Elections in Contemporary Latin America," *Comparative Political Studies* 41, no. 1 (2008): 73–98, <https://doi.org/10.1177/0010414007301701>.

first two. These comparative lessons indicate that Indonesia must make a decisive choice of reform direction: whether to strengthen coordination among existing institutions or to integrate the dispute forums into a more coherent electoral justice system.

Beyond the institutional question, a fundamental problem lies in the absence of uniform standards of proof, filing deadlines, rules of standing, and legal consequences attaching to decisions across the several forums. Electoral justice is difficult to achieve where applicants must litigate related issues in different forums governed by unrelated procedures and evidentiary standards. Reform of the dispute system must therefore be directed not only at the creation of new institutions but at the harmonisation of procedural norms, the synchronisation of the objects of jurisdiction, and the clarification of the relationship between the decisions of the several institutions. This is the article's second principal argument: jurisdictional unification without procedural harmonisation would relocate the incoherence rather than resolve it, while procedural harmonisation without unification would leave the allocation of remedial authority unresolved. The two reforms are therefore complementary conditions, not alternatives.

Substantive electoral justice can accordingly be attained only if the mechanisms of dispute resolution are released from rigid procedural formalism. The Constitutional Court, as principal guardian of the constitution, must remain consistent in protecting the constitutional rights of citizens, even where this requires the willingness to engage in judicial activism in order to correct electoral processes that are morally and ethically defective.⁴⁷ The integrity and future of Indonesian democracy depend substantially on the capacity of these institutions to render decisions that are not only fair and transparent but capable of restoring voting rights infringed by the various forms of electoral malpractice. Legal processes of this kind demonstrate the supremacy of law in Indonesia, establishing that no individual or group enjoys privilege before the law, sustaining political stability, and ensuring that all state officials exercise their authority responsibly.

Conclusion

The 2024 Indonesian elections confirm that the design of a concurrent electoral system has profound implications for the protection of voters' constitutional rights and for the operational burden borne by the electoral process. The ambitious five-ballot model generates extreme technical demands upon field officials and a cognitive burden upon voters, who tend to discount the rationality of legislative choice in favour of the presidential contest. This demonstrates that budgetary efficiency cannot be purchased at the cost of democratic substance. The article's first finding is accordingly that the

⁴⁷ Amiruddin and Ramadani, "Judicial Activism in Regional Head Election Dispute"; Adithiya Diar and Beny Saputra, "Judicial Activism in Indonesia Constitutional Court: The Adjudication of Regional Election Disputes," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 2 (2025): 37–57, <https://doi.org/10.30631/alrisalah.v25i2.1920>.

2024 design satisfied the formal dimension of the right to vote while degrading its substantive dimension, and that high turnout is therefore not evidence of the design's constitutional adequacy. Reconstructing the electoral calendar so as to separate national from regional elections is required if each stage is to be implemented with precision and citizens' voting rights fully protected.

The dispute resolution mechanisms operated by Bawaslu and the Constitutional Court have demonstrated their capacity to enforce electoral justice, yet their effectiveness remains constrained by fragmented authority and by the obstacles attending the resolution of TSM disputes. The Court's ruling in the 2024 presidential result dispute establishes an important precedent concerning the need to look behind the certified facts, but the standardisation of evidentiary requirements still awaits regulatory refinement. The article's second finding is that the principal constraint upon substantive electoral justice in Indonesia is not judicial reluctance but the combination of statutory admissibility thresholds and the dispersal of remedial authority across forums applying divergent standards. Integrating the electoral justice system under a single roof, or establishing a specialised electoral court, is accordingly a strategic step that must be considered in order to end dual jurisdiction and to furnish stronger legal certainty for all democratic stakeholders.

These findings matter because they identify calendar reform and jurisdictional reform as interdependent rather than competing agendas. Simplifying the electoral design reduces the volume and complexity of the grievances that the adjudicative system must absorb; unifying jurisdiction and harmonising procedure determine whether the grievances that remain can be resolved coherently and remedied effectively. Pursued separately, each reform addresses only half of the problem this article has described.

Overall, the realisation of electoral justice in the 2024 elections depends upon coordination between electoral administrators and law enforcement agencies, grounded in integrity and in high ethical standards. Voting rights can be genuinely guaranteed only where the electoral process combines certainty of procedure with genuine uncertainty of outcome, free from the intervention of illegitimate power. A comprehensive evaluation of the 2024 elections should therefore serve as the foundation for more sustainable electoral reform directed at realising substantive popular sovereignty within Indonesia's constitutional democracy.

Future electoral reform should accordingly proceed along four simultaneous agendas: simplification of the electoral design, strengthening of the legal basis for the protection of voting rights, the use of empirical data to inform policy evaluation, and the development of a more integrated model of dispute resolution. These four agendas are essential if the right to vote is not to remain a merely procedural entitlement but is to become an effective, rational, and protected instrument of popular sovereignty.

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