



Decision Factors Court Constitution Related Results Election President 2024 Against Indonesian Politics and Law

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Abstract The Republic of Indonesia is a constitutional state, as specified in Article 1, Paragraph (3) of the 1945 Constitution. As a nation that upholds the rule of law as the highest authority in its governmental system, the existence of the Judiciary plays a central role as an absolute requirement for upholding the supremacy of law to ensure justice. According to the provisions of Article 24, Paragraph (2), the Supreme Court and the Constitutional Court are institutions with the highest authority in enforcing law and justice in accordance with the mandate of the Constitution. The 2024 Indonesian Presidential and Vice-Presidential Election, also known as the 2024 Presidential Election, is the fifth such election in Indonesia to choose the President and Vice President of the Republic of Indonesia. The results of this election triggered various reactions from different groups. Criticism of the results, particularly from opposing candidates, was not uncommon. This debate occurred not only among political elites but also within the broader community. The purpose of this study is to examine the factors influencing the Constitutional Court's decision regarding the results of the 2024 Presidential Election and its impact on Indonesia's political and legal systems. This research employs a normative juridical legal approach, using library research as the primary data source. The study reveals that in resolving disputes over the 2024 Presidential Election results, the Constitutional Court considered valid and relevant evidence, despite dissenting opinions from some judges. The decision's impact—both in terms of the winner's legitimacy and public perception—can either enhance or deteriorate public views on the quality of Indonesia's democracy. This research is expected to provide deeper insights into the role of the Constitutional Court in safeguarding electoral integrity, addressing political controversies, and its implications for Indonesia's future political system.

Keywords: Constitutional Court, 2024 Presidential Election, Indonesian Politics, Constitutional Law, Election,

1. INTRODUCTION

Indonesia is a democratic country, where the country's leaders and people's representatives are elected directly by the people through General Election (Next called Election). This process done simultaneously every five years very For choose President, Vice President, members of the DPD, DPR, and DPRD at the district level province and district / city. Implementation Election President (Next) called Presidential Election) 2024 in Indonesia, three partner candidate compete For fight over position leadership highest in the country. Couple First, Anies Baswedan and Muhaimin Iskandar, have number sequence 01. Couple Secondly, Prabowo Subianto and Gibran Rakabuming Raka, have number sequence 02. Couple Third, Ganjar Pranowo and Mahfud MD, received number sequence 03. However, in the selection process general this time No let go from controversy, especially related Gibran Rakabuming Raka's nomination as vice presidential candidate. In the end implementation voting happen February 14, 2024. March 20, 2024 finally recapitulation calculation voice presidential election determined by the KPU with results election general the obtained collection voice most won by number The second place is Prabowo Subianto and Gibran

Rakabuming Raka. The results of the victory the trigger reaction diverse from various circles . Not a few to criticize results the especially from candidate pair opponent . Debate This No only occurs at the level elite politics , but also among public wide (Hadji, 2024).

The Republic of Indonesia is a state of law , as matter the poured out in provision Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states : "Indonesia is a state based on law ". Consequences from provisions of the Article contained in the stem body constitution said , then in operate life nation and state must based on law . Apart from being guidelines in to organize life nation and state , law used as instrument For build harmony in life socialize so that the purpose of the country can implemented with good . The 1945 Constitution of the Republic of Indonesia is one of the guidance or the most basic guidelines in the history change supremacy the Indonesian constitution . Therefore constitution as runway law highest share state power , to become three , namely Executive (Executor) Law) , Legislative (Law Maker) Law) and Judiciary or the Authority Institution Justice (Judging) Violation Law) (Muhdar , 2023).

As a country that has set law as commander highest in system its constitutionality , therefore That existence institution Power Justice own a central role as condition absolute enforcement supremacy law for the sake of creation justice , certainty and benefit law That myself , and ambition the ideals of the country that are stated in the Constitution with principle that position everyone is equal before law (equality before the law). Institution of Power Justice as regulated in CHAPTER IX about Power Justice Article 24 paragraph (2) of the Constitution of the Republic of Indonesia which reads : " Power judiciary done by a The Supreme Court and the judicial bodies that are below it in environment justice general , environment religious courts , environment justice military , environment state administrative court , and by a Court Constitution ." Based on the provisions of the above Article so Supreme Court and Court Constitution is institutions that have authority highest in the enforcement law and justice in accordance mandate Constitution (Muhdar , 2023).

In accordance with the provisions stipulated in the The 1945 Constitution of the Republic of Indonesia concerning authority Supreme Court and Court Constitution , can understood that Court Constitution own authority authority constitutional as interpreter constitution , which is authorized test Constitution to Constitution and interpretation That must be guided by . Considering Decision Court Constitution is final and binding, which means is half final from the breakup a matters , and No There is effort law Lastly , and the principles also apply erga omnes, that is decision own strength binding law general . Both for those in litigation , judges, society , institutions , the president and others.

That with has birth institution Court Constitution post amendment third , and his obligation as the guardian of the constitution, the Court The constitution , as mandated by the 1945 Constitution, has role crucial in guard supremacy constitution . Its function involving testing laws and regulations government to provisions of the 1945 Constitution for ensure harmony with principles and norms of the constitution . More furthermore , based on Article 24C paragraph (1) and paragraph (2) of the 1945 Constitution, the Court Constitution own authority involving decision dispute authority state institutions mandated by the 1945 Constitution. In the context of election general , court This participate play a role in finish dispute results election , guard integrity elections , and support strong system democracy . Court The constitution also has authority For handle dispute related dissolution party politics , ensuring conformity step the with law and constitution . At a higher level seriously , court This play a role in decide dispute involving Allegation violation law by the President or Vice President , such as betrayal against the state, corruption , bribery , crime criminal other weight , or action despicable , which may be influence eligibility they in accordance with the 1945 Constitution. Through role this , the Court Constitution become guard integrity government and system good governance in Indonesia, as well as as enforcer supremacy constitution and power independent judiciary , contributing to the quality democracy , rights basic human , and justice within system Indonesian law (Rohman and Scientific , 2024).

In context law , change rule related election general as well as condition candidate president and vice president regulated by the institution legislative , namely the People's Representative Council (DPR) together with with government . This is based on principle distribution power (triad) politics) in Indonesia which makes the DPR as institution former law . Before existence Constitutional Court ruling , changes condition age or condition other for candidate president and vice president will through the discussion process in the DPR for revise the law that regulates election general . The Constitutional Court's decision becomes important thing in embrace aspects legal and constitutional in arrange the way election general as well as condition candidate head of state. Changes the become part from effort interpret constitution in line with dynamics social , political and needs Indonesian society in a certain era . This also confirms the role of the Constitutional Court as authorized institution in ensure consistency Constitution with constitution as well as give direction new to interpretation rule related laws with the selection process common in Indonesia (Winata and Nelson, 2024).

Based on the above description , research This aiming For delve deeper factor affecting decision Court Constitution related results election president 2024. And the impact decision Court Constitution to system politics in Indonesia related results election the 2024 president .

The decision Court Constitution bring impact on the field politics , namely emergence government new . Democratic party has finished , but public Still split to the pros and cons . More carry on that study this is also expected can give understanding to implications decision Court Constitution to system election general and direction democracy in Indonesia, is it? matter the can bring impact positive or cause controversy that can harm integrity system politics .

Formulation of the Problem

As for the formulation issues raised in study This including :

1. Anything factor affecting decision Court Constitution related results election president 2024?
2. How impact decision Court Constitution to system politics in Indonesia related results election president 2024?

2. RESEARCH METHODS

Types of research This use approach law legal normative that is type the approach used For analyze to regulation legislation , materials library and resources written such as books , journals and relevant literature with General Election (Sunggono , 2003). Where the type of data used in study This is study library research. Data sources used in study This is secondary data in the form of material primary law , material law secondary and materials law tertiary . Furthermore, the data obtained and collected in study This Then analyzed with analysis descriptive qualitative , namely describe the data in quality in form orderly , logical and effective sentences so that make it easier data interpretation . Where is it interpreted? with based on regulations related legislation with the problem being studied so that will get clear picture in main discussion , then Finally will produce a Conclusion.

3. RESULTS AND DISCUSSION

Decision Factors Court Constitution Regarding Election Results President 2024

Court Constitution own four authority and one obligation as regulated in the 1945 Constitution. Based on Article 24C paragraph 1 of the Supreme Court Constitution authorized to judge at the level first and last whose decision is final for : (1) Testing Constitution to The 1945 Constitution ; (2) Decides dispute authority state institutions whose authority granted by the 1945 Constitution; (3) Deciding dissolution party politics ; and (4) Deciding dispute about results election general . While in paragraph 2 the obligation Court Constitution is give decision on the DPR's opinion that President and/ or Vice President suspected : (1) of having committed

violation law in the form of betrayal against the state, corruption , bribery and other acts criminal others ; (2) Doing action despicable ; (3) No longer fulfil condition as President and/ or Vice President as meant in the 1945 Constitution (Sadzali , 2022).

See the relevant authority of the Constitutional Court with settlement dispute Elections and dissolution party politics , meaning The position of the Constitutional Court is very important in democratization in Indonesia. In addition to being receptacle For to question law , the Constitutional Court is also containers and tools measuring For evaluate the way democracy . Even now the Constitutional Court has a very central and very important role in affairs Elections , because the Constitutional Court is door gate final For determine quality Election (Sadzali , 2022) .

Implementation Election The 2024 President of Indonesia, consisting of from three partner competing candidates For fight over position leadership highest in the country . Couple First , Anies Baswedan and Muhaimin Iskandar, have number sequence 01. Couple Secondly , Prabowo Subianto and Gibran Rakabuming Raka, have number sequence 02. Couple Third , Ganjar Pranowo and Mahfud MD, received number sequence 03. However , this time the election No let go from controversy , especially related Gibran Rakabuming Raka's nomination as vice presidential candidate . In the end implementation voting happen February 14 , 2024. March 20 , 2024 finally recapitulation calculation voice presidential election determined by the KPU with results election general the obtained collection voice most won by number The second place is Prabowo Subianto and Gibran Rakabuming Raka. The results of the victory the trigger reaction diverse from various circles . Not a few to criticize results the especially from candidate pair opponent . Debate This No only occurs at the level elite politics , but also among public wide .

One of factor main influencing factors the Constitutional Court's decision is strength evidence submitted by the parties involved in dispute , good That partner candidate and also party others who filed amicus curiae. As institution that prioritizes principle legality , Court Constitution must depend on valid and relevant evidence For finish dispute (Muhdar , 2023).

The stated party lost by KPU filed application dispute presidential election at the Constitutional Court. On April 22, 2024, the Constitutional Court decided reject applications 01 and 03. There is a note interesting in dispute this presidential election Because colored with dissenting opinions from 3 (three) constitutional judges , Arief Hidayat, Enny Nurbaningsih and Saldi Isra. 5 (five) other judges Suhartoyo , Daniel Yusmic Pancasila Based on context Constitutional Court decision , dissenting opinion is considered as form not quite enough moral responsibility of a constitutional judge who has view different , and also as effort For ensure

transparency so that public can know all consideration the law that becomes base Constitutional Court ruling . The existence of this dissenting opinion No influence strength law Constitutional Court decision . Dissenting opinion is development in practice termination case (Sulistyowati) et al. , 2024).

A number of submitted report to the Supervisory Board Election (Bawaslu) is considered No proven Because No fulfil formal requirements or material . Although There is a number of claim related Allegation violation like politicization help social and mobilization apparatus , the Constitutional Court decided that evidence submitted No Enough strong For support claim said . This is in accordance with principle that the Constitutional Court's decision does not only based on claims politics , but also on evaluation objective law to the facts that came to light . In the case of 2024 Presidential Election , MK must consider stability politics and impact decision to legitimacy results election . This is seen in the Constitutional Court's decision to reject application For do collection voice repeat in several area , although there is a dissenting opinion from some judges who want existence election repeat Because Allegation violations deemed Enough significant . This decision reflect MK's efforts to guard stability political post-election (Sulistyowati) et al. , 2024).

Impact Decision Court Constitution To System Politics In Indonesia Regarding Election Results President 2024

Results of the vote voice moment This become problem the largest in Indonesia, which is attention main is the election process That decide for yourself results end acquisition sound . Problems related election No only occurred in 2024 ; this this also appears in elections previously , such as election 2004 , where the main debate the main thing is amount sound . As listed in Article 10 paragraph (1) letter d of the Law Number 24 of 2003 concerning Court The constitution states “ to to cut off related disputes with election general ”, then Court The Constitution (MK) must play a role For overcome problem said . The Court Constitution hold role important in structure law and politics a country because his authority (Najah et al. , 2024).

The Constitutional Court's decision process regarding the 2024 Presidential Election PHPU went through a long process from pre the trial started March 27 , 2024 to to the next stage handover copy decision on April 22 , 2024. The impact of the Constitutional Court's decision process regarding the 2024 Presidential Election PHPU on problem public and groups target , namely the uncertainty and controversy that arises from the Constitutional Court's decision which is not fulfil hope a number of parties , plus there was a dissenting opinion from The three judges made the MK's decision process controversial so that create

development law in Indonesia. The process of the Constitutional Court's decision regarding the 2024 Presidential Election PHPU can be made into a study case on how the Constitutional Court plays a role in finishing dispute results elections and how law can be used to ensure stability democracy (Najah et al., 2024).

Present and future impact is the implementation of Regional Election in accordance with the schedule and selection of President and Vice President 2024 according to the mandate of the constitution about the PHPU Presidential Election Year 2024. So that we can believe in the improvement of election results. In addition to providing certainty of law and strengthening the legitimacy of the winner of the presidential election, this decision also affects the dynamics of party politics, relationships between government and state institutions, as well as public perception of justice and integrity of the election. Another important impact is public perception of the integrity of the Indonesian election system. The Constitutional Court's decision can repair or worsen public view of election credibility, depending on whether they feel the decision reflects true justice or is influenced by certain political factors. The Constitutional Court's firm decision to reject all over applications for dispute like collection of voices repeated in several areas can be considered as a step to maintain political stability (Najah et al., 2024).

4. CONCLUSION

Based on the analysis and discussion above, it can be concluded as follows:

- Factor affecting the Constitutional Court's decision related to the 2024 presidential election results among others is the strength of evidence submitted by the parties involved in the dispute, good partners, candidates, and also other parties who filed *amicus curiae*. Some submitted reports to the Supervisory Board Election (Bawaslu) are considered not proven because they do not fulfill formal requirements or material. Although there is a number of claims related to violation of politicization, social help, and mobilization apparatus, the Constitutional Court decided that the submitted evidence is not strong enough to support the claim. Although the application is rejected, but the defective history of the 2024 Presidential Election dispute is colored with the dissenting opinion of the Constitutional Court Judge.
- Impact of the Constitutional Court's decision on the Indonesian political system related to the 2024 presidential election results among others can repair or worsen public view of election credibility, depending on whether they feel the decision reflects true justice or is influenced by certain political factors. The Constitutional Court's firm decision to reject all over applications for dispute like collection of voices repeated in several areas can be considered as a step to maintain political stability in Indonesia.

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