

Legal Implications Of Separating National Elections From Local Elections Following Constitutional Court Decision No. 135/Puu-XXII/2024

Mustiawan¹, Taufik Firmanto², Ilham³

¹ Fakultas Hukum dan Ekonomi, Universitas Muhammadiyah Bima, Indonesia; mustiawan127@gmail.com

² Fakultas Hukum dan Ekonomi, Universitas Muhammadiyah Bima, Indonesia; taufik.f12@gmail.com

³ Fakultas Hukum dan Ekonomi, Universitas Muhammadiyah Bima, Indonesia; Ilham16@gmail.com

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Abstract

This article is the result of research examining the legal framework and implications of separating national elections from local elections following Constitutional Court Decision No. 135/PUU/XXII/2024, and identifying an ideal model for that separation. This study is based on the ratio decidendi of Constitutional Court Decision No. 135/PUU-XXII/2024, which separates national elections from local elections, in contrast to Decision No. 55/PUU-XVII/2019, which only offered an alternative model for simultaneous elections. The method used is normative legal research, employing a statutory, conceptual, and case approach. The research findings indicate that, first, Constitutional Court Decision No. 135/PUU-XXII/2024 changes the election design to separate national and local elections, with a time interval of at least 2 years and at most 2 years and 6 months. This arrangement raises legal implications regarding the timing of elections, the synchronization of terms of office, and the limits of the Constitutional Court's constitutional authority. Second, the ideal model for separating elections is a simultaneous national election followed by a simultaneous local election, with an interval of at least 2 years and at most 2 years and 6 months, within a single five-year constitutional cycle. However, its implementation requires legislative harmonization, clear transitional arrangements, and institutional strengthening of election management bodies.

Keywords

135/Puu-Xxii/2024; Legal Implications; Local Elections; National Elections; Separation of Elections; Constitutional Court Decision

Corresponding Author

Mustiawan

Fakultas Hukum dan Ekonomi, Universitas Muhammadiyah Bima, Indonesia; mustiawan127@gmail.com

1. INTRODUCTION

General elections, or "pemilu," are a fundamental means of exercising popular sovereignty and a constitutional instrument for realizing the principles of a democratic state governed by the rule of law; this concept is in line with the provisions of Article 1, paragraphs (2) and (3), of the 1945 Constitution of the Republic of Indonesia (UUD NRI). Thus, all regulations governing the conduct of elections must be based on constitutional norms as the supreme law (Siagian et al., 2022).



Elections in Indonesia are clearly regulated in Article 22E of the 1945 Constitution of the Republic of Indonesia. It stipulates that elections shall be held directly, universally, freely, by secret ballot, honestly, and fairly once every five years (Ilham et al., 2023). This constitutional provision stipulates that elections shall be held to elect members of the People's Representative Council (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional People's Representative Council (DPRD). Meanwhile, the mechanism for filling the positions of governor, regent, and mayor is regulated separately in Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which stipulates that regional heads are elected democratically. This structural difference indicates that the Constitution distinguishes between the general and regional election systems (Febriyanto & Firman, 2023).

At the empirical level, the conduct of elections in Indonesia continues to undergo significant changes and developments in terms of regulations and implementation procedures (Rasji et al., 2024). One of the key developments in this process has been the reform of the electoral system through Constitutional Court Decision No. 14/PUU-XI/2013, which stipulates that elections must be held simultaneously to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, and the Regional People's Representative Councils (DPRD). This framework is viewed as a progressive step toward strengthening the presidential system and improving the efficiency of election administration (*Putusan Nomor 14/PUU-XI/2013*, 2014).

However, the implementation of the simultaneous election model in practice still raises various constitutional issues that have not been comprehensively resolved, particularly regarding the lack of harmonization between the regulations governing general elections and regional elections, the effectiveness of election management institutions, and the optimization of the protection of citizens' right to vote as a manifestation of the principle of popular sovereignty (Tanjung et al., 2021).

In response to the various issues outlined above, a fundamental change was subsequently brought about by Constitutional Court Decision No. 135/PUU-XXII/2024. In this decision, the Constitutional Court mandated the separation of national elections from local elections beginning in 2029. This decision represents an effort to reconstruct the system of government by reorganizing the constitutional framework for the conduct of electoral democracy and strengthening the effectiveness of governance based on the principles of a democratic state governed by the rule of law. Nevertheless, changes to the electoral system continue to raise various legal issues that require more in-depth analysis (Mulawarman et al., 2026).

The fundamental issue is the ambiguity of legal norms regarding local elections within Indonesia's constitutional system. Constitutionally, the 1945 Constitution of the Republic of Indonesia does not explicitly recognize the terms "national elections" and "local elections." The Constitution only provides for elections to select members of the DPR, the DPD, the President and Vice President, and the DPRD through Article 22E. Meanwhile, the appointment of regional heads is specifically regulated in Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia (Antony, 2025). These regulatory differences create a dual system between the general election regime and the regional head election regime, resulting in legal uncertainty regarding electoral system design and potentially hindering the synchronization of national and regional development planning (Darmawan & Muchlisin, 2025).

Furthermore, following Constitutional Court Decision No. 135/PUU-XXII/2024, there are still no comprehensive regulations regarding the transitional mechanisms for the separation of elections. The absence of regulations concerning the adjustment of terms of office, the scheduling of elections, and institutional harmonization could lead to legal uncertainty in their implementation. Furthermore, there is a potential for inconsistency between the Constitutional Court's decision and the election regulations currently in force. This situation underscores the urgent need for a comprehensive reformulation and harmonization of regulations (Wardhani & Rafsanjani, 2025).

There have been at least several previous studies that have also examined the legal implications of separating national and local elections following Constitutional Court Decision No. 135/PUU-XXII/2024, including, first, A study conducted by Agil Munawar on the legal implications of Constitutional Court Decision No. 135/PUU-XXII/2024 regarding the separation of national and local elections. The focus of this paper is to formulate a normative solution to the potential vacancies in regional head and Regional People's Representative Council (DPRD) positions in 2029 (Munawar, 2025). Second, a study by Ahmad Ari Fathullah, Maghfur Agung, and Rahmah Meladiah on constitutional and systemic implications: an analysis of Constitutional Court Decision No. 135/PUU-XXII/2024 regarding the separation of national elections and regional elections. This paper examines the Constitutional Court's authority to mandate the separation of elections, the ruling's inconsistency with constitutional principles, and the technical challenges faced by election administrators and legislators in implementing such a mandate (Fatullah et al., 2025). Third, a study by Riska on the implications of separating national and local elections for the terms of office of regional heads and members of the Regional People's Representative Council (DPRD). This paper focuses on the implications of separating elections for the terms of office of regional heads and DPRD members, as well as the reformulation of election regulations (Riska, 2025).

This study examines the legal implications of separating national elections from local elections following Constitutional Court Decision No. 135/PUU-XXII/2024, with a focus on the legal framework and implications of separating national and local elections following Constitutional Court Decision No. 135/PUU-XXI/2024, as well as the ideal model for separating national and local elections following Constitutional Court Decision No. 135/PUU-XXII/2024. Theoretically, this study is expected to serve as a scholarly reference for future researchers and contribute to the development of constitutional law. Practically, this study also aims to serve as a guide for policy development and normative guidelines for various parties involved in the electoral process in Indonesia.

Based on an analysis of previous research, there has been no study that specifically examines an ideal model for separating national and local elections following Constitutional Court Decision No. 135/PUU-XXII/2024, with a focus on reconstructing the electoral legal system through the harmonization of the national election and local election regimes, as well as strengthening the constitutional basis for national and local elections. Thus, the novelty of this study lies in the formulation of a reconstruction of the electoral system following Constitutional Court Decision No. 135/PUU-XXII/2024, namely through the enactment of an Electoral System Law integrated with the regional head election regime, as well as a proposed amendment to Article 22E of the 1945 Constitution of the Republic of Indonesia as the constitutional basis for national and local elections.

2. METHODS

This study is a normative legal study employing several approaches, namely: The Statutory Approach (statute approach), which is used to examine and analyze the Law on General Elections and the Law on Regional Head Elections. The Conceptual Approach is used to analyze fundamental legal concepts such as constitutional democracy, simultaneous elections, and the separation of national and local elections. The Case Approach is an approach used to examine Constitutional Court Decision No. 135/PUU-XXII/2024 regarding the separation of national elections from local elections (Firmanto et al., 2024).

The legal sources used are primary and secondary sources, including the following: Law No. 7 of 2017 on General Elections, Constitutional Court Decision No. 14/PUU-XI/2013, Constitutional Court Decision No. 97/PUU-XI/2013, Constitutional Court Decision No. 55/PUU-XVII/2019, and Constitutional Court Decision No. 135/PUU-XXII/2024. Sources also include legal textbooks and journal articles. The collection of materials involved gathering various written documents and organizing them in a structured manner. The analysis of legal materials was conducted qualitatively using a descriptive-analytical approach with a prescriptive orientation to derive appropriate legal arguments and recommendations. The analysis was performed using deductive-syllogistic reasoning as well as

systematic and teleological methods of interpretation (Irwansyah, 2021).

3. FINDINGS AND DISCUSSION

3.1. Legal Framework and Implications of Separating National and Local Elections Following Constitutional Court Decision No. 135/PUU-XXII/2024

The constitutional basis for the conduct of elections in Indonesia is explicitly outlined in Article 22E of the 1945 Constitution of the Republic of Indonesia. Article 22E, paragraph (1), stipulates that elections shall be held periodically every five years. Furthermore, Article 22E, paragraph (2), stipulates that elections are held to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, and the Regional People's Representative Councils (DPRD) (Taufik Firmanto, 2023).

In addition to regulating elections, the Constitution also governs the mechanism for filling regional leadership positions, as outlined in Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia. This article stipulates that governors, regents, and mayors are elected democratically. This provision demonstrates that the Constitution distinguishes between the electoral system and the regional government system (Syofyan Hadi, 2023). This distinction between the two systems was subsequently affirmed by Decision No. 97/PUU-XI/2013 of the Constitutional Court of the Republic of Indonesia. The decision stated that regional head elections are not part of the general election system as defined in Article 22E of the 1945 Constitution of the Republic of Indonesia, but rather part of the regional government system (*Putusan Nomor 97/PUU-XI/2013*, 2014). This framework shows a clear distinction between election regulations and mechanisms for filling regional head positions within Indonesia's constitutional system (Safwandy et al., 2019).

A fundamental change to the design of simultaneous elections in Indonesia began with Constitutional Court Decision No. 14/PUU-XI/2013, which stipulated that elections must be held simultaneously (Sukmarini & Liany, 2021). The ruling was subsequently implemented through the enactment of Law No. 7 of 2017 on elections. This law stipulates that elections must be held simultaneously to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, and the Regional People's Representative Councils (DPRD) at the same time (Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum, 2017).

Over time, the framework for simultaneous elections has expanded beyond a single model. The Constitutional Court of the Republic of Indonesia, through Decision No. 55/PUU-XVII/2019, provided a further interpretation of the design for simultaneous elections by proposing several more comprehensive and constitutionally sound models based on the 1945 Constitution of the Republic of Indonesia (Bimo Fajar Hantoro, 2023). The model variants include:

- a. Simultaneous elections to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, and members of the Regional People's Representative Council (DPRD);
- b. Simultaneous elections to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, governors, regents, and mayors;
- c. Simultaneous elections to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President and Vice President, members of the Regional People's Representative Council (DPRD), governors, regents, and mayors;
- d. National simultaneous elections to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), and the President and Vice President; followed some time later by simultaneous local elections to elect members of the Provincial People's Representative Council (DPRD), members of the Regency/Municipal People's Representative Council (DPRD), as well as the Governor and Regent/Mayor;
- e. National simultaneous elections are held to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), and the President and Vice President; some time later, provincial simultaneous elections are held to elect members of the Provincial People's Representative Council (DPRD) and to elect governors; and then, some time after that, regency/city simultaneous elections are held to elect members of the Regency/City People's Representative Council (DPRD) and to elect regents and mayors;
- f. Other options, provided they preserve the simultaneous nature of the general election to elect members of the DPR, the DPD, and the President and Vice President (*Putusan Nomor 55/PUU-XVII/2019, 2020*).

The existence of these various models indicates that the Constitutional Court grants legislative bodies policy discretion to formulate the most appropriate electoral design (open legal policy). Thus, the simultaneous holding of elections is no longer understood as a single, unchanging concept, but rather as a range of design options that can be adapted to the needs of democracy and the objective conditions for conducting elections in Indonesia (Asmara, 2022).

The next stage in the development of election regulations was the issuance of Constitutional Court Decision No. 135/PUU-XXII/2024, handed down on June 26, 2025. The ruling states that national elections—namely, the elections for members of the People's Representative Council, the Regional Representative Council, and the President and Vice President—must be held separately from local elections, namely the elections for regional heads and members of the Regional People's Representative Council, with an interval of no less than 2 years and no more than 2 years and 6 months. This separation

is intended to improve the quality of electoral democracy and the effectiveness of election administration (*Putusan Nomor 135/PUU-XXII/2024*, 2025).

The provisions regarding the simultaneous holding of elections following Constitutional Court Decision No. 135/PUU-XXII/2024 have not been repealed but have been revised into two categories: the simultaneous holding of national elections and the simultaneous holding of local elections. This separation is a concrete implementation of the simultaneous election model as formulated in Constitutional Court Decision No. 55/PUU-XVII/2019 (E. F. Silalahi & Maharani, 2021). Under this system, national elections focus on electing national officials at the central level, namely members of the DPR and the DPD, and the President and Vice President. Local elections, on the other hand, focus on electing regional heads and DPRD members as part of regional government administration (Zainurahman et al., 2025).

Nevertheless, the arrangement separating national elections from local elections raises legal implications for the principle of five-year terms. Separating elections by two years or more can create a mismatch in terms of office between national and regional officials, ultimately opening the door to term extensions or adjustments without a clear constitutional basis (Hendrawan & Muhtada, 2025).

From the perspective of constitutional rights theory, every local official who has been elected through a democratic process is entitled to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law, as affirmed in Article 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Anisa et al., 2023). Shortening a term of office without a clear constitutional basis can undermine legal certainty regarding the mandate granted by the people through general elections. Conversely, extending a term of office without a new electoral mechanism raises issues of democratic legitimacy, as it prolongs the exercise of power without the direct consent of the people, who are the holders of sovereignty (Hulbayan et al., 2026).

On the other hand, Constitutional Court Decision No. 135/PUU-XXII/2024 is considered to have exceeded its authority as a judicial institution. Under Article 24C(1) of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court has the authority to review laws for conformity with the Constitution. In principle, the Court functions as a "negative legislator," that is, it invalidates legal norms that conflict with the Constitution (Irwan & Saleh, 2025).

The determination of the electoral system model constitutes an "open legal policy" within the legislature's authority. Constitutional Court Decision No. 135/PUU-XXII/2024, which mandates a minimum interval of 2 years and a maximum of 2 years and 6 months between national and local elections, reflects an expansion of judicial functions. Although this decision can be understood as a form of judicial activism aimed at improving the quality of electoral democracy and strengthening the effectiveness of election administration, the determination of the election model and the time interval

between elections has encroached upon the realm of legal policy – which falls under the authority of the legislature – and thus constitutes an instance of judicial overreach (Utomo et al., 2026).

The provision separating national elections from local elections has touched on the formulation of norms, which falls within the legislature's domain. This expansion of authority has implications for the principle of separation of powers and the checks-and-balances mechanism within Indonesia's constitutional system. Consequently, legislative power is diminished, while judicial power expands unchecked. In the long term, such a situation could set a dangerous constitutional precedent for the consistent enforcement of the Constitution in Indonesia (Labib Muttaqin et al, 2025).

3.2. An Ideal Model for Separating National and Local Elections Following Constitutional Court Decision No. 135/PUU-XXII/2024

In a constitutional democracy, the ideal electoral model must adhere to several fundamental principles. These principles include democracy, the rule of law, justice, and the effectiveness and accountability of government administration. At the same time, the electoral system must ensure proportional political representation. Elections serve not only as a mechanism for selecting leaders and representatives of the people but also as a means of strengthening the government's legitimacy (Faiz, 2017).

The simultaneous election model used in the 2019 and 2024 elections has revealed several weaknesses. Combining various types of elections into a single cycle has increased the complexity of election stages and mechanisms from both technical and administrative perspectives. Furthermore, voters must make multiple political choices in a single voting process. These conditions have implications for the effectiveness of election administration and the quality of public political participation in the democratic process (Aminuddin & Dinda Ratulangi, 2025).

Such issues not only affect the technical aspects of conducting elections but also have a broad impact on the democratic process as a whole. The dominance of national issues in the public sphere has led to a decline in attention to regional issues. This situation has resulted in local political contests often being sidelined in practice, which in turn affects the quality of political representation at the regional level (Dimasti et al., 2026).

In response to this issue, the Constitutional Court, through Decision No. 135/PUU-XXII/2024, introduced a separation between national and local elections. This design is essentially aimed at creating a more proportional space for political competition at every level of government. On the other hand, separating the elections could also reduce the technical complexity that has long been a weakness of simultaneous elections. In the context of local democracy, this model provides a broader space for regional interests without being overshadowed by national political issues (Fatullah et al., 2025).

The separation of national and local elections, as stipulated in Constitutional Court Decision No. 135/PUU-XXII/2024, is a preferable model to the previous system of fully simultaneous elections. National elections are held to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), and the President and Vice President. Meanwhile, local elections are held to elect members of the Provincial People's Representative Council (DPRD), the Regency/Municipal People's Representative Council (DPRD), the Governor, and the Regent or Mayor (Mushaddiq Amir, 2020).

This model continues to support the strengthening of the presidential system, namely by holding presidential and vice-presidential elections simultaneously with elections for the House of Representatives (DPR) and the Regional Representatives Council (DPD). This approach facilitates the formation of more stable political support for the national government. Thus, the objective of strengthening the presidential system, as outlined in Constitutional Court Decision No. 14/PUU-XI/2013, can still be upheld (Baehaki, 2025).

Table 1: A chronological simulation of an ideal model for separating national and local elections, with a time interval of at least 2 years or at most 2 years and 6 months within a 5-year cycle

Time	Stages	Objective
2029	National elections to elect members of the House of Representatives (DPR), the Regional Representatives Council (DPD), the President, and the Vice President.	It serves as the initial stage of the five-year constitutional cycle, establishes the legitimacy of the national government, and strengthens the effectiveness of the presidential system.
2029-2031/2032	The transition period focused on harmonizing laws governing general and regional elections and adjusting the terms of office for regional heads and members of the Regional People's Representative Council (DPRD).	To ensure legal certainty through the harmonization of laws and regulations, to protect constitutional rights as stipulated in Article 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, and to avoid legal vacuums or inconsistencies in the law during the transition period.

2031–2032 (no sooner than 2 years and no later than 2 years and 6 months after the 2029 National Elections)	Local elections to elect members of the Provincial Regional Representative Council (DPRD) and the Regency/Municipal Regional Representative Council (DPRD), as well as elections for governor and regent/mayor.	To improve the effectiveness of election administration, strengthen the quality of local democracy, reduce the complexity of simultaneous elections, and enhance the quality of political representation in the regions.
2034	The holding of national elections marks the beginning of the five-year constitutional cycle.	Maintaining the consistency of the five-year election cycle, strengthening coordination between the national government and local governments, and ensuring legal certainty within the constitutional system.

Source: Compiled by the author

Although the separation of national and local elections is viewed as a progressive reform measure, its implementation must be followed up by the formulation of a constitutional framework for local elections within Indonesia's system of government. In addition, provisions regarding the transition period and adjustments to the election schedule need to be comprehensively addressed as part of the new electoral design (Darmawan & Muchlisin, 2025).

Changes to the electoral system following Constitutional Court Decision No. 135/PUU-XXII/2024 require comprehensive regulatory reform. Law No. 7 of 2017 on General Elections and Law No. 6 of 2020 on Regional Head Elections cannot be addressed through partial revisions alone, as the resulting changes not only affect the technical norms governing the conduct of elections but also alter the fundamental structure of the electoral system—which serves as the basis for the regulations in the current General Election Law and Regional Head Election Law (Suryana et al., 2025).

There is a need to enact a new, comprehensive, and integrated law on the general election system. This law must incorporate provisions for national elections under the General Election Law and regional head elections under the Regional Head Election Law within a single, cohesive electoral legal framework. These provisions will serve as the foundation for ensuring legal certainty and harmonization among the various electoral regimes within Indonesia's constitutional system (Arifin et al., 2025).

In addition, the constitutional foundation must be strengthened by amending Article 22E of the 1945 Constitution of the Republic of Indonesia. This amendment aims to explicitly regulate the existence of national and local elections within the Constitution. Clarity regarding these constitutional norms is essential to ensure legal certainty, strengthen the consistency of the electoral system's design, and prevent interpretive debates about the model for simultaneous elections in Indonesia (W. Silalahi & Wijaya, 2026).

An ideal model for simultaneous elections must balance the need to strengthen national democracy with that to strengthen local democracy. In this context, the separation of national and local elections, as affirmed in Constitutional Court Decision No. 135/PUU-XXII/2024, is the most ideal solution to the various problems encountered in previous simultaneous elections. However, the successful implementation of this model will depend heavily on the availability of an adequate and consistent legal framework. Therefore, the restructuring of election regulations, the establishment of transition mechanisms, and the strengthening of the constitutional foundation are essential requirements that must not be overlooked (Wardhani & Rafsanjani, 2025).

4. CONCLUSION

Based on the results and discussion outlined above, this study draws two conclusions, first the arrangement for separating elections following Constitutional Court Decision No. 135/PUU-XXII/2024 changes the electoral system to a model in which national and local elections are held separately, such that elections for members of the DPR, DPD, the President, and Vice President must be separated from local elections—namely, elections for members of the Provincial DPRD, members of the Regency/City DPRD, and elections for Governors and Regents/Mayors—with a time interval of at least 2 years or at most 2 years and 6 months. The separation of national and local elections is intended to improve the quality of electoral democracy and the effectiveness of election administration. However, this regulation raises legal implications regarding the timing of elections, the synchronization of terms of office, and the limits of the Constitutional Court's constitutional authority.

Second, The ideal model for separating elections is to hold simultaneous national elections followed by simultaneous local elections with an interval of no less than 2 years and no more than 2 years and 6 months, while remaining within a single five-year constitutional cycle. This model can strengthen the presidential system while improving the quality of representation and local political participation. However, its implementation requires legislative harmonization, clear transitional arrangements, and institutional strengthening of election management bodies. In addition, the House of Representatives (DPR) and the President, as the lawmakers, need to immediately enact a new, comprehensive, and integrated law on the electoral system by codifying the Election Law and the

Regional Election Law into a single regulation to anticipate the legal complexities arising from the time gap between national and local elections.

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