

**LEGAL CERTAINTY AND ELECTORAL SEPARATION AFTER
DECISION 135/PUU-XXII/2024**

***KEPASTIAN HUKUM DAN PEMISAHAN PEMILU SETELAH
PUTUSAN 135/PUU-XXII/2024***

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ABSTRACT

Constitutional Court Decision Number 135/PUU-XXII/2024 has significantly reshaped the discourse on Indonesia's electoral system by mandating the separation of national and regional elections. While the ruling is presented as a constitutional effort to enhance electoral integrity and administrative effectiveness, it simultaneously raises fundamental concerns regarding legal certainty, particularly in relation to the tenure of members of the Regional People's Representative Council (DPRD). This study examines the Court's constitutional reasoning (*ratio decidendi*) underlying the separation of election schedules and critically assesses its implications for democratic legitimacy and the principle of electoral periodicity. Employing a normative juridical approach that integrates statutory, conceptual, and case-based analysis, this article demonstrates that although the decision may be justified as electoral reform, it risks producing constitutional distortion by blurring the boundary between judicial interpretation and norm creation. Without clear transitional safeguards, the ruling threatens to undermine popular sovereignty and legal certainty in Indonesia's constitutional framework.

Keywords : Constitutional Court Decision, Electoral Separation, Legal Certainty, DPRD Tenure.

ABSTRAK

Putusan Mahkamah Konstitusi Nomor 135/PUU-XXII/2024 telah secara signifikan membentuk kembali diskursus mengenai sistem pemilihan umum Indonesia dengan mewajibkan pemisahan pemilihan nasional dan daerah. Meskipun putusan ini dipresentasikan sebagai upaya konstitusional untuk meningkatkan integritas pemilu dan efektivitas administrasi, putusan ini secara bersamaan menimbulkan kekhawatiran mendasar mengenai kepastian hukum, terutama terkait masa jabatan anggota Dewan Perwakilan Rakyat Daerah (DPRD). Studi ini menelaah alasan konstitusional Mahkamah (ratio decidendi) yang mendasari pemisahan jadwal pemilihan dan menilai secara kritis implikasinya terhadap legitimasi demokratis serta prinsip periodisitas pemilihan. Dengan menggunakan pendekatan yuridis normatif yang mengintegrasikan analisis perundang-undangan, konseptual, dan berbasis kasus, artikel ini menunjukkan bahwa meskipun keputusan tersebut dapat dibenarkan sebagai reformasi pemilihan, hal itu berisiko menimbulkan distorsi konstitusional dengan mengaburkan batas antara penafsiran yudisial dan penciptaan norma. Tanpa adanya perlindungan transisi yang jelas, putusan tersebut mengancam kedaulatan rakyat dan kepastian hukum dalam kerangka konstitusi Indonesia.

Kata Kunci : Putusan Mahkamah Konstitusi, Pemisahan Pemilu, Kepastian Hukum, Masa Jabatan DPRD.

I. INTRODUCTION

Since the introduction of simultaneous elections in 2019, Indonesia has encountered several structural challenges, notably in terms of logistical complexity, electoral organizer fatigue, the predominance of national issues, and the diminished effectiveness of local electoral oversight. According to an evaluative report by the Indonesian General Elections Commission (KPU), the five-ballot simultaneous system imposed a considerable administrative burden on both election organizers and voters. (The General Election Commission of the Republic of Indonesia, 2024). Several academic studies in the past four years have also shown that the simultaneous system actually reduces the quality of regional electoral democracy because local legislative issues are drowned out by the flow of national campaigns .(Supandri, 2023). Therefore, the idea of re-separating National Elections and Regional Elections is becoming increasingly stronger in the discourse of constitutional law.

In comparative constitutional scholarship, the sequencing of elections plays a crucial role in shaping the dynamics of democratic governance. Electoral timing determines how political mandates are distributed across institutions and how political accountability operates within a constitutional system. Scholars have emphasized that electoral cycles influence the