

The Development of Interpretations of Structured, Systematic and Massive Violations in the 2024 Regional Head Elections

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Abstract

This study examines the development of the Constitutional Court's interpretation of Structured, Systematic, and Massive (TSM) violations in the settlement of disputes arising from the 2024 Regional Head Election. The analysis is grounded in theory of judicial interpretation, constitutional justice, and substantive justice to explain the Court's evolving constitutional reasoning in safeguarding electoral integrity. This research employs doctrinal legal research using statutory and case approaches, analysing forty Constitutional Court decisions concerning 2024 Regional Head Election disputes that proceeded to the evidentiary hearing stage. The study finds that the Constitutional Court's interpretation of TSM violations has evolved from a predominantly vote-count-oriented assessment toward a broader constitutional evaluation of whether serious electoral violations substantially affected the integrity and legitimacy of election results. Rather than disregarding vote calculation, the Court treated proven TSM violations as constitutionally relevant where they distorted the fairness of the electoral process and ultimately affected the validity of election outcomes. This development reflects a shift from a predominantly procedural approach toward a model of constitutional justice that places greater emphasis on substantive justice in election dispute adjudication. The Court also recognised new forms of TSM violations, including the involvement of high-ranking state officials, the mobilisation of village heads, violations of the cooling-off period applicable to former convicts, falsification of administrative documents, and violations of constitutional term limits. This study contributes to the development of constitutional jurisprudence on TSM violations and provides a normative framework for strengthening the future settlement of regional election disputes in Indonesia.

Keywords: *Constitutional Court, Constitutional Interpretation, Election Violations, Regional Head Election, TSM.*

1. INTRODUCTION

On February 24, 2025, the Constitutional Court held a hearing to read out its verdict on 40 disputes over regional head election results (PHP-Kada). In its verdict, the Constitutional Court (MK) granted 26 cases, rejected 9, and dismissed 5. The 40 cases were brought to further proceedings, with the majority of the lawsuits alleging TSM (structured, systematic, and massive) violations in the regional head elections. The TSM argument is widely used in regional head election (Pilkada) disputes by candidate pairs filing lawsuits with the Constitutional Court.¹ This is due to the flexibility of the

¹Rahmat Bagja et al., "Towards Electoral Justice: Redesigning an Ideal System for Enforcing Electoral Administrative Law in Indonesia?," *Jambe Law Journal* 8, no. 2 (December 31, 2025): 781–814, <https://doi.org/10.22437/9et5k513>. with a focus on electoral administrative law enforcement across Bawaslu, the Administrative Court (PTUN

requirements, allowing the trial process to proceed to the next stage without adhering to the maximum margin of difference of 2 percent, which is the primary requirement for filing a lawsuit with the Constitutional Court.

The use of TSM arguments illustrates the flexibility of the existing legal frameworks in Indonesia.² This demonstrates that Indonesian law is dynamic and continues to evolve in response to legal and societal developments, while also requiring stronger public awareness of the legal norms and enforcement mechanisms governing general and regional elections.³ The flexibility of law enforcement agencies in accepting all lawsuits related to the implementation of regional elections, which are considered to have many violations, is one way to ensure that regional elections are conducted honestly and free from all forms of legal violations.⁴ Therefore, the effort to elect ideal leaders in regional election contests can be carried out properly and in accordance with applicable legal provisions.⁵

However, the use of TSM as a legal argument is not without its problems, as many question the consequences of using this argument, which has led to the creation of unlimited authority for the Constitutional Court (MK) and the Supreme Court.⁶ In many cases, this authority has assumed the role that should belong to the Election Supervisory Agency (Bawaslu), the institution responsible for resolving disputes in the general election process, including regional elections.⁷ Regulatory provisions stipulate that the Constitutional Court is only authorized to resolve disputes over election/regional election results, while disputes over the election/regional election process fall under the authority of Bawaslu.⁸ The situation has become increasingly complex because parties challenging regional election results frequently invoke TSM violations as a principle legal argument. Consequently, the scope and criteria of TSM are likely to continue evolving in response to developments in regional election disputes and emerging patterns of electoral misconduct.

Trends in the development of studies on constitutional interpretation and the resolution of electoral disputes in contemporary academic discourse have shown a consistent pattern over the past 16 years. This is based on an analysis of the number of articles published in Scopus-indexed journals.

²Mahyudin Mahyudin, Edy Haryanto, and Rahmah Marsinah, "Impact of Structured, Systematic and Massive Violations in the General Election," *Law and Justice* 5, no. 2 (November 2020): 175–95, <https://doi.org/10.23917/laj.v5i2.11811>.

³M. Syahrul Borman et al., "Model for Resolving Election Violations through Indonesian Election Body and Constitutional Court," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (July 2024): 238–62, <https://doi.org/10.22219/ljih.v32i2.33711>.

⁴Eny Kusdarini et al., "Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia," *Heliyon* 8, no. 12 (December 2022): e11932, <https://doi.org/10.1016/j.heliyon.2022.e11932>.

⁵Jentel Chairnosia, "The Elimination of Constitutional Court's Authority in The Dispute Case of General Election of Regional Head* (Analysis of Decision of the Constitutional Court Number 97/PUU-XI/2013), *Jurnal Cita Hukum* 5, no. 2 (December 2017), <https://doi.org/10.15408/jch.v5i2.7090>.

⁶Taufik Firmanto et al., "The Dynamics of Organizing Institutions for the Resolution of Election Conflicts in Indonesia During 2005-2020 Period," in *The 2nd Annual Conference on Education and Social Science (ACCESS 2020)* (Paris, France: Atlantis Press, 2021), 339–44, <https://doi.org/10.2991/assehr.k.210525.103>.

⁷Amancik et.al, "Choices of Law for Democratic Regional Head Election Dispute Resolution Institutions in Indonesia," *Jambura Law Review* 6, no. 2 (2024): 309–10.

⁸Suparto Suparto et al., "Establishment of Electoral Court in Indonesia: Problems and Future Challenges," *Journal of Indonesian Legal Studies* 8, no. 2 (November 2023): 501–44, <https://doi.org/10.15294/jils.v8i2.72316>.

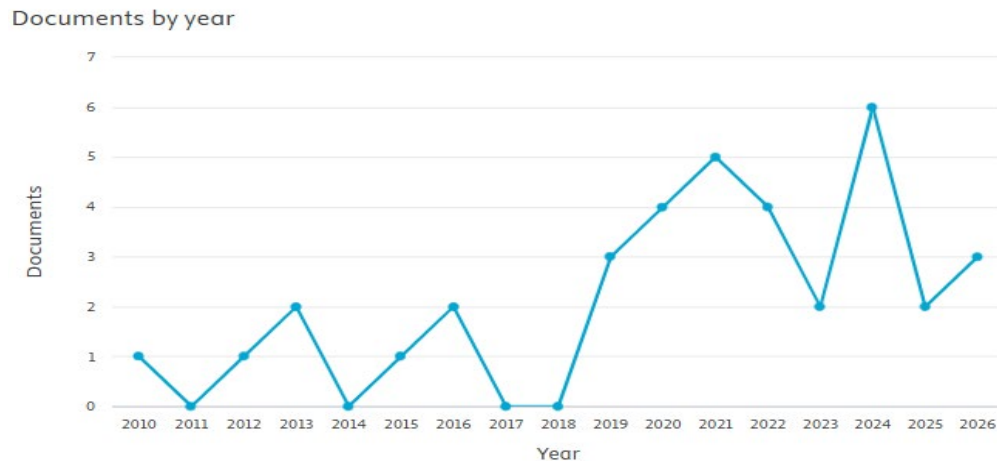


Figure 1 shows that articles on these topics have been published since 2010 and that, to date, a total of 36 documents have been published in Scopus, with the highest annual output occurring in 2024, when 6 articles were published. Overall, the graph indicates that this research theme has gained momentum and attracted increasing scholarly attention.

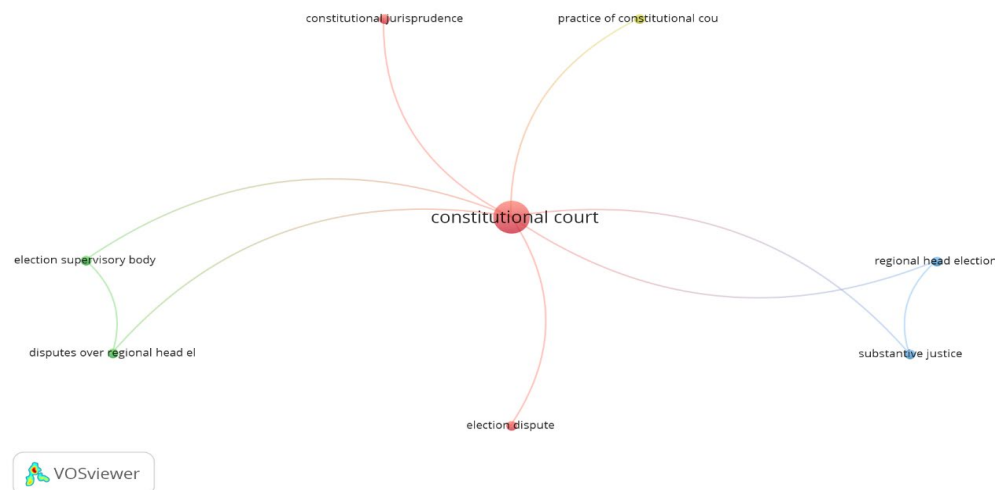


Figure 2. Thematic Mapping on constitutional court interpretation and regional head election

Figure 2 shows that, the VOSviewer network visualization, the Constitutional Court constitutes the dominant node and serves as the central axis connecting the principal themes in scholarship on regional head election disputes. The Court is directly associated with constitutional jurisprudence, the practice of constitutional adjudication, election disputes, regional head elections, substantive justice, the Election Supervisory Body, and regional head election dispute resolution. This pattern indicates that the existing literature has predominantly conceptualized the Constitutional Court as the primary institution responsible for resolving electoral disputes and advancing the principle of substantive justice, while also emphasizing the institutional relationship between the Constitutional Court and the Election Supervisory Body in addressing electoral violations. Nevertheless, the relatively simple and highly centralized structure of

the network suggests that previous studies have largely concentrated on the Court's institutional role, while the evolution of its constitutional interpretive doctrine has yet to emerge as independent distinct and systematically examined research theme.

This thematic mapping also reveals a significant research gap that directly supports the present study. Existing scholarship has predominantly examined TSM violations from the perspectives of the Constitutional Court's jurisdiction, evidentiary standards, and the application of substantive justice in regional head election disputes. However, insufficient attention has been devoted to the development of the Constitutional Court decision indicate an important doctrinal development concerning the interpretation of TSM violations, particularly in disputes arising from the 2024 Regional Head Election. Recent Constitutional Court decisions indicate an important doctrinal evolution concerning the interpretation of TSM violations, the relationship between procedural legality and substantive justice, and the balance between legal certainty and the protection of democratic integrity. Accordingly, the present study offers a novel contribution by shifting the analytical focus beyond institutional competence and evidentiary assessment toward the Court's evolving constitutional reasoning, interpretive methodology, and ratio decidendi in developing the doctrine of TSM violations as a constitutional mechanism for safeguarding electoral integrity and constitutional democracy in Indonesia.

This study aims to address gaps in previous research on PHP-Kada disputes by examining several Constitutional Court decision arising from the 2024 regional head elections. Several previous studies have examined the consistency of the Constitutional Court's decisions in regional head election disputes, including a study by Amiruddin and Rizki Ramadani in 2023.⁹ Ari Bakti Windi Aji et al. (2024) also researched the Constitutional Court's decisions on PHP-Kada cases, particularly those related to the regional elections in Jambi Province. However, that study questioned the reasoning underlying the Court's decision particularly their tendency to prioritize formal procedural aspects over substantive justice.¹⁰ The aspect of substantive justice was also questioned by Simplexius Asa (2022) in his study, which suggested that the Constitutional Court's decision only considered formal aspects rather than substantive justice.¹¹ Similar research has also been conducted by Fathullah et al. (2025), focusing more on the aspect of substantive justice in relation to the threshold of votes obtained in lawsuits filed with the Constitutional Court.¹² A slightly different study was conducted by Andi Omara (2020), which discussed the interpretation of the Constitutional Court's authority in deciding election and regional election cases. In fact, the time frame for these differences in interpretation was not too long.¹³

The previous studies described above differ from the present in that they have generally focused on the application of substantive justice in PHP-Kada cases. Meanwhile, the

⁹Amiruddin 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 (June 20, 2023): 56, <https://doi.org/10.56087/substantivejustice.v6i1.230>.

¹⁰Ari Bakti Windi Aji et al., "Problems with Regional Head Elections: Constitutional Court Decisions on Disputes over Regional Head Election Results in Jambi Province," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (January 2024): 228–39, <https://doi.org/10.30631/alrisalah.v23i2.1474>.

¹¹Simplexius Asa, "Study of the Verdict of Constitutional Court on Regional Leaders Election Dispute in the Province of East Nusa Tenggara in 2018," *Journal of Law and Legal Reform* 3, no. 4 (October 2022): 567–88, <https://doi.org/10.15294/jllr.v3i4.59712.eleven> (11).

¹²Fathullah Fathullah et al., "Constitutional Court's Role in Regional Head Election Disputes: Substantive Justice and Voting Threshold Challenges," *Jurnal Legalitas* 18, no. 1 (April 2025): 65–79, <https://doi.org/10.33756/jelta.v18i1.30680>.

¹³Andy Omara, "Assessing the Indonesian Constitutional Court Consistency in Determining Its Authority To Settle Dispute on Regional Head Election," *Yustisia Jurnal Hukum* 9, no. 2 (October 2020): 184, <https://doi.org/10.20961/yustisia.v9i2.40906>.

focus of this study is to determine the interpretive model used by Constitutional Court judges in cases alleging TSM as the basis for PHP-Kada lawsuits.

This study employs a doctrinal legal research method using both a statutory approach and a case approach.¹⁴ The statutory approach examines the legal framework governing TSM violations in regional head elections, particularly the 1945 Constitution of the Republic of Indonesia, Law Number 10 of 2016 on Regional Head Elections, Law Number 7 of 2017 on General Elections, the Constitutional Court Law, and the relevant Constitutional Court Regulations governing regional head election disputes. This approach was employed to assess whether the Constitutional Court's interpretation of TSM violations remains consistent with the constitutional and statutory framework governing electoral integrity and election dispute resolution.

The case approach constitutes the primary analytical method of this research. The study examines forty Constitutional Court decisions concerning disputes over the results of the 2024 PHP-Kada that proceeded to the evidentiary hearing stage. These decisions were purposively selected because they represent cases in which the Constitutional Court proceeded beyond the preliminary admissibility stage to conduct a substantive judicial examination of allegations concerning TSM violations or other serious electoral irregularities affecting the legitimacy of election results. Consequently, the selected decisions provide a comprehensive body of jurisprudence for analysing the Constitutional Court's evolving interpretation of TSM violations in the 2024 regional elections.

The analysis employed *ratio decidendi* approach by systematically examining the legal reasoning used by the Constitutional Court to determine whether alleged electoral violations satisfied the constitutional threshold for TSM violations. Particular attention was given to the Court's interpretation of constitutional principles, evidentiary standards, judicial considerations, and the causal relationship between electoral misconduct and the legitimacy of election results. Rather than merely identifying the outcomes of individual cases, the analysis focused on the reasoning patterns adopted by the Court in developing its constitutional interpretation of TSM violations.

To facilitate a systematic comparison, each decision was classified according to four analytical indicators: (a) the principal form of the alleged TSM violation, including administrative fraud, abuse power, institutional mobilisation, candidate eligibility violations, electoral violence, and failures in electoral administration ; (b) the actors involved, such as candidates, village heads, civil servants (ASN), election management bodies, and high-ranking state officials; (c) the Constitutional Court's interpretive approach to assess the alleged violations; and (d) the legal consequences of the Court decision, including dismissal of the petition, candidate disqualification, vote recounts, and re-voting orders (PSU). This analytical matrix enabled the identification of recurring patterns in the Court's constitutional reasoning and the development of TSM doctrine across disputes arising from the 2024 Regional Head Election.

The findings obtained from both the statutory and case approaches were subsequently analysed using a prescriptive legal analysis. The analysis was directed not only at describing the Constitutional Court's jurisprudence but also at evaluating whether the expansion of TSM interpretation is constitutionally justified, how it contributes to the development of constitutional jurisprudence, and what implications it has for future

¹⁴Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia - Social and Behavioral Sciences* 219 (May 2016): 201–7, <https://doi.org/10.1016/j.sbspro.2016.05.006>.

election dispute resolution and the institutional relationship between the Constitutional Court and Bawaslu.

2. ANALYSIS AND DISCUSSION

2.1. History and Concept of TSM in Regional Head Election Disputes

Initially, the authority to adjudicate disputes over regional election results rested with the Supreme Court (MA), as stipulated in Article 106 Paragraph (1) of Law No. 32 of 2004 on Regional Government.¹⁵ However, after the enactment of Law No. 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 on April 28, 2008, and the signing of the minutes transferring authority from the chief justice of the Supreme Court to the chief justice of the Constitutional Court on October 29, 2008, this authority was transferred to the Constitutional Court.¹⁶ Thus, the Constitutional Court officially has broader authority in handling Election Result Disputes (PHPU), including Legislative Elections (elections for members of the DPR, DPD, DPRD), Presidential and Vice Presidential Elections, and disputes over the results of Regional Head Elections.¹⁷

Law No. 7 of 2017 on General Elections (Election Law) explicitly grants Bawaslu the authority to investigate campaign violations, including TSM violations in elections, as stipulated in Articles 286 and 463 of the Election Law. These provisions are also regulated in Bawaslu Regulation No. 8 of 2022 concerning the Settlement of Administrative Violations in Elections, which classifies violations into general administrative violations and TSM administrative violations (Perbawaslu 8/2018).¹⁸ A debate arose when the Petitioner in a case argued that the Constitutional Court still had the authority to adjudicate TSM violations. The Petitioner argued that the Constitutional Court should examine the constitutionality of the electoral process when adjudicating alleged TSM violations, rather than merely acting as a “Calculator Court” concerned with numerical disputes over election results. The development generated an important constitutional debate when the Constitutional Court treated allegations of TSM violations as matters requiring scrutiny rather than merely numerical review of election results.¹⁹

The concept of TSM election violations in regional elections emerged as a result of the Constitutional Court’s affirmation of various regional election violations that were revealed during the trial.²⁰ To understand the origins and development of the TSM doctrine, it is necessary to refer to previous Constitutional Court decisions that explain the evolution of this concept into established jurisprudence.²¹ The TSM doctrine was first recognized in the Indonesian legal system through Constitutional Court Decision

¹⁵Anwar Usman, “Ratio Decidendi and the Constitutional Court Jurisprudence in Examining Constitutional Rights of Single Candidate in Regional Head Election,” *Lex Publica* 4, no. 2 (2017): 743–751.

¹⁶Hamdan Zoelva, “Problematika Penyelesaian Sengketa Hasil Pemilu oleh Mahkamah Konstitusi,” *Jurnal Konstitusi* 10, no. 3 (May 2016): 377–98, <https://doi.org/10.31078/jk1031>.

¹⁷Desak Made Widi Antari, “Kewenangan Mahkamah Konstitusi Republik Indonesia Mengadili Perselisihan Hasil Pemilu,” *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora* 1, no. 4 (August 2024): 147–65, <https://doi.org/10.62383/humif.v1i4.645>.

¹⁸Dwi Zaen Prasetyo, “Empowering the Election Supervisory Agency: Enforcement of Law Number 7 of 2017 on General Elections,” *Constitutionale* 3, no. 2 (November 2022): 103–18, <https://doi.org/10.25041/constitutionale.v3i2.2745>.

¹⁹Ari Wirya Dinata and M. Yusuf Akbar, “Mitigation of Indonesia Concurrent Election Dispute Settlement in 2024,” in *The Universitas Lampung International Conference on Social Sciences (ULICoSS 2021)* (Paris, France: Atlantis Press, 2022), 426–35, <https://doi.org/10.2991/assehr.k.220102.055>.

²⁰Aminuddin Kasim, Supriyadi, and Andi Intan Purnamasari, “Dekonstruksi Penanganan Pelanggaran Administrasi Yang Terstruktur, Sistematis Dan Masif Dalam Pilkada,” *Mimbar Hukum* 33, no. 2 (December 2021): 494–520, <https://doi.org/10.22146/mh.v33i2.3730>.

²¹Aditia Arief Firmanto, “Penanganan Pelanggaran Administrasi Terstruktur Sistematis Dan Masif (TSM) Dan Masa Depan Demokrasi Lokal Di Indonesia,” *Empati Kodarkum* 1, no. 1 (2022): 7–16.

No. 41/PHPU.D-VI/2008 concerning the dispute over the results of the 2008 East Java Provincial Election. In this landmark decision, the Constitutional Court stated the need for a legal breakthrough to advance democracy and stop systematic, structured, and massive violations.²² This decision became the basis for jurisprudence in subsequent election cases. The Constitutional Court's principal consideration in recognising TSM violations was the procedural justice should not be applied in a manner that overrides substantive justice, particularly where doing so would undermine constitutional principles governing democratic elections.²³

Initially, the Constitutional Court's authority was limited to resolving election disputes. However, during the trial, serious election violations were revealed that undermined the basic principles of democracy as mandated by Article 22E Paragraph (1) of the 1945 Constitution.²⁴ Although the handling of election violations generally falls within the jurisdiction of other institutions, the Constitutional Court was compelled to examine the case because certain factual violations had not been effectively resolved by the competent authorities outside the court. The provisions of the 2009 Legislative Election Law (Law No. 10/2008) and the 2009 Presidential Election Law (Law No. 42/2008), which require criminal election violations affecting the results to be resolved no later than five days before the determination of election results, have not been effectively implemented.²⁵ Meanwhile, regulations related to regional elections do not even contain similar time limit clauses.²⁶ This weakness stems partly from the absence of sufficiently effective statutory provisions empowering election and regional election supervisory institutions, thereby limiting the effectiveness of their supervisory functions.²⁷

Based on sociological perspective, inconsistencies remain in the handling of election violations, as several disputes that should fall within Bawaslu's authority have instead been brought before the Constitutional Court.²⁸ This shows the need to clarify the mechanism for resolving election disputes in accordance with the authority of the applicable institutions. The case in Rembang (2020) demonstrates that, despite allegations of election administration violations, the Constitutional Court lacked jurisdiction to rule on them; therefore, the appropriate handling should have been carried out by Bawaslu.²⁹

There is a difference in authority between Bawaslu and the Constitutional Court in the context of resolving election disputes.³⁰ Based on its evolving jurisprudence,

²²Camden Kelliher et al., "Unconstitutional Authority of Indonesia's Constitutional Court: The Resolution of Pilkada Result Disputes," *Election Law Journal: Rules, Politics, and Policy* 18, no. 3 (September 2019): 297–308, <https://doi.org/10.1089/elj.2018.0535>.

²³Muhammad Reza Winata, "Judicial Restraint Dan Constitutional Interpretation Terhadap Kompetensi Mengadili Pelanggaran Pemilihan Umum Terstruktur, Sistematis, Dan Masif," *Jurnal Legislasi Indonesia* 17, no. 4 (December 2020): 423–36, <https://doi.org/10.54629/jli.v17i4.663>.but the Structured, Systematic, and Massive (TSM

²⁴Ahmad Sadzali, "Peranan Mahkamah Konstitusi Dalam Mewujudkan Demokrasi Substantif Pada Pemilu 2024 Melalui Penegakan Hukum Progresif," *As-Siyasi: Journal of Constitutional Law* 2, no. 2 (December 2022): 193–218, <https://doi.org/10.24042/as-siyasi.v2i2.14948>.

²⁵Harry Setya Nugraha, "Redesain Kewenangan Mahkamah Konstitusi Dalam Penyelesaian Sengketa Perselisihan Hasil Pemilihan Umum Presiden Dan Wakil Presiden Di Indonesia," *Jurnal Hukum Ius Quia Iustum* 22, no. 3 (July 2015): 420–41, <https://doi.org/10.20885/iustum.vol22.iss3.art5>.

²⁶Dian Fitri Sabrina and Rosa Ristawati, "The Implementation of Good Governance In The Presidential Election In Indonesia," *Yuridika* 36, no. 2 (May 2021): 281, <https://doi.org/10.20473/ydk.v36i2.21096>.

²⁷Raja Ahab Damanik et al., "An Effective Supervisory System to Achieve Qualified General Election in Indonesia," *Medico Legal Update* 21, no. 3 (June 2021): 545–53, <https://doi.org/10.37506/mlu.v21i3.3043>.

²⁸Kamal Fahmi Kurnia, "Desain Kewenangan Bawaslu Dalam Penyelesaian Pelanggaran Administrasi Terstruktur, Sistematis Dan Masif Di Era Demokrasi Digital," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 2, no. 1 (December 2024): 533–60, <https://doi.org/10.55292/ewy3ae04>.

²⁹Michael Buehler, Ronnie Nataatmadja, and Iqra Anugrah, "Limitations to Subnational Authoritarianism: Indonesian Local Government Head Elections in Comparative Perspective," *Regional & Federal Studies* 31, no. 3 (May 2021): 381–404, <https://doi.org/10.1080/13597566.2021.1918388>.

³⁰Satria Prayoga, Febrian, and Iza Rumesten, "Reformulation of Regional Head Election Administration Dispute Policy by The General Election Supervisory Board and The State Administrative Court in Indonesia," *Journal of Law*

the Constitutional Court has developed a broader paradigm for resolving election disputes that extends beyond the numerical determination of election results. This paradigm does not limit the assessment to quantitative aspects, such as the accuracy of vote counting, but extends it to qualitative aspects concerning the integrity of the electoral process and the realization of elections that are direct, general, free, confidential, honest, and fair (Luber Jurdil).³¹ As a result, the Constitutional Court must assess the Petitioner's allegations of election violations while also determining whether those violations fall within matters that should resolve first have been resolved by other competent institutions. In this context, the Constitutional Court has a limited function, specifically not exercising judicial functions to impose sanctions for administrative or individual criminal violations.

The Constitutional Court may overturn regional results where the proven violations satisfy the criteria of being structured, involving organized actors or, institutional networks; systematic, occurring according to an organized or methodological pattern; and massive, occurring extensively and significantly affecting the election results.³² The Constitutional Court's authority to decide on election result disputes (PHPU) is derived from the provisions of Article 29, Paragraph (1), Letter e of Law No. 48 of 2009 concerning Judicial Authority. The continuing role of the the Constitutional Court's in resolving PHPU disputes is closely related to the absence of a special judicial body with jurisdiction to adjudicate regional election result disputes.³³ The transfer of all issues and/or alleged election violations to the Constitutional Court after the results have been determined has the potential to reduce the effectiveness of the proceedings. It should be noted that the Indonesian election system has undergone changes in the last two periods, particularly from separate elections to simultaneous elections.³⁴

Electoral laws in the reform era consistently stipulate six principles for conducting elections, namely Luber Jurdil. This provision is reaffirmed in Law No. 7 of 2017 on Elections (Articles 1, Paragraph 1, and Article 2), which retains the original wording of the six principles without modification. The consistency of this regulation indicates that these six principles are fundamental to the Indonesian electoral system. Simultaneous regional elections were first held in 2015 based on Constitutional Court Decision No. 97/PUU-XI/2013. Their implementation is regulated in Law No. 1 of 2015, which has been amended several times, most recently through Law No. 6 of 2020. Unlike previous regulations, the current Regional Election Law specifically regulates the mechanism for simultaneous regional head elections.³⁵

Administrative violations in regional elections are regulated in Law No. 10 of 2016, Article 135 A, which states that administrative violations, as referred to in Article

and Sustainable Development 12, no. 3 (March 2024): e3169, <https://doi.org/10.55908/sdgs.v12i3.3169>.

³¹Rudy Rudy and Charlyna Purba, "Karakteristik Sengketa Pemilukada Di Indonesia Evaluasi 5 Tahun Kewenangan MK Memutus Sengketa Pemilukada," *Jurnal Konstitusi* 11, no. 1 (May 2016): 194, <https://doi.org/10.31078/jk11110>.

³²Aminuddin Kasim, Supriyadi, and Andi Intan Purnamasari, "Dekonstruksi Penanganan Pelanggaran Administrasi Yang Terstruktur, Sistematis Dan Masif Dalam Pilkada," *Mimbar Hukum* 33, no. 2 (2021): 494–520, <https://doi.org/10.22146/mh.v33i2.3730>.

³³Juhardin Juhardin and Adhe Ismail Ananda, "Analisis Yuridis Pelaksanaan Kewenangan Bawaslu Sebagai Lembaga Pengawas Dan Lembaga Pemutus Sengketa Pemilihan Umum," *Jurnal Ilmu Manajemen Sosial Humaniora (JIMSH)* 5, no. 1 (May 2023): 55–65, <https://doi.org/10.51454/jimsh.v5i1.908>.

³⁴Muhammad Febriansyah, Muhamad Takiyuddin Ismail, and Norazam Mohd Noor, "Competing Not Complementing: KPU, Bawaslu, and the Dynamic of Election Monitoring in PEMILU 2019," *Asian Journal of Political Science* 28, no. 3 (September 2020): 275–93, <https://doi.org/10.1080/02185377.2020.1781670>.

³⁵Supriyadi Supriyadi and Aminuddin Kasim, "Desain Badan Peradilan Khusus Pemilihan Pasca Putusan Mahkamah Konstitusi Nomor 97/PUU-XI/2013," *Jurnal Konstitusi* 17, no. 3 (November 2020): 676–98, <https://doi.org/10.31078/jk17310>.

73, Paragraph (2), are structured, systematic, and massive. Article 73 Paragraph (2) provides that candidate pairs proven, on the basis of a decision by the provincial election supervisory agency (Bawaslu), to have committed violations referred to in Paragraph (1),³⁶ may be subject to administrative sanctions in the form of cancellation of their candidacy by the Provincial Election Commission (KPU) or the Regency/City KPU. Meanwhile, Article 73 Paragraph (1) prohibits candidates and/or campaign teams from promising or giving money or other materials to influence election organizers and/or voters.³⁷

In subsequent Constitutional Court rulings, TSM violations include several forms, namely:³⁸ (1) manipulation of administrative requirements for candidacy, (2) money politics, (3) politicization of the bureaucracy, (4) negligence of election officials, (5) vote manipulation, (6) threats/intimidation, and (7) violations of the neutrality of election organizers. Essentially, TSM violations may originate from ordinary electoral violations; however, when they are carried out in planned, organized, widespread manner, they may constitute grounds for annulling the election results. Based on these characteristics, the elements of TSM, as interpreted in Constitutional Court jurisprudence, may be described as follows:³⁹

1. Structured: Violations involve the role of structural officials (election organizers, government structures, or civil servants/ASN).
2. Systematic: Violations are carried out through careful, structured, and organized planning.
3. Massive: Violations have a widespread impact on election results and occur in at least half of the electoral districts.

The regional election process is often marked by disputes at various stages of its implementation. As stipulated in legislation, regional elections involve various parties that interact with each other (both cooperatively and conflictually). The main parties involved include the organizers (both technical and supervisory), election participants (both candidates nominated by political parties and independent candidates), and voters (citizens who have the right to vote and whose rights may be potentially harmed or violated).⁴⁰ In the context of technical organizers, the KPU acts as a state organizing institution in the field of government responsible for the technical implementation of elections.⁴¹

The Constitutional Court has the authority to adjudicate disputes over the results of regional elections for governors, regents, and mayors. Article 157 Paragraph (3) of Law No. 10 of 2016 designates the Constitutional Court as the judicial institution

³⁶Fathullah et al., "Constitutional Court's Role in Regional Head Election Disputes: Substantive Justice and Voting Threshold Challenges."

³⁷Aditia Arief Firmanto, "Handling Structured, Systematic, and Massive (SSM) Administrative Violations and the Future of Local Democracy in Indonesia," *Empati Kodarkum* 1, no. 1 (2022): 13.

³⁸Mahyudin, Haryanto, and Marsinah, "Impact of Structured, Systematic and Massive Violations In the General Election."

³⁹Heru Widodo, "The Interpretation of Structured, Systematic, and Massive Violations in the 2019 Presidential Election Dispute at the Indonesian Constitutional Court," *Journal of Politics and Law* 14, no. 4 (July 2021): 47, <https://doi.org/10.5539/jpl.v14n4p47>.

⁴⁰Atiqah Mumtazah Ameliah Bura Datu, "The Formulation of The Norm On Handling The Violation of Local Election," *Mulawarman Law Review*, December 2018, 15–29, <https://doi.org/10.30872/mulrev.v3i1.27>.

⁴¹Simon Butt and Fritz Siregar, "Multilayered Oversight: Electoral Administration in Indonesia," *Asian Journal of Comparative Law* 16, no. S1 (December 2021): S121–35, <https://doi.org/10.1017/asjcl.2021.32>.

responsible for resolving such disputes until a special electoral court is established. The Constitutional Court's authority is transitional and conditional, as it only applies until the special court is established and is subject to the formal requirements outlined in Article 158.⁴²

Article 158 of Law No. 10 of 2016 stipulates the formal threshold (formal requirements) for filing a dispute over the results of regional elections with the Constitutional Court. This threshold is expressed as a percentage of the difference in votes between competing candidates, with a minimum limit of 0.5 % and a maximum limit of 2 % of the total population of the electoral district. Under this provision, a petition challenging regional election results before the Constitutional Court must satisfy the applicable vote difference threshold, which ranges from 0.5 % to 2 % depending on the relevant statutory criteria. As a result, the possibility of challenging election results outside this percentage range is legally closed. This threshold provision has sparked pros and cons.⁴³ Those who oppose argue that Article 158 may restrict citizens' constitutional ability to protect their voting through legal remedies; potentially leave serious electoral fraud practices such as money politics, violence, and intimidation without effective judicial scrutiny where the vote margin falls outside the prescribed threshold, and conflict with the principles of Luber Jurdil elections (Direct, Public, Free, Confidential, Honest, and Fair), as it limits access to judicial review.⁴⁴

2.2. TSM Lawsuit on the 2024 Regional Election Results Dispute at the Constitutional Court

Of the 310 PHP-Kada cases registered with the Constitutional Court, decisions and rulings were issued in 270 cases on February 4-5, 2025. The majority of cases, namely 277 cases, were declared inadmissible, followed by 29 cases that were withdrawn, 8 cases that were declared invalid and 6 cases that were declared outside the jurisdiction of the Constitutional Court. The remaining 40 cases are undergoing the evidence-gathering process, including three gubernatorial election cases, three mayoral election cases, and 34 regent election cases.⁴⁵

To provide a more systematic understanding of the Constitutional Court's evolving interpretation of TSM violations, the forty regional head election dispute cases were classified according to the principal forms of alleged violations, the actors involved, and the Court's final decisions. This classification demonstrates that the 2024 disputes extended well beyond conventional administrative fraud, encompassing broader patterns of institutional mobilisation, abuse of public office, electoral violence, and constitutional eligibility violations.

⁴²Misbahuddin Gasma, "Substantive Justice in Regional Election Dispute Resolution: Analyzing the Constitutional Court's Approach and Challenges in Indonesia," *Pakistan Journal of Life and Social Sciences (PJLSS)* 23, no. 1 (2025), <https://doi.org/10.57239/PJLSS-2025-23.1.00306>.

⁴³Kelliher et al., "Unconstitutional Authority of Indonesia's Constitutional Court: The Resolution of Pilkada Result Disputes."

⁴⁴Sholahuddin Al-Fatih and Asrul Ibrahim Nur, "Does the Constitutional Court on Local Election Responsive Decisions?," *Journal of Human Rights, Culture and Legal System* 3, no. 3 (November 2023): 569–96, <https://doi.org/10.53955/jhcls.v3i3.74>.

⁴⁵Vedro Imanuel Girsang, "Daftar 40 Gugatan Sengketa Pilkada 2024 Di MK Yang Lolos Ke Tahap Pembuktian," *Tempo.Co*, 2025.

Table 1. List of 40 Regional Head Election Dispute Cases in 2024 at the Constitutional Court

Case Number	Region	Principal Alleged TSM Violation	Classification of TSM	State Actors Involved
266/PHPU.GUB-XXI-II/2025	Bangka Belitung Islands	Election fraud affecting vote acquisition	Vote Manipulation	None identified
293/PHPU.GUB-XXI-II/2025	Papua Mountains	General election fraud	Vote Manipulation	None identified
304/PHPU.GUB-XXI-II/2025	Papua Province	Abuse of state apparatus/state facilities	Abuse of State Power	Civil Servants (ASN)
05/PHPU.WA-KO-XXIII/2025	Banjarbaru City	Failure to provide blank ballot column	Electoral Administration	KPU
47/PHPU.WA-KO-XXIII/2025	Sabang City	Election fraud affecting results	Vote Manipulation	None identified
168/PHPU.WA-KO-XXIII/2025	Palopo City	Candidate eligibility requirements	Administrative Fraud	Candidate
02/PHPU.BUP-XXIII/2025	Pasaman Regency	Candidate eligibility requirements	Administrative Fraud	Candidate
04/PHPU.BUP-XXIII/2025	Central Buton Regency	General election fraud	Vote Manipulation	None identified
20/PHPU.BUP-XXIII/2025	Pesawaran Regency	Candidate eligibility requirements	Administrative Fraud	Candidate
24/PHPU.BUP-XXIII/2025	Empat Lawang Regency	Third-term candidacy	Constitutional Eligibility	Candidate
28/PHPU.BUP-XXIII/2025	Barito Utara Regency	Election fraud	Vote Manipulation	None identified
30/PHPU.BUP-XXIII/2025	Magetan Regency	Election fraud	Vote Manipulation	None identified
32/PHPU.BUP-XXIII/2025	Mandailing Natal Regency	Election fraud	Vote Manipulation	None identified
43/PHPU.BUP-XXIII/2025	West Pasaman Regency	Bias of election commissioners	Electoral Administration	KPU Officials
44/PHPU.BUP-XXIII/2025	East Aceh Regency	Village head involvement	Village Apparatus Mobilisation	Village Heads

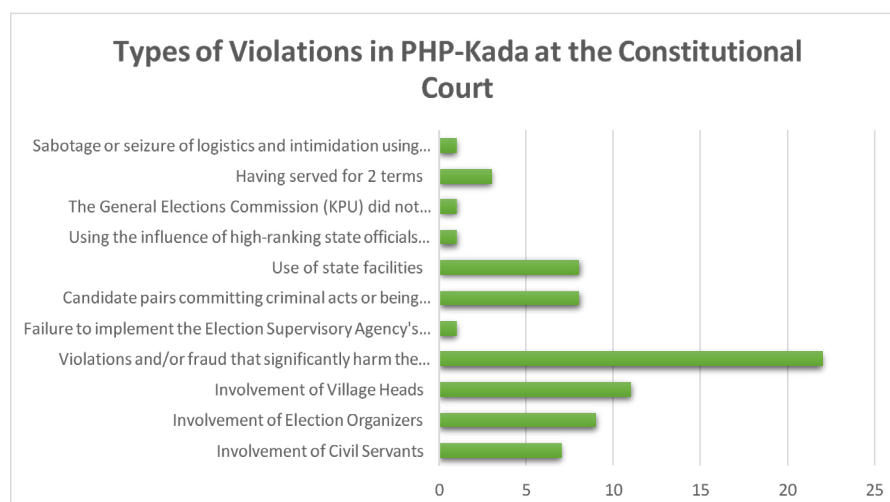
51/PHPU.BUP-XXIII/2025	Talaud Islands Regency	Abuse of state facilities	Abuse of State Power	ASN
55/PHPU.BUP-XXIII/2025	North Gorontalo Regency	Candidate eligibility requirements	Administrative Fraud	Candidate
68/PHPU.BUP-XXIII/2025	South Bengkulu Regency	Abuse of state facilities	Abuse of State Power	ASN
70/PHPU.BUP-XXIII/2025	Serang Regency	Ministerial intervention and mobilisation of village heads	Institutional Mobilisation	Minister, Village Heads, Election Officials
73/PHPU.BUP-XXIII/2025	Siak Regency	Election fraud	Vote Manipulation	None identified
75/PHPU.BUP-XXIII/2025	Parigi Moutong Regency	Candidate eligibility requirements	Administrative Fraud	Candidate
81/PHPU.BUP-XXIII/2025	Berau Regency	Abuse of incumbency	Abuse of State Power	Regional Government Officials
93/PHPU.BUP-XXIII/2025	North Halmahera Regency	Candidate criminal status	Administrative Fraud	Candidate
96/PHPU.BUP-XXIII/2025	Lamandau Regency	Violation of Luber Jurdil principles	Electoral Integrity	None identified
99/PHPU.BUP-XXIII/2025	Bangka Barat Regency	Abuse of state facilities	Abuse of State Power	ASN
100/PHPU.BUP-XXIII/2025	Belu Regency	Candidate criminal status	Administrative Fraud	Candidate
132/PHPU.BUP-XXIII/2025	Tasikmalaya Regency	Third-term candidacy	Constitutional Eligibility	Candidate
171/PHPU.BUP-XXIII/2025	Banggai Regency	Abuse of state facilities	Abuse of State Power	ASN
173/PHPU.BUP-XXIII/2025	Bungo Regency	Election fraud	Vote Manipulation	None identified
174/PHPU.BUP-XXIII/2025	Buru Regency	Election fraud	Vote Manipulation	None identified
183/PHPU.BUP-XXIII/2025	Pamekasan Regency	General election fraud	Vote Manipulation	None identified
195/PHPU.BUP-XXIII/2025	Kutai Kartanegara Regency	Third-term candidacy	Constitutional Eligibility	Candidate

224/PHPU.BUP-XXIII/2025	Mahakam Ulu Re-gency	Abuse of state facilities	Abuse of State Power	ASN
232/PHPU.BUP-XXIII/2025	Jeneponto Regency	Failure to implement Bawaslu recommendation	Electoral Administration	KPU
260/PHPU.BUP-XXIII/2025	Boven Digoel Regency	Candidate eligibility requirements	Administrative Fraud	Candidate
267/PHPU.BUP-XXIII/2025	Taliabu Island Re-gency	Election fraud	Vote Manipulation	None identified
272/PHPU.BUP-XXIII/2025	Mimika Regency	Violation of electoral principles	Electoral Integrity	None identified
274/PHPU.BUP-XXIII/2025	Jayapura Regency	Election administration errors	Electoral Administration	KPU
283/PHPU.BUP-XXIII/2025	Puncak Regency	General election fraud	Vote Manipulation	None identified
305/PHPU.BUP-XXIII/2025	Puncak Jaya Re-gency	Violence and seizure of election logistics	Electoral Violence	Candidate Supporters

Source: Compiled by the author based on the Constitutional Court Decision

Across the 40 Constitutional Court decisions, several recurring types of alleged violations formed the basis of PHP-Kada case petition invoking TSM argument. These violations are outlined in the figure below:

Figure 1. Types of Election Violations in PHP-Kada Lawsuits at the Constitutional Court



Source: Compiled by the author based on Constitutional Court decisions in 2024.

The figure above illustrates the development and variation of election violations, particularly forms of alleged TSM violations that had not been prominently identified in previous regional elections. Some of these violations include the involvement of

village heads, the absence of blank ballot boxes for single candidates, the involvement of high-ranking state officials (ministers) who have served for two terms, and sabotage using sharp weapons. These variations in violations indicate that the pattern of election violations continues to evolve, requiring law enforcement officials and election organizers to be responsive to anticipated changes and developments in the pattern of violations in regional elections.

In the 2024 PHP-Kada case trial, the Constitutional Court has decided on 40 cases that have entered the next stage of trial. There are three types of decisions on these 40 cases: decisions rejected in their entirety, decisions deemed unacceptable, and decisions granting partial relief. The study analyzed all 40 decisions, including the grounds of the petitions and the judges' legal reasoning in assessing the arguments and evidence presented during the proceedings. For the type of decision that was rejected in its entirety, the description of the decision analysis is shown in the table below;

Table 2. Judges' Considerations in Disputes over the 2024 Regional Election Results with Decisions Rejected in Their Entirety

Decision	Petitioner's Reasons	Legal Considerations
1) 266/PHPU.GUB-XXIII/2025 (Province of Bangka Belitung Islands)	There are practices Violations and/or fraud that significantly harm the Petitioner's vote count and benefit the vote count of other candidate pairs (Paslon)	The Petitioner's arguments are not entirely legally justified.
2) 32/PHPU.BUP-XXIII/2025 (Mandailing Natal Regency)		
3) 04/PHPU.BUP-XXIII/2025 (Central Buton Regency)		
4) 283/PHPU.BUP-XXIII/2025 (Puncak Regency)		
1) 43/PHPU.BUP-XXIII/2025 (West Pasaman Regency)	Arguing that the partiality of the younger sibling of the Head of the West Pasaman Regency KPU West Pasaman is biased towards the related party	The Petitioner's arguments are unfounded in law in their entirety
1) 44/PHPU.BUP-XXIII/2025 (East Aceh Regency)	The discrepancy in the vote count and the existence of fraudulent practices carried out by Candidate Pair No. 3 involving village officials/heads	The Petitioner's arguments are entirely unfounded from a legal perspective.

Decision	Petitioner's Reasons	Legal Considerations
1) 81/PHPU.BUP-XXIII/2025 (Berau Regency)	The difference in votes between the Petitioner and Candidate Pair No. 2 is due to Candidate Pair No. 2 being the incumbent, which violates the provisions regarding the transfer/rotation of administrative officials, supervisory officials, and school principals within the Berau Regency government.	The incumbent did not violate the 6-month time limit, and the Petitioner's arguments are not entirely legally justified.
1) 96/PHPU.BUP-XXIII/2025 (Lamandau Regency)	The highest number of votes obtained by Candidate Pair No. 2 (two), as determined by the Respondent, was achieved in violation of the principles of the election, specifically Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, namely the Principles of Luber and Jurdil	The Petitioner's arguments are unfounded in law in their entirety
1) 232/PHPU.BUP-XXIII/2025 (Jenepoto Regency)	The difference in votes was caused by the Respondent's failure to implement the Election Supervisory Agency's recommending for a re-vote at 10 polling stations.	The Petitioner's arguments are unfounded in law in their entirety.

Source: MKRI decision website

Based on the table above, the Constitutional Court rejected the petitioners' claims in their entirety primarily because the evidence was insufficient to substantiate the allegations of TSM violations, including involvement of election organizers, government officials, and village heads, as well as other forms of electoral fraud and misconduct.

Furthermore, the Constitutional Court also ruled on several types of decisions that were unacceptable, several reasons in the plaintiff's lawsuit, and the judges' considerations for several of these decisions, as outlined in the table below:

Table 3. Judges' Considerations in the 2024 Regional Election Dispute with Unacceptable Decisions

Desicion	Petitioner's Grounds	Legal Considerations
1) 293/PHPU.GUB-XXIII/2025 (Province of Papua Pegunungan) 2) 183/PHPU.BUP-XXIII/2025 (Pamekasan Regency)	There were practices of violations and/or fraud that significantly harmed the Petitioner's vote count and benefited the vote count of other candidate pairs.	The Petitioner's petition does not meet the provisions of Article 158 paragraph (1) letter a of Law 10/2016 regarding legal status. Even if these provisions are set aside, <i>quod non</i> , it has been proven that the main arguments of the Petitioner's petition are not legally justified.
1) 93/PHPU.BUP-XXIII/2025 (North Halmahera Regency) 2) 100/PHPU.BUP-XXIII/2025 (Belu Regency)	Failure to meet the requirements for one of the candidate pairs due to violating the principles of the election by committing a criminal act	The Petitioner's petition does not meet the provisions of Article 158 paragraph (1) letter a of Law 10/2016 regarding legal status. Even if these provisions are set aside, <i>quod non</i> , it has been proven that the main arguments of the Petitioner's petition are not legally justified.
1) 272/PHPU.BUP-XXIII/2025 (Kab. Mimika)	The difference in votes with the candidate pair that received the most votes was obtained through means that violated the principles of elections as stipulated in Article 22E Paragraph (1) of the 1945 Constitution and the provisions of Article 71 Paragraph 2 of the Regional Election Law.	The Petitioner's petition does not meet the provisions of Article 158 paragraph (1) letter a of Law 10/2016 regarding legal status. Even if these provisions are set aside, <i>quod non</i> , it has been proven that the main arguments of the Petitioner's petition are not legally justified.

Source: Compiled by the author based on the Constitutional Court Decision

The table above shows that most petitions concerned alleged violations committed by the winning candidate that were considered inconsistent with the principles governing regional election. In addition, there was also a candidate pair that was deemed ineligible to contest the regional election because they were considered to have committed a criminal offence that should have disqualified them from participating in the regional election. However, the panel of judges considered that this reason had no legal force

and did not meet the provisions of Article 158 paragraph (1) letter a of Law 10/2016 regarding the legal position of the Petitioner.

Furthermore, the Constitutional Court also issued several types of decisions that granted partial relief. These decisions are outlined in the table below:

Table 4. Judge's Considerations in Disputes over the 2024 Election Results with Partially Granted Decisions

Desicion	Petitioner's Reasons	Legal Considerations
1) 304/PHPU.GUB-XXIII/2025 (Province of Papua) 2) 51/PHPU.BUP-XXIII/2025 (Talaud Islands Regency) 3) 68/PHPU.BUP-XXIII/2025 (South Bengkulu Regency) 4) 99/PHPU.BUP-XXIII/2025 (West Bangka Regency) 5) 171/PHPU.BUP-XXIII/2025 (Banggai Regency) 6) 224/PHPU.BUP-XXI-II/2025 (Mahakam Ulu Regency)	There were violations and/or fraud committed by the Respondent and/or related parties, involving civil servants or state facilities, which significantly harmed the Petitioner's vote count and benefited the vote count of other candidates.	1) Declaring the disqualification of the candidate for Deputy Governor of Papua from Candidate Pair No. 1, Candidate for Regent of Candidate Pair No. 2 of South Bengkulu Regency, Candidate Pair No. 3 of Mahakam Ulu Regency 2) Ordering the Respondent to conduct a re-election
1) 05/PHPU.WAKO-XXI-II/2025 (Banjarbaru City)	There were violations and/or fraud committed by the Respondent, which significantly harmed the Petitioner's vote count and benefited the vote count of other Candidate Pairs. Specifically, a single candidate contested the Banjarbaru City election, yet the Respondent did not provide a blank column on the ballot paper.	Ordering the Respondent (Banjarbaru City KPU) under the supervision of the South Kalimantan Provincial KPU and the Indonesian KPU to conduct a re-vote at all polling stations using ballots containing two columns, consisting of one column listing candidate pair number 1 and one blank column without any images, to be counted in accordance with the election mechanism for one candidate pair

Desicion	Petitioner's Reasons	Legal Considerations
1) 47/PHPU.WAKO-XXIII/2025 (City of Sabang) 2) 30/PHPU.BUP-XXIII/2025 (Magetan Regency) 3) 28/PHPU.BUP-XXIII/2025 (North Barito Regency) 4) 73/PHPU.BUP-XXIII/2025 (Siak Regency) 5) 173/PHPU.BUP-XXIII/2025 (Bungo Regency) 6) 174/PHPU.BUP-XXIII/2025 (Buru Regency) 7) 267/PHPU.BUP-XXIII/2025 (Taliabu Island Regency) 8) 274/PHPU.BUP-XXI-II/2025 (Jayapura Regency)	There were violations and/or fraud committed by the Respondent, which significantly harmed the Petitioner's votes and benefited the votes of other candidates.	1) Order the Respondent to conduct a PSU. 2) Order the Respondent to establish a Special Location Polling Station (RSUD Tengku Rafi'an) in Siak Regency 3) Order the Respondent to conduct a re-vote and recount of votes in Buru Regency 4) Order the Respondent to amend the Decision of the Election Commission of Jayapura Regency No. 227 of 2024
1) 168/PHPU.WAKO-XXIII/2025 (Palopo City) 2) 20/PHPU.BUP-XXIII/2025 (Pesawaran Regency) 3) 02/PHPU.BUP-XXIII/2025 (Pasaman Regency) 4) 55/PHPU.BUP-XXIII/2025 (North Gorontalo Regency) 5) 75/PHPU.BUP-XXIII/2025 (Parigi Moutong Regency) 6) 260/PHPU.BUP-XXI-II/2025 (Boven Digoel Regency)	Failure to meet the requirements for candidate pairs violates the principles of elections due to failure to meet the administrative requirements for candidacy, due to committing a crime/criminal act resulting in the status of convict and/or former convict	1) Declaring the disqualification of the candidacy of the relevant party, who is a convict or a former convict 2) Regarding the legality/validity of the candidacy requirements of the relevant party, it must be declared that they do not meet the requirements and are legally flawed 3) Ordering the Respondent to conduct a re-election

Desicion	Petitioner's Reasons	Legal Considerations
1) 24/PHPU.BUP-XXIII/2025 (Empat Lawang Regency) 2) 195/PHPU.BUP-XXIII/2025 (Kutai Kartanegara Regency) 3) 132/PHPU.BUP-XXIII/2025 (Tasikmalaya Regency)	Calculation of the term of office of regional heads in the same position or two (2) terms of office	1) The method of calculating one (1) term of office is that the qualification does not have to be a regional head or deputy regional head who has served a full five years, but must have served at least half or more of one (1) normal term of office, as determined by legislation, namely five (5) years. This means that a person who has served for at least 2.5 (two and a half) years will automatically be considered to have served one (1) term. 2) Declaring the disqualification of Regent Candidate No. 1 of Kutai Kartanegara and Regent Candidate No. 3 of Tasikmalaya. 3) Ordering the Respondent to carry out a PSU
1) 70/PHPU.BUP-XXIII/2025 (Serang Regency)	A serious violation of the Election Law was committed by Candidate Pair No. 2, with Yandri Susanto, the Minister of Village Affairs and Disadvantaged Region Development, who is the husband of the Regent Candidate of Candidate Pair No. 2, using his authority to influence Village Heads in the local elections to secure the victory of Candidate Pair No. 2	Ordering the Respondent to conduct a re-election

Desicion	Petitioner's Reasons	Legal Considerations
1) 305/PHPU.BUP XXI-II/2025 (Puncak Jaya Regency)	The existence of special conditions/events in the form of sabotage or seizure of election logistics with intimidation using sharp weapons carried out by Candidate Pair No. 2 in 4 districts, as well as the non-continuation of the recommendation of the Puncak Jaya Regency Election Supervisory Agency (Bawaslu) due to these special conditions	Ordering the Indonesian Election Commission (KPU RI) to conduct a recount of the vote tally for 22 districts, excluding the four districts in question

Source: Compiled by the author based on the Constitutional Court's decision

The table above shows that there were 24 cases in total which the verdict ordered the KPU in the relevant regions to hold a re-vote. In addition, in one case related to the Puncak Jaya Regency election, the Constitutional Court decision was to conduct a recount of the vote count. Meanwhile, in the Jayapura Regency case, the Constitutional Court ordered corrections to the local KPU's decision regarding the Determination of the 2024 Regent and Deputy Regent Election Results.

Based on a review of the verdicts in disputes over the 2024 regional election results, substantive weaknesses were found in the verification and monitoring mechanisms for the nomination stage by the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu). This is reflected in 11 rulings that resulted in the disqualification of candidate pairs and the ordering of re-vote at all polling stations, indicating weaknesses in the initial verification of candidate eligibility. The factors leading to disqualification include:⁴⁶

1. Violation of the cooling-off period, where candidates did not meet the requirement of 5 years after being a former convict, but were declared to have passed verification.
2. Falsification of administrative documents, including diplomas or certificates of no criminal record
3. Term limit violations, namely candidates who have served two terms, are still allowed to run for re-election.

Among the 26 petitions granted, the relatively high number of candidate disqualifications indicates weakness in the KPU's verification process and limitations in Bawaslu's supervisory function. Regional elections should be fair, but the problems that arise can actually be prevented with stricter verification and more effective supervision. Therefore, improvements to the nomination and oversight systems are necessary to ensure that future regional elections are of higher quality, minimize violations, and strengthen public trust in democracy in Indonesia.

⁴⁶Saivol Virdaus, Siciliya Mardiani Yoel, and Wimpy Ardhy Prasetya, "Pola Putusan Perselisihan Hasil Pilkada 2024: Strategi Permohonan Dan Upaya Pencegahan," *Electoral Governance: Jurnal Tata Kelola Pemilu Indonesia* 6, no. 2 (2025): 231–57, <https://doi.org/https://doi.org/10.46874/tx5y9s23>.

2.3 Developments in the Interpretation of the Use of TSM Violations in Cases of Disputes over the Results of the 2024 Regional Elections

In early December 2008, the Constitutional Court issued a ruling that sparked differing interpretations among the public. Some considered the ruling to be potentially unlawful, while others viewed it as an attempt to establish a legal breakthrough or discover a new legal principle.⁴⁷ The cause of this was the issuance of Constitutional Court Decision Number 41/PHPU.D-VI/2008 regarding the dispute over the results of the East Java Provincial Election, which was considered a landmark decision and an important milestone in resolving election result disputes.⁴⁸

The ruling marked a paradigm shift in the Constitutional Court's adjudication of election disputes, moving from predominantly formal and procedural approach toward greater emphasize on substantive justice.⁴⁹ Still, it has now shifted to a more substantive approach to legal and justice considerations.⁵⁰ In addition, this ruling also introduces the concept of systematic, structured, and massive (SSM) election violations, which form the basis for analysis in similar cases.⁵¹ The Constitutional Court found strong indications of TSM violations in Bangkalan, Sampang, and Pamekasan regencies. One evidence of the violation was a program contract between a gubernatorial candidate and village officials that included promises of financial assistance depending on the number of votes obtained. Additionally, structural mobilization practices involving the role of village heads were identified.

In deciding the East Java Provincial Election dispute, the Constitutional Court adopted a broader interpretation of its authority to resolve election result disputes. The Constitutional Court applied an extensive interpretation method, which exceeded the limits of grammatical interpretation (based on the literal text).⁵² In this case, the Constitutional Court not only referred to the wording of the law that limited its authority to matters of vote counting, but also expanded the scope of its review. Through this approach, the Constitutional Court did not merely evaluate the accuracy of the vote count but also examined alleged electoral violations that could have significantly impact on the election results.⁵³

The Constitutional Court's ordering a re-vote and recount in certain areas is an application of purposive interpretation. In this case, the Constitutional Court interpreted the objectives outlined in the constitution and applied them to a real-life scenario. Regional elections as an instrument of democracy must uphold the principles of justice and legal certainty in accordance with the spirit of the constitution.⁵⁴ Because violations were proven to have occurred in the East Java Provincial elections, the Constitutional

⁴⁷Mariyadi Faqih, "Konstruksi Keyakinan Hakim Mahkamah Konstitusi Dalam Putusan Perselisihan Pemilu-lukada," *Jurnal Konstitusi* 10, no. 1 (May 2016): 117, <https://doi.org/10.31078/jk1016>.interpreting and discovering the laws (rechtsvinding)

⁴⁸Asnawi Asnawi, Asih Gaduh Andriani, and Ayang Fristia Maulana, "Penegakan Hukum Pelanggaran Pemili-han Umum Yang Bersifat Terstruktur, Sistematis Dan Masif," *Yustisia Tirtayasa : Jurnal Tugas Akhir* 3, no. 3 (De-cember 2023): 296, <https://doi.org/10.51825/yta.v3i3.21939>.

⁴⁹Miftakhul Huda, "Pola Pelanggaran Pemilu-lukada Dan Perluasan Keadilan Substantif," *Jurnal Konstitusi* 8, no. 2 (May 2016): 113, <https://doi.org/10.31078/jk826>.

⁵⁰Kusdarini et al., "Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia."

⁵¹Widodo Ekatjahjana, "Telaah Kritik Atas Putusan Mahkamah Konstitusi Dalam Perkara Perselisihan Hasil Pemilu-lukada Provinsi Jawa Timur," *Jurnal Konstitusi* 8, no. 1 (May 2016): 53, <https://doi.org/10.31078/jk813>.

⁵²Fitra Mutiara Al Hasna, "Tinjauan Terhadap Penyebab Sengketa Perselisihan Tentang Hasil Pemilihan Umum Di Indonesia," *Ethics and Law Journal: Business and Notary* 2, no. 1 (January 2024): 273–78, <https://doi.org/10.61292/eljbn.129>.

⁵³Helmi Kasim et al., "Kompatibilitas Metode Pembuktian Dan Penafsiran Hakim Konstitusi Dalam Putusan Pemilu-lukada," *Jurnal Konstitusi* 9, no. 4 (May 2016): 713, <https://doi.org/10.31078/jk946>.

⁵⁴Iwan Satriawan and Khairil Azmin Mokhtar, "The Constitutional Court's Role in Consolidating Democracy and Reforming Local Election," *Constitutional Review* 1, no. 1 (March 2016): 103, <https://doi.org/10.31078/consrev115>.

Court decided that the process needed to be improved to remain relevant with the principles of democracy, justice, and the law. One form of implementation is ordering a re-vote in Bangkalan and Sampang Regencies and a recount in Pamekasan Regency.⁵⁵ This statement by the Constitutional Court reflects an initial commitment to make TSM a corrective instrument for elections, despite views of this policy exceeds its authority.

The Constitutional Court's evolving interpretation of TSM violations should not be understood merely as a broadening of evidentiary standards, but as a constitutional response to the structural weaknesses of Indonesia's electoral dispute resolution system. Prior to the 2024 regional elections, the Court generally treated allegations of TSM as exceptional circumstances requiring clear evidence that electoral irregularities had directly influenced the counting of votes. However, the judgments handed down in 2024 reflect a shift in doctrine.⁵⁶ The Court no longer considers electoral integrity solely through the numerical validity of election results, but increasingly assesses whether the electoral process itself remains constitutionally valid. This interpretative shift reflects the Court's recognition that mere compliance with procedures is insufficient when state power, public resources or institutional prerogatives have been systematically mobilized to distort electoral competition. Consequently, the Court has moved from an approach centred primarily on vote calculation toward a broader constitutional review focused on electoral integrity, aimed at preserving democratic legitimacy rather than merely correcting the vote counts.

This interpretative development has a constitutional basis in several fundamental principles enshrined in the 1945 Constitution. Firstly, Article 22E stipulates that general elections must be conducted directly, universally, freely, by secret ballot, honestly and fairly, thereby establishing the integrity of elections as a constitutional value, rather than merely a procedural requirement. Secondly, the principle of substantive justice empowers the Court to prevent constitutional rights from being undermined by the application of formalistic procedural rules, should it be proven that electoral manipulation has substantially affected democratic competition.⁵⁷ Thirdly, constitutional democracy requires equal electoral opportunities amongst competing candidates, which means that state institutions and public officials must remain politically neutral throughout the electoral process. From this perspective, the Court's broader interpretation of TSM represents an effort to strengthen the protection of constitutional democracy, rather than merely expanding the scope of electoral regulations.⁵⁸

From the perspective of constitutional theory, the Constitutional Court's rulings regarding the resolution of disputes over the results of the 2024 regional head elections can reasonably be categorized as a form of moderate judicial activism. In this context, the Constitutional Court has succeeded in positioning itself not merely as an institution that adheres to the statutory limits restricting its jurisdiction to disputes over election results. Rather, the Constitutional Court has interpreted its constitutional mandate purposively by examining whether serious procedural violations have fundamentally

⁵⁵Kasim et al., "Kompatibilitas Metode Pembuktian Dan Penafsiran Hakim Konstitusi Dalam Putusan Pemilukada."

⁵⁶Sodikin Sodikin, "Over The Limit of Authority of The Constitutional Court In Resolving Disputes About The Results of The General Election," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (August 29, 2022): 404–19, <https://doi.org/10.29303/ius.v10i2.1087>.

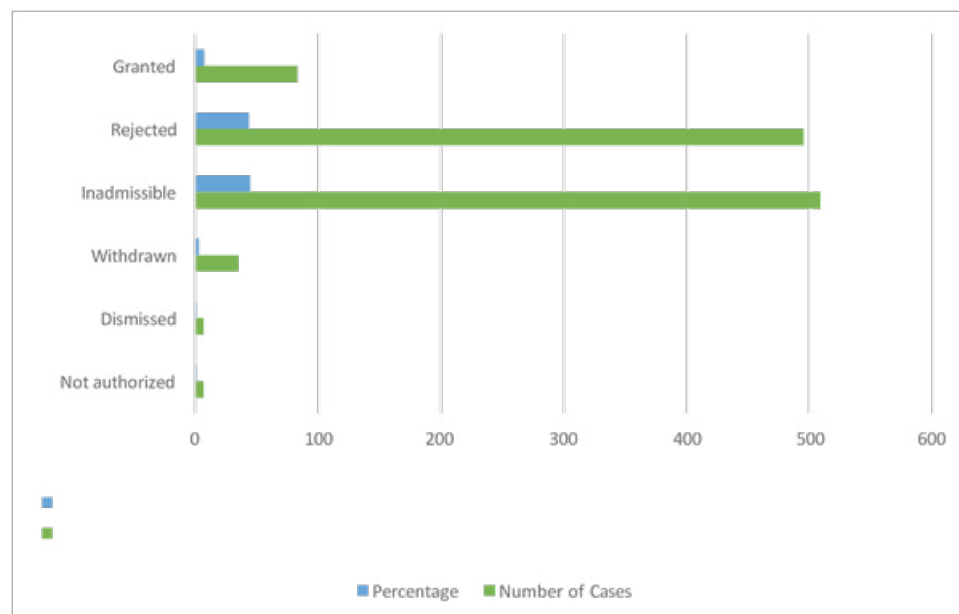
⁵⁷Muwaffiq Jufri et al., "Standardisation of the Legislation as a Follow-Up to the Constitutional Court's Decision on Judicial Review of Omnibus Law," *Jurnal Konstitusi* 21, no. 3 (September 2024): 366–91, <https://doi.org/10.31078/jk2132>.

⁵⁸Fahmi Ramadhan Firdaus and Bayu Dwi Anggono, "Safeguarding Constitutional Democracy: The Role Of The Indonesian Constitutional Court Through Formal Review," *LITIGASI* 26, no. 2 (January 29, 2026): 199–237, <https://doi.org/10.23969/litigasi.v26i2.23285>.

affected the election results.⁵⁹ However, this form of activism differs from unchecked judicial intervention, as the Court has consistently required that alleged violations of the TSM must demonstrate a causal link to the integrity and legitimacy of the election results. Thus, the Court does not necessarily usurp the Bawaslu functions, but exercises constitutional review where electoral violations have reached a level capable of undermining the integrity and legitimacy of constitutional democracy.

Based on official data from the Constitutional Court, since the transfer of authority to resolve election disputes from the Supreme Court to the Constitutional Court in 2008, 1,136 cases have been processed as of 2024.

Figure 2. Recapitulation of Election Dispute Rulings at the Constitutional Court (2008-2024)



Source: Data compiled from Constitutional Court decisions

Over the past twenty years, several Constitutional Court decisions have highlighted TSM offenses, especially in regional election disputes. In the early phase (2008-2011), the Constitutional Court began to recognize TSM as a valid legal basis for canceling election results, even though factual proof was difficult.⁶⁰ However, acceptance of regional election disputes on TSM claims remained relatively limited until the 2024 regional elections. It was only in the final ruling of the 2024 period, delivered on February 24-27, 2025, that the Constitutional Court granted several petitions, with the main consideration being that TSM violations had occurred. Of the total 310 registered dispute petitions, 40 cases proceeded to the evidence stage, and only 26 cases (or approximately 8.4 %) met the formal and substantive requirements to receive a ruling. The majority of these rulings led to the implementation of re-voting, either across the entire electoral district or partially at the polling station level.

⁵⁹Anisya Murdani et al., "Significance of Comparing Electoral Systems: Indonesia and the United Kingdom," *Journal of Indonesian Constitutional Law* 1, no. 2 (October 27, 2024): 112–25, <https://doi.org/10.71239/jicl.v1i2.6>.

⁶⁰Zainal Arifin Mochtar, "Guarding Democracy: Judicial Activism in the Indonesian Constitutional Court Decisions in Regional Head Electoral Disputes," *Constitutional Review* 11, no. 1 (May 2025): 36–62, <https://doi.org/10.31078/consrev1112>.

This fact confirms that filing disputes over regional election results before the constitutional court requires compliance with both formal and substantive requirements under Constitutional Court Regulation No. 3 of 2024, particularly the vote-difference threshold and sufficient evidence of substantive violations, to avoid rejection or a declaration of inadmissibility (*Niet Ontvankelijk Verklaard*).⁶¹ The Constitutional Court's decision regarding the regional elections in Serang Regency and Mahakam Ulu was considered by several *Perludem* observers, namely Haykal, as a "very good precedent" because the Constitutional Court adopted a progressive approach in accepting the TSM argument that was proven during the trial process. In the context of the 2024 regional elections, the Constitutional Court emphasized that the accuracy of vote counting alone is not sufficient where verified TSM violations have affected the integrity of the electoral process. This principle aligns with the Constitutional Court's primary mandate for material democracy.⁶²

The development of the Constitutional Court's interpretation of TSM reveals a shift from a predominantly normative reasoning toward its concrete application in decisions (e.g., PSU and disqualification) when there is strong evidence. Regulatory reforms (Law 10/2016 & Law 7/2017) strengthen the position of TSM as an election violation.⁶³ The Constitutional Court maintains its authority by focusing on protecting the regional integrity elections and their impact on the results, rather than on criminal justice functions. The primary difference between the handling of TSM in 2008 and now is the increased acceptance of structured TSM evidence, such as political contracts, and the Constitutional Court's willingness to justify its decisions based on such evidence, while maintaining rational standards of proof.⁶⁴

The interpretative development is evident in Decision No. 70/PHPU.BUP-XXIII/2025 in which the court examined several alleged forms of 1 TSM violations on the basis of concrete evidence. In this decision, the Constitutional Court boldly ruled and declared that there had been structured, systematic, and massive violations in the implementation of the Serang regional elections involving election officials and law enforcement officials.⁶⁵ In this case, the TSM argument used by the Petitioner was under allegations of the involvement of Yandri Susanto, Minister of Villages and Disadvantaged Regions (Mendes PDT), in efforts to secure the victory of his wife as one of the candidates in the Serang Regency elections. Yandri utilized his position as Minister of Villages and Disadvantaged Regions to influence and pressure the village heads in Serang Regency securing his wife's victory. In fact, on several occasions, invitations to consolidation meetings involving village heads were sent using official ministry letters. This conduct went beyond the alleged use of state facilities for personal gain and extended to the use of official resources for practical political interests unrelated to the public functions of the Ministry of Villages.⁶⁶

⁶¹Kasim et al., "Kompatibilitas Metode Pembuktian Dan Penafsiran Hakim Konstitusi Dalam Putusan Pemilukada."

⁶²Andi Adam Faturahman, "Perludem: Perintah PSU Di Pilkada Serang Jadi Preseden Baik Dalam Pembuktian TSM," *Tempo.Co*, February 2025.

⁶³Eny kusdarini et al., "Disputes Settlement on Election Results for Regional Heads of Regency/City in Indonesia Through the Constitutional Court," *SSRN Electronic Journal*, 2022, <https://doi.org/10.2139/ssrn.4266917>.

⁶⁴Tanto Lailam and Putri Anggia, "Pengenyingkapan Keadilan Substantif Dalam Penerapan Ambang Batas Sengketa Hasil Pilkada Di Mahkamah Konstitusi," *Jurnal Legislasi Indonesia* 17, no. 2 (June 2020): 209–22, <https://doi.org/10.54629/jli.v17i2.543>.

⁶⁵Rofi Wahanisa et al., "From Justice to Politics: The Constitutional Court's Role in Structured and Systematic Election Violations," *Lex Scientia Law Review* 9, no. 1 (May 2025), <https://doi.org/10.15294/lsr.v9i1.21103>.

⁶⁶Cantika Tresna Rahayu et al., "Manipulasi Kekuasaan Dalam Pilkada Serang 2024: Analisis Yuridis Terhadap Pelanggaran Pemilu Yang Terorganisir," *Media Hukum Indonesia (MHI)* 3, no. 3 (2025): 219–27.

In this case, the Constitutional Court judges not only sought to uphold substantive justice in resolving the election dispute, but also implemented the prohibition of TSM violations in the implementation of general and regional elections in their decision. In their deliberations, the Constitutional Court judges provided a detailed explanation of the causes and reasons why this case was categorized as a TSM violation. The court considered that Yandri's active efforts to secure his wife's electoral victory can be categorized as a TSM violation and affecting the fairness of electoral competition. In addition, the consolidation of victory involving the village head was a clear violation that contributed to the serious violations in the implementation of the regional elections in Serang Regency.

In relation to the judge's considerations above, the author outlines the points of TSM violations in the regional elections in Serang Regency, where the elements of TSM include: First, structured violations. In his consideration, the Constitutional Court judge believed that Yandri Susanto's involvement in his wife's campaign, which included using ministry facilities and coordinating with village heads in Serang Regency, constituted a structured violation in the implementation of the regional elections. This was due to repeated incidents targeting the consolidation of parties or agencies that were structurally under the coordination of the Ministry of Villages, Development of Disadvantaged Regions and Transmigration. These parties or agencies include village heads, village secretaries, village staff, neighborhood association (RW) heads, neighborhood associations (RW), Family Empowerment and Welfare (PKK) cadres, and members of the Integrated Service Post (Posyandu) in Serang Regency. These meetings and coordination efforts were even carried out continuously, especially with village heads, indicating that there had been structured violations in the implementation of the regional elections in Serang Regency.⁶⁷

The second was the systematic violations which the Constitutional Court highlighted the existence of systematic violations, characterized by well-planned and carefully organized actions. The careful planning can be seen from all the preparations made since the beginning of the Working Meeting of the Branch Management of the Association of Indonesian Village Governments (APDESI) on October 3, 2024, followed by a meeting on October 22, 2024, with an invitation to the Haul Ibunda Yandri event and using the official letterhead of the Ministry of Villages, Development of Disadvantaged Regions and Transmigration with number 19/UMM.02.03/X/2024 and the existence of statements of support from village heads for Yandri's wife, which were spread across various social media channels. In addition to the three incidents mentioned above, several other incidents also pointed to evidence of systematic violations of the regional elections, such as Yandri's meeting with village heads at his home, the exploitation of the Minister's working visits to several locations in Serang Regency, and the involvement of election organizers and law enforcement officials.⁶⁸ However, regarding some of these violations, the court stated that such forms of violations fall outside its jurisdiction in resolving election disputes.

Third, the Court identified the massive element on the basis that violations were widespread and had a significant impact on regional election results. The coordination

⁶⁷Geri Permana, "Money Politics Practices Implicating the Disqualification of All Candidate Pairs in Regional Head Elections(Case Study: Constitutional Court Decision Number 313/Phpu.Bup-Xxiii/2025)," *Jentera: Jurnal Hukum* 6, no. 1 (2025): 44–57.

⁶⁸Ujang Hibar et al., "Juridical Review of the Decision of the Constitutional Court Number 70/Phpu.Bup-Xxiii/2025 Re-Voting of the Serang Regency Election," *Legal Brief* 14, no. 1 (2025): 110–117., <https://doi.org/https://doi.org/10.35335/legal.v14i1.1264>.

and involvement of several village institution figures in the victory of Yandri Susanto's wife had a significant influence on the increase in votes for the number 2 regent candidate (Ratu Rachmatuzakiyah and Muhammad Najib Hamas). Moreover, the methods used to obtain votes were carried out by taking advantage of the position as Minister of Villages and mobilizing village heads to win the candidates contesting in the regional elections.⁶⁹

For these reasons and considerations, the Constitutional Court judges postponed the enforcement of Article 158 paragraph (2) letters a/b/c/d of Law - Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation instead of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law. As is known, the difference in votes between the two pairs was 40.34 %, which did not meet the requirements set by the law, which stipulates that a lawsuit can be filed if the maximum difference in votes is 0.5 %. In this case, the Constitutional Court did not treat the vote-difference threshold as determinative because the alleged violations raised a more fundamental constitutional concern regarding guarantee of direct, general, free, confidential, honest, and fair elections under Article 22E Paragraph (1) of the 1945 Constitution.

Whilst an expanded interpretation of TSM significantly strengthens constitutional protections for electoral integrity, it simultaneously raises important institutional concerns. Indonesia's electoral legislation stipulates that the main responsibility for investigating and adjudicating administrative violations of TSM lies with Bawaslu.⁷⁰ Consequently, when the Constitutional Court conducts an in-depth evaluation of the findings of fact relating to electoral violations, the boundary between electoral oversight and constitutional adjudication becomes increasingly blurred. Such an overlap may rise institutional uncertainty on the respective of constitutional functions of Bawaslu and the Constitutional Court, particularly when the two institutions assess substantially similar alleged facts using different procedural standards.

Furthermore, the broader interpretation adopted in the 2024 rulings gives rise to a significant tension between substantive justice and legal certainty. Besides, the Court's approach prevents serious electoral manipulation from escaping constitutional investigation simply because the statutory vote margin threshold is not sufficiently evidenced. On the other hand, extending the scope of TSM beyond conventional categories may reduce predictability on the circumstances where election results might ultimately be annulled. Consequently, future litigants and electoral authorities may face greater uncertainty regarding the threshold of proof required for constitutional intervention.⁷¹

To maintain constitutional coherence, the Constitutional Court's broad interpretation of TSM must remain subject to clearly defined constitutional and doctrinal limitations.⁷² Constitutional intervention may only be undertaken if three cumulative conditions are met:⁷³ first, the alleged violation of the TSM concerns constitutional principles,

⁶⁹Permana, "Money Politics Practices Implicating the Disqualification of All Candidate Pairs in Regional Head Elections(Case Study: Constitutional Court Decision Number 313/Phpu.Bup-Xxiii/2025)."

⁷⁰Sayuti Sayuti, Miftahul Choiri, and Mesut Idriz, "Reassessing Judicial Standards of Proof for Structured, Systematic, and Massive Electoral Violations in Indonesian Regional Head Election Disputes," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 9, no. 1 (June 30, 2026): 287–308, <https://doi.org/10.24090/volksgeist.v9i1.15437>.

⁷¹Amancik et.al, "Choices of Law for Democratic Regional Head Election Dispute Resolution Institutions in Indonesia."

⁷²Rozana Sukma Dewi, Avien Zakaria, and Aghnia Safana Ilmi, "Ethical Supervision of Judges to Improve the Integrity of the Constitutional Court," *Journal of Indonesian Constitutional Law* 1, no. 3 (December 19, 2024): 221–45, <https://doi.org/10.71239/jicl.v1i3.29>.

⁷³Ousu Mendy and Gregorius Sri Nurhartanto, "Federal Constitutional Court of Pakistan: Prospects and Lessons From Indonesia's Constitutional Court," 2026, <https://doi.org/10.2139/ssrn.6481940>.

rather than solely technical aspects of electoral administration;⁷⁴ second, the violation substantially affects the integrity or legitimacy of the election results; and third, existing electoral oversight mechanisms have proven incapable of providing an effective constitutional solution. These limitations may safeguard the Constitutional Court's role as the protector of constitutional democracy whilst avoiding unnecessary institutional overlap with the Bawaslu.⁷⁵

It is necessary to compare the interpretative framework applied prior to the 2024 Regional Head Elections dispute with the approach adopted in the 2024 rulings, including its potential implications for future constitutional adjudication. This comparison demonstrates a significant doctrinal transformation in the Court's jurisprudence, from a predominantly formal assessment of vote manipulation to a broader constitutional evaluation of electoral integrity and democratic legitimacy. The comparative analysis presented in Table 5 highlights the key dimensions of this interpretative development.

Table 5. Comparative Analysis of the Constitutional Court's Interpretation of TSM Violations Before and After the 2024 Regional Head Election Disputes

Aspect	Before 2024	2024 Decisions	Future Implications
Focus of TSM	Vote manipulation	Electoral integrity	Constitutional protection of democracy
Interpretation	Narrow	Broader	Constitutional doctrine likely expands
Evidence	Vote-count oriented	Institutional abuse, state officials, and candidacy	More sophisticated evidence required
Constitutional Principle	Formal legality	Substantive justice	Balance between democracy and legal certainty
Institutional Relation	MK reviews results	MK partially evaluates the electoral process	Need a clearer boundary with Bawaslu

Source: The author's analysis based on Constitutional Court rulings on the resolution of disputes over the results of regional head elections

Table 5 above shows the Constitutional Court's rulings on the resolution of disputes over the 2024 regional elections results which were not merely a gradual refinement of previous rulings. These rulings instead reflect a substantive doctrinal shift in the constitutional understanding of violations and their relationship to the principle of free, fair and democratic elections (TSM). Whilst previous rulings primarily linked TSM to irregularities affecting the vote count, the 2024 rulings increasingly treat TSM as a constitutional mechanism to safeguard the integrity of elections from structural abuses of public power. This development reinforces the Court's commitment to substantive justice, yet at the same time raises important questions regarding legal

⁷⁴Putu Eva Ditayani Antari, "The Interpretation of Misconduct Act as A Reason to Dismiss President: An Ethical Approach," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (July 28, 2021), <https://doi.org/10.18860/j-fsh.v13i1.12122>.

⁷⁵Muflih Munazih and Dina Faramida, "Constitutional Judicial System: A Comparison between Indonesia and France," *Trunojoyo Law Review* 7, no. 2 (August 30, 2025): 391–413, <https://doi.org/10.21107/tlr.v7i2.30462>.

certainty, institutional competence, and the appropriate constitutional limits on judicial intervention in electoral disputes.

3. CONCLUSION

This study concludes that the Constitutional Court's interpretation of TSM violations in the 2024 Regional Head Elections dispute has undergone a significant doctrinal evolution. Unlike previous rulings, which primarily linked TSM to irregularities in vote counting and compliance with the statutory vote-margin threshold, the 2024 Regional Head Election rulings increasingly assesses whether electoral violations have undermined the constitutional integrity of the electoral process itself. Consequently, the Court has shifted from a results-oriented approach towards a constitutional review focused on integrity, which takes into account the nature, severity and constitutional consequences of electoral violations. This development reflects a broader commitment to substantive justice by ensuring that the constitutional guarantees of free, fair, honest and democratic elections are not undermined by a purely formalistic application of administrative and procedural rules.

These findings also reveal that this interpretative evolution has broadened the constitutional understanding of TSM violations beyond conventional electoral fraud. The Constitutional Court has recognized new forms of violations that are constitutionally relevant, including the involvement of high-ranking state officials and village heads in election campaigning, breaches of candidate eligibility requirements, the forgery of administrative documents, breaches of the cooling-off period for former convicts, and breaches of constitutional term limits. Rather than merely reflecting an expansion of judicial authority, this development illustrates an interpretative approach aimed at safeguarding electoral integrity where ordinary electoral enforcement mechanisms have proven inadequate to address serious violations capable of undermining democratic legitimacy.

Theoretically, this study contributes to the field of constitutional interpretation by demonstrating that the Constitutional Court has developed a broader constitutional doctrine of electoral integrity that moves beyond a quantitative assessment of votes towards a substantive evaluation of the fairness and legitimacy of the electoral process. The development of this doctrine enriches the literature on judicial interpretation in the resolution of electoral disputes by illustrating how constitutional courts can evolve in response to increasingly complex patterns of electoral manipulation, whilst remaining grounded in the constitutional principles of democracy, electoral justice and substantive justice.

However, the broadening of the interpretation of TSM also has significant institutional implications. Whilst constitutionally justified as a mechanism to safeguard democratic legitimacy under Article 22E of the 1945 Constitution, a broader interpretation of TSM must not obscure the division of constitutional powers between the Constitutional Court and the Bawaslu. Therefore, future reforms must strengthen institutional coordination and clarify the constitutional functions of Bawaslu and the Constitutional Court, ensuring that the Constitutional Court can intervene only in cases of serious constitutional violations that substantially affect the legitimacy of election results. Such an approach would maintain a balance between substantive justice, legal certainty and institutional coherence, whilst providing a stronger framework for the future development of Indonesia's electoral dispute resolution system.

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