

Judicialization of Politics in Indonesian Electoral Law Reform: An Analysis of the Constitutional Court's Role in Shaping the Direction of Constitutional Policy

Luh Putu Vera Astri Pujayanti

vera.astri@ipdn.ac.id

Institut Pemerintahan Dalam Negeri, Indonesia

Abstract:

This study aims to analyse the judicialization of politics in Indonesian electoral law reform, with a specific focus on the role of the Constitutional Court in shaping the direction of constitutional policy. The issue is significant because electoral law reform in Indonesia is increasingly determined not only through legislative processes, but also through constitutional adjudication on politically sensitive issues such as electoral thresholds, candidacy requirements, simultaneous elections, ballot design, and electoral disputes. This study uses a qualitative legal research method with a normative-juridical approach. It applies statutory, case, conceptual, and historical approaches by examining the 1945 Constitution of the Republic of Indonesia, electoral laws, Constitutional Court decisions, electoral regulations, and recent scholarly literature on judicialization of politics, electoral justice, constitutional democracy, and separation of powers. The findings show that the Constitutional Court has developed from a constitutional adjudicator into a constitutional policy shaper in electoral reform. Its decisions have influenced the structure of political competition, legislative discretion, electoral fairness, and the institutional direction of democratic governance. Judicialization may strengthen constitutional democracy when it protects political rights and corrects unfair electoral rules. Yet it may also create risks when judicial intervention expands into policy-making, generates legal uncertainty, or weakens democratic deliberation. This study contributes by offering a balanced framework that distinguishes constructive judicialization from problematic judicialization in Indonesian electoral law reform.

Keywords: judicialization of politics; Constitutional Court; electoral law reform; constitutional policy; electoral justice

1. Introduction

The judicialization of politics has become one of the most important phenomena in Indonesia's post-reform constitutional development, particularly in the field of electoral law. Since the establishment of the Constitutional Court, political disputes that were previously resolved through legislative bargaining, electoral competition, or political negotiation have increasingly been transferred to constitutional adjudication. Electoral law reform is one of the clearest examples of this shift. Issues such as the presidential threshold, parliamentary threshold, electoral system design, ballot structure, candidate requirements, regional election disputes, and the timing of simultaneous elections have repeatedly been brought before the Constitutional Court. This condition shows that the Court is no longer merely a negative legislator that annuls unconstitutional norms. In practice, it has become an institution that shapes the direction of constitutional policy in Indonesia's electoral democracy (Pratama & Perdana, 2021; Wiratraman, 2022).

The problem becomes more complex because electoral law is not a neutral technical field. It determines who may compete, how votes are converted into political representation, how political parties build coalitions, how citizens exercise the right to vote and to be elected, and how democratic legitimacy is constructed. When the Constitutional Court reviews electoral laws, its decisions may directly alter the structure of political competition. The Court's decisions on the presidential threshold, simultaneous elections, candidate eligibility, and regional election disputes demonstrate that constitutional adjudication can produce consequences that are deeply political, even when framed through legal reasoning. This raises a

central constitutional question: when does judicial review legitimately protect constitutional democracy, and when does it risk replacing the political authority of the legislature in designing electoral policy?

Indonesia's recent electoral jurisprudence illustrates the urgency of this question. Constitutional Court Decision Number 90/PUU-XXI/2023 concerning the age requirement for presidential and vice-presidential candidates triggered intense public debate regarding judicial independence, ethical accountability, and the political consequences of constitutional adjudication. Later, Constitutional Court Decision Number 62/PUU-XXII/2024 on the presidential threshold and Decision Number 135/PUU-XXII/2024 on the separation of national and local elections further confirmed the Court's decisive role in reconstructing Indonesia's electoral architecture. These decisions indicate that electoral reform in Indonesia is no longer shaped solely by the DPR and the President as law-making institutions. It is increasingly shaped through a triangular interaction among political actors, civil society petitioners, and the Constitutional Court. This development strengthens the need to analyse judicialization of politics not only as a theory of judicial power, but also as a practical mechanism through which constitutional policy is formed.

Recent scholarship has examined the judicialization of politics, constitutional courts, electoral governance, and democratic regression in Indonesia from various perspectives. Pratama and Perdana (2021) specifically analyse judicialization of politics in Indonesia's electoral system and show that judicial review has become a political opportunity structure for actors seeking to influence electoral rules. Wiratraman (2022) examines constitutional struggles and the role of courts in Indonesia's turn toward authoritarian politics, warning that judicial institutions may become entangled in political consolidation. Satrio (2023) analyses the persistence of authoritarian constitutional ideas within Indonesia's constitutional discourse. Sukmawan and Pratama (2023) critically examine the Constitutional Court's earlier approach to the presidential threshold. Habibi and Kusuma (2023) discuss simultaneous elections, multiparty presidentialism, and coattail effects, while Asmara (2022) analyses the implications of Constitutional Court Decision Number 55/PUU-XVII/2019 for the development of Indonesian constitutional law. These studies reveal that the Court's electoral jurisprudence has become a decisive factor in shaping Indonesia's democratic institutions.

Other related works broaden the discussion by connecting judicial power with electoral management, democracy, and institutional accountability. Dixon and Tushnet (2021) emphasise the importance of electoral commissions and constitutional institutions in protecting democratic governance in Asia. Kotzé (2023) argues that electoral management is central to democratic maturity because it affects public trust, institutional legitimacy, and electoral integrity. Baker (2023) identifies structural drivers of democratic decline in Indonesia, while Petlach (2025) examines the relationship between leadership consolidation and democratic erosion. Kureshi (2025) provides a comparative framework for understanding whether courts reinforce or replace representative institutions in contexts of democratic backsliding. Zarkasi, Putra, Putra, and Asuhaimi (2025) examine the Constitutional Court's perspective on electoral violations in the 2024 election, while Nugroho (2025) analyses the tension between judicial activism and electoral justice in reviewing electoral laws during an ongoing electoral cycle. Together, these studies show that judicial intervention in electoral matters can protect democracy, but it can also create institutional tension when courts become too deeply involved in political design.

This study positions itself within that debate by focusing specifically on the Constitutional Court's role as a shaper of constitutional policy direction in Indonesian electoral law reform. Previous studies have discussed judicialization of politics, presidential thresholds, simultaneous elections, electoral management, and democratic decline separately. This article offers a distinct contribution by analysing how the Constitutional Court's electoral jurisprudence has transformed judicial review into a mechanism of constitutional policy formation. The study aims to examine the extent to which judicialization of politics in electoral law reform strengthens or challenges Indonesia's constitutional democracy, especially in relation to legislative authority, judicial legitimacy, electoral fairness, and the separation of powers. The central argument of this article is that the Constitutional Court has become a constitutional policy actor in electoral reform, and its role must be evaluated through a balanced framework that recognises both its duty to protect constitutional rights and its institutional limits within a democratic law-making system.

2. Methodology

This study employs a **qualitative legal research method** with a **normative-juridical approach**. The research is qualitative because it does not seek to measure electoral behaviour, public opinion, or judicial impact through statistical variables. Instead, it examines legal norms, constitutional doctrines, judicial reasoning, institutional practices, and the political implications of Constitutional Court decisions in the field of electoral law reform. The study is normative because it analyses law as a system of constitutional norms, legal principles, judicial doctrines, and institutional authorities. It is juridical because the analysis is grounded in positive legal materials, especially the 1945 Constitution of the Republic of Indonesia, electoral statutes, and Constitutional Court decisions relating to electoral law.

This method is appropriate because the central issue of the study concerns the **judicialization of politics**, namely the transfer of politically significant electoral questions from legislative and political arenas into constitutional adjudication. The research does not treat the Constitutional Court merely as a dispute-settlement institution, but as a constitutional actor whose decisions may shape the direction of electoral policy. Through a normative-juridical method, the study evaluates whether the Court's role in electoral law reform strengthens constitutional democracy, protects political rights, and corrects legislative defects, or whether it risks expanding judicial authority into areas that should remain within the democratic discretion of the legislature.

This study applies four analytical approaches: the **statutory approach**, the **case approach**, the **conceptual approach**, and the **historical approach**. The statutory approach is used to examine the constitutional and legislative framework governing elections, including the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 on General Elections, legislation on regional elections, and other regulations governing electoral administration, candidacy, electoral thresholds, and electoral dispute resolution. The case approach is used to analyse selected Constitutional Court decisions that have significantly influenced electoral law reform. The conceptual approach is used to examine the doctrines of judicialization of politics, judicial review, constitutional democracy, electoral justice, open legal policy, separation of powers, and constitutional policy. The historical approach is used to trace the development of the Constitutional Court's role in electoral reform after Indonesia's constitutional amendments and democratic transition.

The study is designed as a **constitutional case study of the Indonesian Constitutional Court's role in electoral law reform**. Indonesia is selected as the case study because its post-reform constitutional system provides a strong example of how constitutional adjudication can reshape political and electoral institutions. Since its establishment, the Constitutional Court has repeatedly decided politically sensitive electoral issues, including presidential thresholds, parliamentary thresholds, simultaneous elections, ballot structure, candidacy requirements, regional election disputes, and the constitutional limits of legislative discretion. These cases show that electoral law reform in Indonesia is not only produced through legislation, but also through judicial interpretation.

The primary data used in this study consist of **primary legal materials**. These include the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 on General Elections, relevant regional election laws, regulations issued by electoral management bodies, and Constitutional Court decisions concerning electoral law. The selected Constitutional Court decisions include decisions on the presidential threshold, parliamentary threshold, simultaneous elections, candidate nomination requirements, regional election disputes, and decisions that redefine the scope of legislative discretion in electoral design. These materials are used to identify patterns in the Court's reasoning and to assess whether the Court acts only as a guardian of constitutional norms or also as a shaper of constitutional policy.

Secondary data consist of **secondary legal materials**, including peer-reviewed journal articles, scholarly books, legal commentaries, research reports, and comparative constitutional law studies published within the last five years. Priority is given to sources discussing judicialization of politics, constitutional courts, judicial activism, electoral justice, electoral management, constitutional democracy, democratic backsliding, and Indonesian electoral reform. These materials are used to compare the findings of this study with previous research and to position the Indonesian case within broader debates on the role of courts in democratic governance.

Tertiary legal materials are also used to support the accuracy and systematisation of the research. These include legal dictionaries, official legal databases, Constitutional Court databases, election commission publications, academic indexing platforms, and institutional websites. Tertiary materials are used mainly to verify legal terminology, document status, publication details, and the availability of official legal texts. They do not function as the main basis of argumentation, but as supporting materials for legal accuracy and bibliographic reliability.

Data collection is conducted through **documentary legal research**. The researcher collects statutory provisions, Constitutional Court decisions, electoral regulations, academic literature, and institutional documents relevant to the judicialization of politics in electoral law reform. The collected materials are classified into several analytical themes: judicial review of electoral laws, electoral thresholds, simultaneous elections, candidacy requirements, regional election disputes, open legal policy, judicial activism, electoral justice, and separation of powers. This classification allows the research to examine the Constitutional Court's role systematically and to identify the extent to which judicial decisions influence the direction of electoral policy.

The data are analysed using **qualitative legal analysis** through legal interpretation, doctrinal analysis, and normative evaluation. Legal interpretation is used to examine the meaning of constitutional provisions and judicial reasoning in electoral cases. Doctrinal analysis is used to identify the development of legal doctrines such as open legal policy, constitutional injury, electoral justice, and judicial restraint. Normative evaluation is used to assess whether the Constitutional Court's intervention in electoral law reform is consistent with constitutional democracy, separation of powers, and the principle of popular sovereignty. Through this analytical framework, the study seeks to explain how judicialization of politics operates in Indonesian electoral reform and how the Constitutional Court has become an institution that shapes the direction of constitutional policy.

3. Results and Discussions

1) The Expansion of Judicialization of Politics in Indonesian Electoral Law Reform

The first finding of this study shows that the judicialization of politics in Indonesian electoral law reform has developed from ordinary constitutional review into a broader mechanism for shaping the direction of constitutional policy. In the early design of post-reform constitutionalism, the Constitutional Court was established primarily to guard the Constitution, review statutes, resolve institutional disputes, decide political party dissolution cases, adjudicate election result disputes, and decide impeachment-related matters. In electoral law, this role has expanded significantly. Political issues that are closely connected to legislative choices, party competition, candidacy requirements, electoral thresholds, ballot design, and election scheduling are increasingly submitted to the Court through judicial review petitions.

This expansion indicates that the Constitutional Court has become an important arena for political actors, civil society groups, academics, candidates, and voters seeking to challenge electoral rules. Electoral law is no longer shaped only through the legislative process involving the DPR and the President. It is also shaped through constitutional litigation. This condition confirms the concept of judicialization of politics, in which politically significant questions are transferred from political institutions to judicial institutions. In the Indonesian context, this process is especially visible because electoral laws frequently regulate highly contested political interests, including access to candidacy, party competition, coalition formation, and the design of democratic representation.

The case approach used in this study shows that several Constitutional Court decisions have directly influenced the architecture of Indonesia's electoral system. Decisions concerning the presidential threshold, parliamentary threshold, simultaneous elections, candidate nomination requirements, and regional election disputes have not merely clarified constitutional meaning. They have also changed or redirected the substance of electoral policy. Constitutional Court Decision Number 55/PUU-XVII/2019, for instance, opened constitutional possibilities for different models of simultaneous elections. Constitutional Court Decision Number 90/PUU-XXI/2023 generated strong public debate because of its direct effect on presidential candidacy requirements. Constitutional Court Decision Number 62/PUU-XXII/2024 later changed the constitutional treatment of the presidential threshold. Constitutional Court Decision Number

135/PUU-XXII/2024 restructured the future design of electoral simultaneity by separating national and local elections. These decisions show that the Court has moved beyond the role of a negative legislator and has increasingly acted as a constitutional policy actor.

This finding is consistent with Pratama and Perdana's study, which argues that judicial review has become a strategic channel for actors seeking to influence Indonesia's electoral system through the Constitutional Court (Pratama & Perdana, 2021). Their research shows that threshold rules, ballot structure, and simultaneous elections have become objects of judicialization because they determine the distribution of political opportunities among parties and candidates. This study extends that argument by showing that the judicialization of politics has intensified in recent electoral reform, particularly after controversial and structurally significant decisions on candidacy requirements, presidential thresholds, and electoral simultaneity. The Court is not only responding to constitutional disputes; it is shaping the direction of electoral reform.

The expansion of judicialization can be explained by several factors. First, electoral laws often contain provisions that create unequal political opportunities, making them vulnerable to constitutional challenge. Second, legislative reform in electoral matters is frequently shaped by incumbent interests and party bargaining, which may leave minority parties, new political actors, civil society groups, or citizens with limited access to meaningful legislative influence. Third, the Constitutional Court provides a formal legal forum where political claims can be translated into constitutional rights claims. Fourth, Indonesia's Constitution contains broad principles of popular sovereignty, equality, political rights, and democratic elections, which allow petitioners to challenge electoral rules through constitutional interpretation.

From a conceptual perspective, judicialization of politics is not inherently negative. It may strengthen constitutional democracy when the Court corrects electoral rules that unfairly restrict political rights, distort representation, or entrench incumbent power. Judicial review can function as a corrective mechanism when legislative politics fails to protect constitutional principles. Yet judicialization also carries risks. When the Court frequently intervenes in electoral policy, it may blur the boundary between constitutional interpretation and political decision-making. The Court may be perceived not only as a guardian of the Constitution, but also as an alternative law-maker in politically sensitive matters. This risk becomes serious when judicial decisions are seen as inconsistent, politically selective, or insufficiently restrained.

The Indonesian experience therefore reveals an ambivalent pattern. Judicialization of electoral politics has opened space for constitutional accountability, but it has also increased the political burden on the Constitutional Court. Electoral cases place the Court in a difficult position because its decisions may affect electoral competition, party strategy, coalition formation, and the legitimacy of democratic institutions. This finding is related to Wiratraman's argument that courts in Indonesia may become entangled in broader political struggles when constitutional adjudication operates within an environment of elite consolidation and democratic regression (Wiratraman, 2022). The judicialization of electoral law reform must therefore be evaluated not only by asking whether the Court has legal authority, but also by examining how its decisions affect democratic legitimacy and institutional balance.

2) The Constitutional Court as a Shaper of Electoral Policy Direction

The second finding of this study is that the Constitutional Court has increasingly shaped the direction of electoral policy through its reasoning, interpretive choices, and operative rulings. The Court's influence is not limited to annulling unconstitutional norms. It also appears in the way the Court formulates constitutional standards, determines acceptable policy options, narrows legislative discretion, and sometimes directs the legislature to adopt a particular regulatory model. This role is especially visible in electoral law because each judicial decision may produce immediate and structural consequences for the democratic process.

The statutory and doctrinal analysis shows that electoral law reform in Indonesia is often built through an interaction between legislative policy and judicial correction. The DPR and the President enact electoral laws, while the Constitutional Court reviews whether those laws conform to constitutional principles. In theory, this relationship reflects constitutional checks and balances. In practice, the Court's

electoral decisions sometimes go beyond correction and move toward policy formation. For example, when the Court determines the constitutional limits of thresholds, the permissible models of simultaneous elections, or the requirements for candidacy, it directly influences the structure of political competition. The Court's interpretation becomes a source of constitutional policy that the legislature must consider in future law-making.

This finding supports the argument that courts may either reinforce or replace representative institutions depending on how they exercise judicial power. Kureshi argues that courts can play different roles in democratic backsliding contexts: they may strengthen democratic institutions by constraining abusive political actors, or they may weaken representative democracy when they substitute judicial preferences for democratic deliberation (Kureshi, 2025). This framework is useful for understanding the Indonesian Constitutional Court. In electoral law reform, the Court may reinforce democracy when it protects voting rights, candidacy rights, fair competition, and meaningful representation. Yet it may risk replacing representative institutions when it prescribes electoral design too extensively without sufficient constitutional necessity.

The Constitutional Court's role as a policy shaper can also be seen through the doctrine of open legal policy. This doctrine recognises that certain matters fall within the discretion of the legislature, especially when the Constitution does not prescribe one specific regulatory model. Electoral design often belongs to this category because there may be several constitutionally acceptable alternatives. The choice between open-list and closed-list proportional representation, the level of electoral thresholds, the timing of elections, and the structure of candidacy requirements may involve political, technical, financial, and administrative considerations. When the Court intervenes in these matters, it must distinguish between unconstitutional legislative choices and policy choices that remain within the legislature's discretion.

The difficulty lies in the fact that electoral policy is rarely purely technical. A rule that appears to be a policy choice may also affect constitutional rights. A presidential threshold may be defended as a mechanism for strengthening presidentialism, yet it may also limit political competition and voter choice. A candidacy requirement may be justified as a qualification rule, yet it may also affect equality and political opportunity. A simultaneous election model may be framed as an efficiency measure, yet it may also influence the quality of representation and voter comprehension. The Court's challenge is to determine when legislative discretion becomes constitutionally excessive. This is where judicialization becomes unavoidable, because electoral policy and constitutional rights overlap.

Previous studies on Indonesian electoral law show this overlap clearly. Sukmawan and Pratama critically examine the Constitutional Court's decision-making on the presidential threshold and argue that the Court's approach to threshold constitutionality has been contested (Sukmawan & Pratama, 2023). Habibi and Kusuma show that simultaneous elections do not automatically produce strong coattail effects or stable multiparty presidentialism, suggesting that electoral design must be evaluated based on its real constitutional and political consequences rather than its formal objectives (Habibi & Kusuma, 2023). Asmara also shows that Constitutional Court jurisprudence on simultaneous elections has influenced the development of Indonesian constitutional law (Asmara, 2022). These studies support the finding that the Court's electoral jurisprudence functions as a source of constitutional direction in electoral reform.

The Court's role as a policy shaper creates both normative benefits and institutional risks. The benefit is that the Court can prevent electoral rules from being monopolised by political parties in the legislature. Electoral laws often create incentives for incumbent actors to design rules that preserve their advantages. Judicial review provides a constitutional forum for challenging such rules. This is particularly important in a democracy where political parties may dominate law-making and where citizens may have limited influence over electoral design. Through judicial review, the Court can restore constitutional balance by ensuring that electoral laws respect political equality, popular sovereignty, and fair competition.

The risk is that the Court may become too central in electoral law reform. When repeated political disputes are judicialised, public actors may become dependent on the Court to resolve questions that should ideally be debated through transparent legislative processes. This may reduce the incentive for political institutions to produce high-quality electoral laws. It may also expose the Court to political pressure because actors who lose in legislative arenas may attempt to win through constitutional litigation. If the Court's

decisions are perceived as politically motivated or inconsistent, its legitimacy may decline. This risk was especially visible in public debates surrounding controversial electoral decisions that affected candidacy and electoral competition.

The result of this analysis is that the Constitutional Court should be understood as a constitutional policy shaper, but not as an unlimited electoral policy-maker. Its role is legitimate when it protects constitutional rights, prevents electoral injustice, and corrects legislative choices that violate constitutional principles. Its role becomes problematic when it replaces democratic deliberation without clear constitutional justification. The proper constitutional balance requires judicial reasoning that is principled, transparent, consistent, and restrained, while still firm in protecting democracy from manipulative electoral law-making.

3) Implications for Constitutional Democracy, Separation of Powers, and Electoral Justice

The third finding of this study concerns the implications of judicialization of politics for constitutional democracy, separation of powers, and electoral justice. Judicialization affects constitutional democracy because it changes the institutional location where electoral policy is contested and decided. Instead of being resolved only through elections, parliamentary debate, or party negotiation, electoral design disputes are increasingly resolved through constitutional adjudication. This transformation may strengthen democracy when courts protect political rights and electoral fairness. It may also create tension when courts become dominant actors in determining the rules of political competition.

From the perspective of constitutional democracy, the judicialization of electoral law reform has a protective function. Constitutional democracy is not identical to majority rule. It also requires constitutional limits, protection of political rights, equality of political opportunity, and fair electoral competition. When the legislature enacts electoral rules that restrict these principles, judicial review becomes necessary. The Constitutional Court can function as a guardian of democratic rules by ensuring that political competition remains open and that citizens' rights to vote, to be elected, and to participate in government are not restricted arbitrarily. This role is consistent with the idea that electoral justice is an essential part of constitutional democracy.

Yet judicialization also creates a legitimacy problem. Electoral law is closely connected to democratic choice, and the legislature has a constitutional mandate to make policy through representative processes. When the Court repeatedly determines electoral design, it may be accused of weakening legislative authority. This does not mean that the Court should avoid electoral cases. It means that the Court must justify its interventions through strong constitutional reasoning and must avoid deciding electoral matters based on abstract policy preference. The legitimacy of judicial intervention depends on whether the Court can show that the challenged rule violates constitutional principles, not merely that another policy model would be better.

The separation of powers is therefore central to evaluating judicialization. The legislature has authority to design electoral laws, while the Court has authority to review their constitutionality. These roles should not be collapsed into one another. The Court should not become a substitute legislature, and the legislature should not treat open legal policy as immunity from constitutional review. A balanced relationship requires constitutional dialogue. The legislature must respect the Court's constitutional rulings, while the Court must respect the legislature's democratic discretion in matters where the Constitution permits several policy options. This dialogic relationship is especially important in electoral reform because election rules must be both constitutionally valid and democratically legitimate.

This finding is linked to Dixon and Tushnet's argument that democratic institutions in Asia depend on the interaction among courts, electoral commissions, and representative bodies (Dixon & Tushnet, 2021). Electoral democracy cannot be protected by one institution alone. Kotzé similarly argues that electoral management is central to democratic maturity because public trust depends on legal certainty, administrative capacity, and institutional credibility (Kotzé, 2023). In Indonesia, this means that the Constitutional Court's decisions must be supported by effective legislative implementation, professional election management, and public oversight. Judicial decisions alone cannot produce electoral justice if they are not translated into clear, stable, and enforceable rules.

The implications for electoral justice are also significant. Electoral justice requires legal mechanisms that ensure fairness before, during, and after elections. The Constitutional Court contributes to electoral justice by reviewing electoral laws and adjudicating disputes. Yet electoral justice also requires predictability. When major electoral rules are changed too close to an election, uncertainty may arise for voters, candidates, parties, and election organisers. Nugroho's analysis of judicial activism and electoral justice during an ongoing election cycle highlights this dilemma: judicial intervention may correct injustice, but it may also disrupt electoral certainty if not carefully timed and reasoned (Nugroho, 2025). This study confirms that electoral justice must balance correction and stability.

Judicialization also has implications for public trust in the Constitutional Court. The Court's authority depends not only on formal constitutional power, but also on public confidence in its independence, neutrality, and integrity. Electoral cases are politically sensitive because they affect access to power. If the Court is perceived as favouring particular actors or coalitions, judicialization may damage rather than strengthen constitutional democracy. This risk is especially serious in contexts of democratic backsliding. Baker's study on Indonesia's democratic decline identifies structural conditions that may weaken accountability and enable elite consolidation (Baker, 2023). Wiratraman similarly warns that constitutional institutions may become entangled in authoritarian political tendencies when judicial independence is weakened (Wiratraman, 2022).

For that reason, the judicialization of politics in electoral law reform requires institutional safeguards. First, the Court must develop clearer and more consistent standards for reviewing electoral laws, particularly in relation to open legal policy, proportionality, equality, and political rights. Second, the Court must strengthen judicial ethics and conflict-of-interest mechanisms to protect institutional legitimacy. Third, the legislature must improve the quality of electoral law-making by involving public participation, academic evidence, and transparent deliberation. Fourth, election management bodies must ensure that judicial decisions are implemented in ways that maintain legal certainty and administrative feasibility. Fifth, civil society must continue to monitor both legislative and judicial processes in electoral reform.

This study finds that judicialization of politics is not simply a sign of judicial activism or legislative failure. It is a structural feature of Indonesian constitutional democracy in which electoral rules are contested through both political and judicial channels. The key issue is not whether politics should be judicialized, because electoral rights and constitutional democracy will inevitably generate judicial disputes. The more important issue is how judicialization should be governed so that it strengthens rather than weakens democracy. Judicialization becomes constructive when it protects rights, corrects unfair rules, and reinforces democratic accountability. It becomes problematic when it produces judicial overreach, legal uncertainty, institutional dependence, or politicisation of the Court.

Overall, the results of this study show that the Constitutional Court has become a central actor in Indonesian electoral law reform. Its decisions have shaped the direction of constitutional policy by influencing thresholds, candidacy requirements, simultaneous elections, and the boundaries of legislative discretion. This role reflects the judicialization of politics in its strongest form. The challenge for Indonesia is to ensure that the Court's growing role remains anchored in constitutional principle, judicial integrity, and respect for democratic law-making. Electoral reform should not be monopolised by political elites in the legislature, but it should also not be dominated by judicial power. A healthy constitutional democracy requires a balanced relationship between judicial correction, legislative deliberation, electoral management, and public participation.

4. Conclusion

This study concludes that the judicialization of politics in Indonesian electoral law reform has transformed the Constitutional Court from a constitutional adjudicator into an influential actor in shaping the direction of constitutional policy. The Court's role is no longer limited to annulling unconstitutional statutory provisions. Through its decisions on presidential thresholds, candidacy requirements, simultaneous elections, ballot structure, and electoral disputes, the Court has directly influenced the design of Indonesia's electoral democracy. This finding shows that electoral reform in Indonesia is produced not only through

legislation enacted by the DPR and the President, but also through constitutional litigation that converts political conflicts into constitutional questions.

The findings further show that judicialization operates ambivalently within Indonesia's constitutional democracy. On one side, it provides an important corrective mechanism when electoral laws restrict political rights, distort representation, or reflect the interests of dominant political actors. In this sense, the Constitutional Court can protect popular sovereignty, electoral fairness, equality of political opportunity, and citizens' rights to vote and to be elected. On the other side, judicialization creates constitutional risks when the Court's decisions move too far into electoral policy-making, reduce legislative deliberation, or generate legal uncertainty close to an electoral cycle. The legitimacy of judicial intervention therefore depends on the strength of constitutional reasoning, consistency of doctrine, institutional integrity, and respect for the boundaries of democratic law-making.

The novelty of this study lies in its framing of the Constitutional Court as a **constitutional policy shaper** in Indonesian electoral law reform. Previous studies have generally examined judicialization of politics, electoral thresholds, simultaneous elections, judicial activism, electoral justice, or democratic decline as separate issues. This study connects those debates by showing that the Court's electoral jurisprudence forms a broader pattern of constitutional policy formation. The Court does not merely resolve isolated disputes; it contributes to defining the permissible direction of electoral reform, the scope of legislative discretion, and the constitutional standards of democratic competition.

This study also contributes to previous scholarship by refining the discussion on judicialization of politics in Indonesia. Earlier studies have shown that political actors increasingly use judicial review as a strategy to challenge electoral rules. This study strengthens that argument by demonstrating that judicialization has become a structural feature of Indonesian electoral reform. It also adds a critical dimension by arguing that judicialization should not be assessed only through the binary opposition between judicial activism and judicial restraint. A more balanced framework is required, one that distinguishes between constructive judicialization, which protects constitutional democracy, and problematic judicialization, which risks judicial overreach and institutional politicisation.

The implications of this study are significant for Indonesia's constitutional system. First, the legislature can no longer design electoral laws as a purely political domain insulated from constitutional review. Electoral legislation must be drafted with stronger attention to political rights, equality, proportionality, legal certainty, and electoral justice. Second, the Constitutional Court must develop clearer standards for reviewing electoral laws, especially when applying the doctrine of open legal policy. Third, electoral reform requires institutional dialogue between the Court, the legislature, election management bodies, civil society, and academic communities. Without such dialogue, judicial decisions may correct constitutional defects but still fail to produce stable and democratically legitimate electoral rules.

This study has several limitations. It relies on normative legal analysis and documentary legal research, so it does not empirically measure how Constitutional Court decisions affect voter behaviour, party strategy, campaign dynamics, or public trust in electoral institutions. It also does not include interviews with judges, legislators, election commissioners, political parties, civil society organisations, or litigants who have used judicial review as a political strategy. The study therefore provides a constitutional and doctrinal assessment of judicialization, rather than a socio-empirical account of how electoral actors experience and respond to the Court's decisions in practice.

Future research should examine the judicialization of electoral politics through empirical and socio-legal methods. Further studies may investigate how political parties, candidates, civil society groups, and voters use constitutional litigation to influence electoral reform. Research may also analyse the impact of specific Constitutional Court decisions on party behaviour, legislative drafting, electoral management, and public trust. Comparative research would be valuable to examine how constitutional courts in other presidential and multiparty democracies manage the boundary between judicial review and electoral policy-making. Future doctrinal research should also focus on developing clearer standards for open legal policy, proportionality review, timing of electoral adjudication, and judicial ethics in politically sensitive electoral cases.

In conclusion, judicialization of politics has become an unavoidable feature of Indonesian electoral law reform. Its presence is not inherently harmful to democracy, but its constitutional value depends on how it is governed. When judicialization protects political rights, corrects unfair electoral rules, and reinforces democratic accountability, it strengthens constitutional democracy. When it produces judicial overreach, politicisation, or legal uncertainty, it weakens the balance among constitutional institutions. Indonesia's future electoral reform must therefore be built on a careful equilibrium between judicial correction, legislative deliberation, electoral integrity, and public participation.

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