

STUDENT LEGAL ACTIVISM FOR ELECTORAL REFORM



TITI ANGGRAINI

**STUDENT
LEGAL
ACTIVISM**
FOR
ELECTORAL
REFORM

TITI ANGGRAINI
2026



STUDENT LEGAL ACTIVISM

FOR ELECTORAL REFORM

ISBN

978-623-5652-02-3

First Edition, January 2026

All rights reserved.

No part of this book may be reproduced or transmitted in any form or by any means—whether electronic, mechanical, photocopying, recording, or otherwise—without the prior written permission of the author and the publisher.

Author

Titi Anggraini

Editor

Ario Yudhoatmojo

Design

Eko Punto Pambudi

Cover Illustration

Indra Fauzi

Published by:

Association for Elections and Democracy (Perludem)

Jl. Tebet Timur IVB No.14, RT.6/RW.8, Tebet

Jakarta Selatan, Daerah Khusus Jakarta 12820

Telephone: (+6221) 22833919,

Email: info@perludem.or.id

PROLOGUE

Students Taking the Constitutional Path

BIVITRI SUSANTI

Activist and Constitutional Law Scholar
Indonesia Jentera School of Law (STH Indonesia Jentera)

“I wish to see the Indonesian intellectuals demonstrate its moral responsibility toward the efforts of building our state and society, guided by a love of truth, which is the defining quality of those who are educated. The Indonesian intellectuals have a strong tradition of determining the nation’s fate. As long as the majority of the people remain shrouded in darkness, it is the educated who will open their eyes to the fact that every people have the right to live as a free nation.”

—Mohammad Hatta, “The Moral Responsibility of the Intelligentsia,”
Speech at the First Alumni Day of the Universitas of Indonesia,
11 June 1957

From the earliest times, the growth of civilization has depended heavily on universities. A university is not merely a physical space or campus but an epistemic community, a community of educated individuals who discuss various matters to advance the societies around them. Islamic civilization, for example, was in part shaped by the University of al-Qarawiyyin in Morocco, founded in 859 and recorded as the oldest continuously operating university in the world. Likewise, European civilization was built upon knowledge produced by academics at the University of Bologna (Italy), founded in 1088, the University of Oxford (England), and many others. The history of the *Nusantara*, before it became Indonesia, also records, for instance, a university in the Sriwijaya Kingdom that served as a center of Buddhist learning as early as 717.

From these communities of scholars, ideas have emerged and developed in both social thought and the natural sciences. In the modern era, when formal systems of government govern states, these communities were given an additional and crucial role: ensuring that state authorities govern the societies around them properly.

Today, epistemic communities are formally embodied not only in universities but also in schools, academies, institutes, and colleges. These different formal manifestations emerged later as part of state efforts to ensure order within the education system. But in principle, they all provide spaces for people to learn from one another through classes, research, and debate. Problems arise because unscrupulous rulers inevitably dislike epistemic communities that frequently voice criticism grounded in moral responsibility, principles, and values. As a result, there is a recurring pattern, a kind of authoritarian playbook, used by governments leaning toward authoritarianism to suppress academic freedom.¹ Criticism and skepticism are only possible where there is freedom to discuss, collect data, and conduct analysis.

When democracy deteriorates, we inevitably turn back to the educated classes. This appears to have been what troubled Vice President Mohammad Hatta in 1957, when he delivered the speech quoted above.² That speech was written shortly after he resigned as vice president in December 1956, and he also believed democracy was then in decline. In his remarks, he sharply condemned what he called the “betrayal of the intellectuals,” citing Julien Benda.³ This reference has since been repeatedly invoked whenever democracy is in decline, often with the support of “betraying” intellectuals themselves.

Fortunately, this book demonstrates that not all intellectuals are indifferent or lacking in critical awareness. On the contrary, at a time when many professors (and junior lecturers alike) at numerous universities

-
- 1 See Democracy Report 2025 by the Varieties of Democracy (V-Dem) Institute: Nord, Marina, David Altman, Fabio Angiolillo, Tiago Fernandes, Ana Good God, and Staffan I. Lindberg. 2025. *Democracy Report 2025: 25 Years of Autocratization - Democracy Trumped? University of Gothenburg: V-Dem Institute*, March 2025. See also the Academic Freedom Index issued by the same institution: <https://academic-freedom-index.net/>
 - 2 Mohammad Hatta, “The Moral Responsibility of the Intelligentsia,” Address on the First Alumni Day of the University of Indonesia, 11 June 1957.
 - 3 Benda, J., & Kimball, R. (2007). *The Treason of the Intellectuals* (1st ed.). Routledge. <https://doi.org/10.4324/9781351298605>.

find it difficult to speak out due to systemic constraints, students are finding ways to practice their moral responsibility.

In reality, students themselves have limited space to criticize. Campuses are structurally silenced by educational models designed primarily to supply the labor market. Students are required to complete their studies quickly, maintain high grade-point averages, and complete internships aligned with prospective employment. Yet they are given little room for dialectical engagement or for activities that benefit the surrounding community (except through programs such as “*Kuliah Kerja Nyata*” or Community Service Program, which have also raised significant criticism and questions).

Not only is the space for dialogue restricted, but intimidation has also occurred through the arrest of several pupils and students following the August 2025 unrest. For students in particular, another threat looms: campus sanctions. Students deemed overly critical may be suspended or dismissed. Recently, Universitas 17 Agustus 1945 in Jakarta temporarily suspended a student of the Faculty of Economics, Business, and Social Sciences (FEBIS), Damar Setyaji Pamungkas, until the end of the 2025/2026 semester merely because he planned to discuss rejecting Soeharto’s designation as a national hero on campus.⁴

THE CONSTITUTIONAL PATH

Yet as young intellectuals, students have countless avenues to voice their criticism. One such avenue, documented and analyzed thoroughly by Titi Anggraini in this book, is filing judicial review petitions to the Constitutional Court.

The constitutional path is not one filled with publicity, spectacle, or media spotlights. For each case that is won, there may be praise and interviews for a time. But the path itself is far from easy. Students must draft their own petitions, develop evidentiary strategies, contact witnesses and experts, and prepare conclusions. All of these tasks are typically undertaken by law graduates practicing as advocates.

Drafting a petition is by no means easy. First, petitioners must estab-

4 “UTA 45 Student Suspended for Opposing Soeharto’s Designation as a National Hero,” <https://www.tempo.co/politik/mahasiswa-uta-45-diskors-akibat-menolak-soeharto-jadi-pahlawan-2090109>, accessed 23 November 2025.

lish their own legal standing. Legal standing is a crucial element in ensuring that parties with a legitimate interest in the outcome of the legal process conduct a constitutional review. Normatively, legal standing is regulated by the law governing the Constitutional Court, and the Court has further developed its interpretation of that law. Essentially, petitioners must demonstrate that their constitutional rights or authorities have suffered harm as a result of the enactment of the challenged law. This is where a critical issue arises for many petitioners, as the Constitutional Court's interpretation has evolved and fluctuated over time.

These shifts in petitioner criteria occur because legal standing is indeed one of the key factors in determining whether a case is admissible before proceeding to substantive examination.

Progress occurs when there is a degree of judicial activism.⁵ However, there is a thin line in these shifts, as evidenced by the extraordinary controversy surrounding the Constitutional Court's acceptance of student legal standing in Case No. 90/PUU-XXI/2023. As is well known, this case concerned the age requirement for presidential and vice-presidential candidates, which opened the path for Gibran Rakabuming Raka to become vice president. In addition to his status as a student, the petitioner emphasized that he was inspired by Gibran Rakabuming Raka, who served as Mayor of Surakarta from 2020 to 2025.

Such changes in the court's interpretive approach are indeed common across courts, depending on the composition of the judges. This is why debates on judicial activism versus judicial restraint remain perpetually engaging.⁶ Most importantly, the space for constitutional review before the Constitutional Court remains widely open to students.

Compared to the Supreme Court, proceedings before the Constitutional Court appear to offer a more predictable path for students than cases in other courts. Claims of constitutional harm are interpreted

5 The term "judicial activism" first emerged in the United States in 1947 through Arthur M. Schlesinger, Jr. See Craig Green, An Intellectual History of Judicial Activism (May 27, 2009), *Emory Law Journal*, Vol. 58, No. 5, p. 1195, 2009; Temple University Legal Studies Research Paper No. 2009-32, available at SSRN: <https://ssrn.com/abstract=1410728>. For the Indonesian Constitutional Court context, see also Normand Edwin Elnizar, "Judicial Activism and Judicial Restraint in Constitutional Court Decisions," <http://www.hukumonline.com/stories/article/lt68929078d4a5d/judicial-activism-dan-judicial-restraint-dalam-putusan-mahkamah-konstitusi/>, accessed 23 November 2025.

6 *Id.*

more broadly than, for example, claims in civil litigation or proceedings before administrative courts. Moreover, civil and administrative court proceedings, with multiple levels of appeal and cassation, inevitably entail lengthy proceedings and substantial uncertainty. Students can also play a more direct role in Constitutional Court proceedings because the Court does not require petitioners to hold advocate status as legal counsel, nor does it require petitioners to be represented by counsel. This stems from the Constitutional Court's constitutional mandate as the guardian of the Constitution, which necessitates the broadest possible openness to all citizens.

THE ROLE OF THE CONSTITUTIONAL COURT IN A STAGNANT DEMOCRACY

Beyond technical considerations, for students, the primary motivation lies in their moral responsibility as educated citizens to expose the problems of a stalled democracy. Today, efforts to push for change often hit dead ends because procedural democratic reforms require political decisions, while lawmakers themselves benefit from the existing democratic procedures.⁷

It is difficult, if not impossible, to expect the House of Representatives and the government to amend election laws voluntarily. The current Election Law (Law No. 7 of 2017) dates back to 2017, despite evaluations of the 2019 elections that clearly indicated the need for reform before the 2024 elections. Thus, there is no alternative path to changing the law other than turning to the Constitutional Court.

This phenomenon is discussed in various bodies of literature on juristocracy, which examine the increasingly prominent role of courts relative to parliaments in policymaking.⁸ It is often linked to the judicialization of politics, that is, the transfer of political issues into the judicial

7 See, inter alia: Bivitri Susanti, "Representatives of the People or Representatives of Whom?" Political Analysis, Kompas Daily, 16 April 2025, <https://www.kompas.id/artikel/wakil-rakyat-atau-wakil-siapa>; and Bivitri Susanti, "Rulers Cloaked in Law," Column in Tempo Magazine, https://majalah.tempo.co/read/laporan-khusus/171975/legalisme-otokratik-jokowi?n_token=eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJ0b2t1biI6IjE1Y2Q0ODdmZjEONzlyN2MONjQyMjg1ZTgwNDk3NGRln0.CTNG1hRlaQia_P-zXSwd7AeZOIGImUdeKVANyOQV4ZO

8 See, inter alia: Hirschl, R. (2004). *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*. Harvard University Press. <https://doi.org/10.2307/j.ctv15d81nb>.

arena.⁹

According to Hirschl, the emergence of constitutional rights and judicial review is rooted in elite interests aimed at preserving hegemonic status, rather than serving the interests of the people. Three groups of actors are involved in judicial review: political elites, economic elites, and judicial elites. These groups contest one another, generating a wide range of possible outcomes. Through comparative analysis across countries, Hirschl presents a highly critical account, highlighting the judiciary's growing power as it becomes a new battleground for these actors.¹⁰

More optimistic, though still critical, perspectives can be found in the literature on responsive judicial review.¹¹ Conditions of “democratic dysfunction” observed in many countries in recent years threaten responsiveness to constitutional rights claims, particularly those of minorities. For this reason, Dixon argues that courts must adopt dialogic approaches to counter democratic blockages.¹²

The concept of responsive judicial review analyzes how courts in many countries have demonstrated their capacity to be responsive to citizens' rights through institutional capacity and normative alignment.

Placed in the context examined in this book, this dialogic approach is invigorated by students' voices in their various petitions. Having been involved in some of these petitions as an expert witness and/or discussion partner, I have observed that litigation work does not end at desk-bound legal drafting. More importantly, students learn to build networks, collaborate, and engage with activists, academics, and other defenders of democracy. They learn to strategize and engage in politics in a civilized manner.

The current challenge lies with political officeholders: will they

9 See, inter alia: Ran Hirschl, “The Judicialization of Politics,” in Robert Goodin (ed.), *The Oxford Handbook of Political Science* (2011; online edn., Oxford Academic, 5 September 2013), <https://doi.org/10.1093/oxfordhb/9780199604456.013.0013>, accessed 23 November 2025; Martin Belov, *Courts, Politics and Constitutional Law: Judicialization of Politics and Politicization of the Judiciary* (2019).

10 Hirschl, *id.*

11 Dixon, Rosalind, *Responsive Judicial Review: Democracy and Dysfunction in the Modern Age, Oxford Comparative Constitutionalism* (Oxford, 2023; online edn., Oxford Academic, 23 February 2023), <https://doi.org/10.1093/oso/9780192865779.001.0001>, accessed 12 November 2025.

12 *Id.*

promptly implement the Constitutional Court's rulings issued thus far? As of the writing of this prologue, the government and the House of Representatives have yet to begin discussions on revising election-related laws, despite numerous evaluations, inputs, and Constitutional Court decisions that unequivocally mandate such revisions.

Furthermore, I am genuinely concerned about the possibility of backlash against the Constitutional Court, similar to how the House of Representatives and the government weakened the Corruption Eradication Commission through legislative revision in 2019.¹³ Authoritarian-leaning power structures often follow recurring patterns aimed at dismantling institutions and mechanisms that oversee and balance power.¹⁴

RESISTING WITH JOY WHILE STILL YOUNG

Of course, student activism does not take place only before the Constitutional Court but also in the streets, classrooms, discussion forums, and critical research. In the current deteriorating democratic climate, activists cannot afford to be overly selective in choosing their paths of engagement; every path must be pursued. Yet, as this book conveys, the constitutional path offers a particularly valuable space for students to help repair democracy. This path not only pushes for procedural democratic reforms within legislation but also fosters a more vibrant epistemic community. More importantly, substantive democracy is being built through the growing number of students who choose this constitutional path. Student-activist networks are expanding and strengthening, and the diverse arguments advanced by students enrich legal discourse.

It may be that not all decisions will be implemented by those in power. But resisting democratic stagnation is not merely about winning or losing legislative battles; it is about challenging entrenched modes of think-

13 This concern was previously articulated in: Bivitri Susanti, "The Collapse of the Pillars of the Rule of Law," *Political Analysis*, Kompas Daily, 24 November 2022, <https://www.kompas.id/artikel/runtuhnya-pilar-pilar-negara-hukum>.

14 Bivitri Susanti, "Rulers Cloaked in Law," Column in *Tempo Magazine*, https://majalah.tempo.co/read/laporan-khusus/171975/legalisme-otokratik-jokowi?n_token=eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJ0b2t1bil6IjE1Y2Q0ODdmZjEONzlyN2MONjQyMjg1ZTgwNDk3NGRlbn0.CTNG1hRlaQia_P-zXSwd7AeZOIGlmUdeKVANyOQV4Z0; the phenomenon of autocratic legalism used as an analytical framework in this column can be found in: Kim Lane Scheppelle, "Autocratic Legalism," *The University of Chicago Law Review* 85, no. 2 (2018): 545–84, <https://www.jstor.org/stable/26455917>.

ing that often harm future generations. As long as we still possess energy and critical capacity, we must resist, with joy.

*As often sung by students and all who were once students:
Gaudeamus igitur, iuvenes dum sumus,
Post iucundam iuventutem, post molestam senectutem,
Nos habebit humus.*

*Let us rejoice while we are still young.
After joyful youth, after burdensome old age,
The earth will claim us.*

I imagine that Titi Anggraini wrote this book with warmth and enthusiasm, not only because she is a trusted discussion partner for her students, but also because she herself has actively promoted democracy since her student days. She spent her early years as a democracy activist and as executive director of the Association for Elections and Democracy (*Perkumpulan untuk Pemilu dan Demokrasi*, or Perludem), before becoming a lecturer at her alma mater, the Universitas Indonesia. The same song places Titi, students, and all intellectuals inspired by Mohammad Hatta since 1957 in a shared chorus:

*Vivat Academia, vivant Professores,
Vivat membrum quodlibet, vivant membra quaelibet,
Semper sint in flore!*

*Long live academia! Long live the professors!
Long live every student! Long live all students!
May they always flourish!*

Jakarta, 24 November 2025

Preface

Praise be to Allah SWT, the Almighty God, for the completion of this book, “Student Legal Activism for Electoral Reform”. This book was born out of academic spirit, advocacy, and constitutional reflection on student engagement in the struggle for legal justice and democracy through judicial review before the Constitutional Court. In this work, I document and examine the role of students as active subjects who not only think critically in the classroom but also courageously take concrete action to improve the governance of electoral law in Indonesia through lawful and dignified constitutional mechanisms.

In addition to its academic and advocacy objectives, this book is part of the output of the Australia Awards Indonesia (AAI) short course program, “Promoting Integrity, Transparency, and Leadership in the Public Sector,” which I attended in Australia from 22 August to 7 September 2025. The program was conducted in Brisbane, Canberra, and Sydney, and organized by Griffith University under the leadership of Prof. A. J. Brown as course leader.

Throughout the program, participants from various institutions and organizations explored systemic approaches to public integrity, transparency, and ethical leadership in the public sector. I gained many valuable insights from sessions with Australian integrity institutions, including the Queensland Crime and Corruption Commission, the Commonwealth Ombudsman, the Attorney-General’s Department, the Australian National Audit Office, the Australian Electoral Commission, and the National Anti-Corruption Commission. This experience enriched my perspective on the relationship between public integrity and electoral law reform. It reinforced my conviction that building a democracy with integrity must begin with critical, open, and ethical legal education.

I extend my deepest gratitude and highest appreciation, especially to the student applicants in judicial review cases (Ahmad Alfarizy, Nur Fauzi Ramadhan, A. Fahrur Rozi, Rizki Maulana Syafei, Sandy Yudha Pratama Hulu, Stefanie Gloria, and Yusron Ashalirrohman et al.) who

provided testimonies and entrusted reflections on their struggles to be included in this book. Their experiences in the Constitutional Court serve as concrete evidence that academic idealism can be translated into constitutional action with tangible impact on the nation.

My sincere thanks also go to all organizers and mentors of the short course, particularly Prof. A. J. Brown, Prof. Adam Graycar, Dr. Giverney Ainscough, Dr. Danang Widoyoko, as well as the entire Griffith University and AAI teams, for the opportunities, guidance, and warmth extended throughout the program. I am also grateful to my fellow short-course participants, who enriched cross-perspective dialogue on public integrity and democratic leadership. All participants demonstrated extraordinary fraternity, solidarity, and togetherness before, during, and after the course. This experience provided me with the strength to complete this book within the given timeframe.

My profound thanks go to Mbak Bibip, Bivitri Susanti, my senior both in high school and at the Faculty of Law, Universitas Indonesia, who graciously contributed an outstanding prologue to this book. Mbak Bibip has always been a source of inspiration and motivation, both for me personally and for many activists and students across Indonesia. I also extend my deepest gratitude to Uda Feri Amsari, my discussion partner (and debate companion), who kindly wrote a compelling epilogue for this book.

Finally, I dedicate this book to all Indonesian students who believe that the Constitution is not merely a legal text, but a field of moral and intellectual struggle to ensure that justice and democracy remain alive. May this book serve as an inspiration and a guide for young generations who wish to contribute meaningfully to the development of a cleaner, fairer, and more transparent system of legal and political governance.

Pamulang, November 2025

Titi Anggraini

TABLE OF CONTENTS

Prologue Bivitri Susant: Students Taking the Constitutional Path	iii
Preface	xi
List of Tables	xv
List Of Abbreviations	xvi
Executive Summary	1
PART I STUDENTS AND DEMOCRATIC CONSCIOUSNESS	5
1. The Paradox of Democracy	5
2. The Architecture of Electoral Law	8
3. Individual Legal Standing	10
4. The Challenge of Pragmatism	12
5. Constitutional Culture	14
PART II WRITING CONSTITUTIONAL HISTORY IN THE COURTROOM	17
1. Typology of Petitions	17
2. Decisions with Significant Impact	24
2.1. Constitutional Court Decision No. 141/PUU-XXI/2023	26
2.2. Constitutional Court Decision No. 12/PUU-XXII/2024	29
2.3. Constitutional Court Decision No. 52/PUU-XXII/2024	32
2.4. Constitutional Court Decision No. 62/PUU-XXII/2024	35
2.5. Constitutional Court Decision No. 69/PUU-XXII/2024	38
2.6. Constitutional Court Decision No. 70/PUU-XXII/2024	41
2.7. Constitutional Court Decision No. 126/PUU-XXII/2024	43
2.8. Constitutional Court Decision No. 137/PUU-XXII/2024	46
2.9. Constitutional Court Decision No. 176/PUU-XXII/2024	49
2.10. Constitutional Court Decision No. 90/PUU-XXIII/2025	51
2.11. Constitutional Court Decision No. 104/PUU-XXIII/2025	54
3. The Anomaly of Constitutional Court Decision No. 90/PUU-XXI/2023	56
PART III THE COURT IS NOT A TRIAL-AND-ERROR FORUM: TIPS AND STRATEGIES	59
1. Seven Tips and Strategies	60
2. Beyond Symbolism and Euphoria	63

PART IV CONCLUSION: A LIVING CONSTITUTION IN THE HANDS OF STUDENTS	65
1. A Civic Laboratory	65
2. Ensuring Judicial Independence	67
3. Preserving the Purity of Student Activism	67
4. Adapting Legal Higher Education	68
	71
Epilogue Feri Amsari: In the Silence of Struggle	71
Testimonies: Why Do Students Go To The Constitutional Court?	77
Bearing Democracy: A Student's Reflection from the Constitutional Court	79
Students' Academic Contribution	83
Silence Means Letting Injustice Win Without Resistance	85
Restoring Democracy to the People	89
Let Students Ask	93
Legal Activism at the Constitutional Court: When Trust Issues and Despair Become One	95
Becoming Active Subjects in Determining the Direction of the State	99
Bibliography	103
About The Author	107

LIST OF TABLES

Table 1.	The State of Indonesian Democracy in 2024	6
Table 2.	Electoral Systems in Indonesia	9
Table 3.	The Indonesian Electoral Law Framework	10
Table 4.	Laws Frequently Subject to Judicial Review before the Constitutional Court (as of 7 November 2025)	11
Table 5.	Electoral Judicial Review Petitions Filed by Students (2015-2025)	18
Table 6.	Implications of Student-Initiated Constitutional Court Decisions on Electoral Law	24

LIST OF ABBREVIATIONS

APBD	:	Regional Revenue and Expenditure Budget
APBN	:	State Revenue and Expenditure Budget
Bawaslu	:	General Elections Supervisory Body
DKPP	:	Election Organizers Ethics Council
DPD	:	Regional Representative Council
DPR	:	House of Representatives
DPRD	:	Regional House of Representatives
DPT	:	Permanent Voters List
EIU	:	Economist Intelligence Unit
EIP	:	Electoral Integrity Project
e-voting	:	Electronic voting
i-voting	:	Internet voting
KPU	:	General Elections Commission
KTP	:	National Identity Card
KUHP	:	Criminal Code
LUBER	:	Direct, General, Free, and Secret
JURDIL	:	Honest and Fair
MK	:	Constitutional Court
MKMK	:	Honorary Council of the Constitutional Court
Pemilu	:	General Election
Perppu	:	Government Regulation in Lieu of Law
Pilkada	:	Regional Head Election
PUU	:	Judicial Review of Laws
TPS	:	Polling Station
UI	:	Universitas Indonesia
UIN	:	Universitas Islam Negeri or State Islamic University
UII	:	Universitas Islam Indonesia
UUD NRI 1945	:	The 1945 Constitution of the Republic of Indonesia
UU	:	Law
UNUSIA	:	Universitas Nahdlatul Ulama Indonesia
V-Dem	:	Varieties of Democracy

Executive Summary

This book marks a new chapter in the development of Indonesia's constitutional democracy by highlighting the rise of student legal activism that utilizes judicial review before the Constitutional Court (*Mahkamah Konstitusi* or MK) as a medium of struggle. This phenomenon shows that students are no longer merely spectators or critics of public policy but have transformed into constitutional actors who participate in shaping the history of electoral law reform.

The author proceeds from the belief that democracy will not grow without the active involvement of legally conscious young citizens who are willing to think critically, act courageously, and take responsibility for their ideas before the highest law of the state, namely the Constitution. Using a reflective and documentary approach, this book records the intellectual journey and moral struggle of students who pursue constitutional pathways to correct electoral law inequalities, defend the principles of electoral justice, and uphold popular sovereignty through judicial review before the Constitutional Court.

The book is structured systematically. It opens with a Prologue by Bivitri Susanti, which discusses how intellectuals have long borne a moral responsibility to ensure that society is appropriately governed. When democracy deteriorates and academic freedom is constrained, students will seek ways to put that responsibility into practice. Amid structurally restricted campuses, intimidation against students, and a democratic situation stalled by lawmakers who instead take advantage of existing procedures, students turn to the Constitution by submitting constitutional challenges to the Constitutional Court. This path opens space for them to draft petitions, engage in dialectical debate, build networks, and collaborate with various defenders of democracy, while also demonstrating how the Constitutional Court is more accessible than other courts. In the midst of debates on judicial activism, judicial restraint, and juristocracy, students fill the dialogical space opened by the Constitutional Court to resist democratic stagnation.

The opening section elaborates on the relationship between students, democracy, and constitutional awareness, including discussions on the paradoxes of democracy, the architecture of electoral law, and the importance of recognizing individual legal standing. The author shows that students hold a constitutional position to act as petitioners in judicial review cases, as they are citizens directly affected by systemic injustice in the administration of elections.

The main section of the book presents documentation and analysis of various constitutional cases filed by students, particularly during the period 2023-2025. These include instances concerning the implications of holding general elections and regional head elections (*pilkada*) in the same year, presidential nomination thresholds, prohibitions on political campaigning on university campuses, and legal disharmony between the Election Law (UU Pemilu) and the Regional Head Elections Law (UU Pilkada). Each case is discussed not only in terms of the Court's ruling but also in relation to the underlying ideas, learning processes, and constitutional values pursued by the petitioners. Through this analysis, the author emphasizes that students' recourse to the Constitutional Court is not a form of resistance against the state but an intellectual expression that matures democratic practice.

The following section offers practical guidance for students who wish to pursue a similar path. Based on the real experiences of the petitioners, the author formulates seven tips and strategies for litigating before the Constitutional Court, ranging from identifying legitimate constitutional issues and developing solid legal arguments to understanding the Court's procedural law to maintaining integrity and ethical conduct throughout the proceedings. The author emphasizes that the Constitutional Court's courtroom is not an arena for experimentation or a stage for popularity but a forum that demands intellectual maturity, argumentative precision, and a moral commitment to constitutional values.

The concluding section affirms that students play an essential role in safeguarding a "living constitution." Through their active involvement, universities function as laboratories of citizenship where democratic values are practiced and tested. The author highlights the importance of adapting legal higher education so that it does not merely emphasize textual and procedural aspects but also shapes a generation of jurists with ethical awareness and social responsibility.

In the epilogue, activist Feri Amsari states that student struggles before the Constitutional Court have transformed student activism from taking to the streets into entering the courtroom, while still needing to be safeguarded so that it does not drift away from grassroots movements. By positioning figures such as Soe Hok Gie as a moral compass, the book is described as an invitation to expand student constitutional resistance, to carry it out with humility, and to sustain it to mature democracy further.

The book is complemented by testimonials from student petitioners, which provide personal perspectives on their motivations, struggles, and reflections during their engagement with the Constitutional Court. In addition, it includes sample judicial review petitions filed by individual student petitioners as academic references and practical learning models for law students across Indonesia.

Through the book “Student Legal Activism for Electoral Reform”, the author presents an essential narrative about democracy that grows from lecture halls, is contested in courtrooms, and is returned to the people. This book serves not only as a historical record of students’ courage in litigating before the Constitutional Court but also as an intellectual manifesto that legal change can emerge from the voices of constitutionally conscious youth. In students’ hands, the Constitution is no longer a static text but a living instrument of struggle to uphold justice and strengthen Indonesian democracy.

PART I

Students and Democratic Consciousness

Every five years, the people of Indonesia come to the polling stations. They wait their turn, enter the voting booths, and mark ballots that determine the country's direction. In that simple moment, sovereignty operates in its most tangible form. The value of one vote is equal for all, regardless of gender, office, wealth, or social status. General elections (*pemilihan umum* or *pemilu*) are not merely administrative rituals.

Elections are the collective language through which citizens confer mandates, issue warnings, and restrain power so that it does not cross the boundaries of justice. The dignity of a nation is reflected in how elections are designed and conducted. When electoral processes are honest, transparent, and fair, the authority of law is strengthened, and public trust grows. When public trust is tainted by manipulation, monetary transactions, or intimidation, the law loses its honor.

1. THE PARADOX OF DEMOCRACY

Two decades after the *Reformasi* era, Indonesian democracy stands in a paradox that demands intellectual clarity. On the surface, institutions appear complete, and procedures run routinely. The General Elections Commission (*Komisi Pemilihan Umum* or KPU) organizes and conducts the electoral process. The General Elections Supervisory Body (*Badan Pengawas Pemilu* or Bawaslu) conducts prevention, supervision, and enforcement. The Election Organizers Ethics Council (*Dewan Kehormatan Penyelenggara Pemilu* or DKPP) safeguards the ethics of election admin-

istrators. Political parties compete, and freedom of expression exists across multiple channels.

However, the quality of democracy does not necessarily correspond to procedural completeness. Several independent studies have documented the decline of civil liberties, the diminishing quality of representation, and the rise of polarization. This regression occurs not due to the absence of rules, but to the abuse of regulations. It is not due to the absence of institutions, but to the weakening of institutional integrity. When law loses its spirit of justice, a power concealed behind legality will emerge. Several scholars describe this phenomenon as *autocratic legalism*.

Table 1. The State of Indonesian Democracy in 2024

NO.	INSTITUTION	CATEGORY/STATUS	FOCUS OF ASSESSMENT	MAIN FINDINGS
1.	Economist Intelligence Unit (EIU)	Flawed democracy; electoral democratic decline	Centralization of power, weakening of checks and balances, a controversial Constitutional Court decision on the vice-presidential nomination, and weakening of judicial independence.	The Prabowo-Jokowi coalition confirms suspicions of political engineering; amendments to the Constitutional Court Law weaken judicial independence.
2.	Varieties of Democracy (V-Dem)	Democratic breakdown; classified as electoral authoritarianism	Attacks on the independence of election management bodies, intimidation of the opposition, and a decline in the Clean Elections Index.	Indonesian democracy has reached its lowest point since the early 21st century, with the manipulation of state institutions and restrictions on the opposition.
3.	Electoral Integrity Project (EIP)	Declining electoral integrity; score decreased from 66 (2019) to 47 (2024)	Sharp decline in contestation and adjudication, weak legal framework, widespread vote buying, and abuse of state resources.	Money politics are increasingly influential; there are unclear age requirements for candidates; the new Criminal Code (KUHP) restricts freedom of expression.

Based on the data above, Indonesia's position in Southeast Asia is now not far from that of the Philippines, which is also trapped in procedural democracy. Democracy exists formally but has lost its substantive spirit. Many scholars refer to this phenomenon as *democratic backsliding*. Sum-it Bisarya and Madeleine Rogers (2023) define democratic backsliding as comprising three elements:

1. It is carried out by a government which comes to power through competitive elections.
2. It is achieved through legal means.
3. It alters the core of constitutional democracy to create an unfair electoral playing field or weakens the limits on the power of the executive.

The continuously rising cost of politics is a clearly noticeable symptom of democratic backsliding. Many legislative and regional head candidates spend enormous sums to compete. Official campaign finance reports may appear reasonable numerically, while in practice, illicit financing operates through patronage networks, unaccountable donations, and hard-to-trace transactions. This culture turns public office into an investment that must be returned. Public service orientation shifts toward return-on-capital logic and rent distribution. Democracy, which should be a competition of ideas and track records, degenerates into a contest of financial resources and network access.

Women, persons with disabilities, and young people continue to face structural barriers when entering decision-making spaces. Women's quota provisions are often fulfilled on paper, yet do not always translate into substantive influence in strategic parliamentary positions. In practice, existing representation is sometimes pushed into less decisive areas of work. This problem demonstrates that statistical presence on candidate lists is insufficient. Institutional culture and regulatory design are needed to ensure fair access to strategic positions, including parliamentary committees.

The independence of election management bodies is a foundational pillar that should not be fragile. Constitutional principles of national-scope, permanence, and institutional autonomy are designed to ensure that elections are conducted free from interference by vested interests. Yet electoral systems do not operate in a vacuum. Politically

driven appointment processes for election administrators, budgetary dependence on other branches of government, and pressures shaping the interpretation of technical electoral norms pose persistent and tangible challenges.

When strategic decisions are too closely tied to power interests, policy tends to drift away from the public interest. Ultimately, democratic quality is measured not only by the existence of institutions but also by the ethical steadfastness of those who work within them and by disciplined citizen participation.

2. THE ARCHITECTURE OF ELECTORAL LAW

The legal foundation of elections rests upon the Constitution, which affirms popular sovereignty. The principles of direct, general, free, secret, honest, fair, and periodic elections serve as a compass. From these principles emerges the regulatory framework governing legislative, presidential, and regional head elections.

Within it, there are technical regulations issued by election management bodies that elaborate procedures for each stage. These legal instruments are interconnected. Political party regulation determines candidate recruitment and organizational discipline. Regional government regulation provides context for post-election power configurations. Technical regulations issued by election organizers are valid only to the extent they are consistent with statutes and the Constitution. Understanding this regulatory network is essential for assessing whether election implementation remains faithful to the spirit of popular sovereignty.

Electoral systems carry both intentions and consequences. Open-list proportional representation for DPR and DPRD elections aims to bring representatives closer to voters, but in practice, it intensifies intra-party competition and increases campaign costs. The two-round presidential election system seeks to build strong national legitimacy, yet may sharpen polarization if not accompanied by public literacy and mature political communication.

Direct local elections create space for policy innovation at the regional level but also open opportunities for patronage when public oversight is weak. No electoral architecture is entirely neutral. Every regulatory design choice sets the direction of democracy. The task of constitutionally

conscious citizens is to ensure that every change remains aligned with human dignity as the foundation of sovereignty.

Table 2. Electoral Systems in Indonesia

NO.	ELECTION	SYSTEM	LEGAL BASIS
1.	DPR, Provincial DPRD, Regency/Municipal DPRD	Open-list proportional representation	Article 168(2) Law No. 7 of 2017
2.	DPD	Single non-transferable vote (multi-member districts)	Article 168(3) Law No. 7 of 2017
3.	President and Vice President	Majority run-off (50% + 1), two-round system	Article 6A(3)-(4) of the 1945 Constitution; Article 416 Law No. 7 of 2017
4.	Governor of the Special Capital Region of Jakarta	Majority run-off (50% + 1), two-round system	Article 11 Law No. 2 of 2024
5.	Regional Head Elections outside Jakarta	Plurality (first-past-the-post, winner-takes-all)	Articles 107 and 109, Law No. 10 of 2016

Electoral stages extend from preparation to the determination of results. Voter data updating must be accurate and inclusive. Political party verification must be objective. Electoral district delimitation must reflect equality of representation. Candidate registration and campaigning require procedural certainty and rule enforcement that narrows opportunities for abuse of state resources. Voting and vote counting demand transparency so the public can understand how votes are converted into seats. Disputes must be resolved through civilized legal channels to prevent political differences from escalating into violence. Democratic maturity is reflected not by the absence of disputes, but by the ability to resolve conflicts through fair and open processes.

At the highest level, the Constitutional Court serves as the guardian of the Constitution. It reviews the constitutionality of statutes (laws), adjudicates election result disputes, resolves disputes over authority among state institutions, and decides on the dissolution of political parties. Its existence affirms the Constitution as the supreme norm binding all branches of power. Political products are not immune to correction. Majorities are not entitled to eliminate minority rights. When a norm deviates from principles of justice, citizens have the right to challenge it in open court.

Table 3. The Indonesian Electoral Law Framework

NO.	CATEGORY	MAIN LEGAL BASIS	SCOPE	TECHNICAL REGULATIONS
1.	Elections	Law No. 7 of 2017 on General Elections as amended by Law No. 7 of 2023	Election management bodies, presidential and vice-presidential elections, legislative elections	KPU Regulations; Bawaslu Regulations; DKPP Regulations; Constitutional Court Regulations;
2.	Regional Head Elections	Law No. 1 of 2015, as amended by Laws No. 8 of 2015, No. 10 of 2016, and No. 6 of 2020	Direct election of governors, regents, and mayors	Supreme Court Regulations; Joint Regulation on Integrated Law Enforcement Center (Gakkumdu)
3.	Special Regions	Electoral and regional laws specific to Aceh, Jakarta, Yogyakarta, and Papua	Electoral and regional head election arrangements in special regions	In Aceh, technical regulations are also set out in Qanun Aceh

3. INDIVIDUAL LEGAL STANDING

One of the significant achievements following the 1998 reform is the recognition of the right of individual Indonesian citizens to act as petitioners in constitutional review before the Constitutional Court. This is regulated under Article 51(1) of Law No. 24 of 2003 on the Constitutional Court, which provides:

- (1) *Petitioners are parties who consider their constitutional rights and/or authorities to have been impaired by the enactment of a law, namely:*
 - a. *individual Indonesian citizens;*
 - b. *customary law communities, insofar as they remain in existence and are consistent with societal development and the principles of the Unitary State of the Republic of Indonesia as regulated by law;*
 - c. *public or private legal entities; or*
 - d. *state institutions.*

Students fall within the category of petitioners with legal standing as “individual Indonesian citizens,” provided they can demonstrate constitutional harm resulting from the application of a norm. The right to be elected, the right to equal treatment, the right to participate in government, and the right to accurate information are among the rights frequently invoked.

This recognition opens the door to meaningful participation beyond formal political channels. Students need not become legislators to improve the law. They may use constitutional instruments to test norms deemed unjust. Students have utilized this constitutional space to challenge the constitutionality of various statutes before the Constitutional Court. As a result, many landmark Constitutional Court decisions have emerged from judicial review petitions filed by students, including in the electoral domain.

Specifically, during 2023-2024, at least 25 constitutional review petitions were submitted by 17 students and several lecturers of the Faculty of Law, Universitas Indonesia (Arsul Sani, 2024). According to data compiled by Pan Mohamad Faiz (2025), between January and October 2025, the Constitutional Court decided 228 cases, 55 of which were filed by students individually, through study groups, or together with civil society actors.

This means nearly one quarter of judicial review petitioners in 2025 came from student circles, the highest proportion in the Court’s history. If the category were expanded to include youth up to age 30 as defined in the Youth Law, the number would be even higher.

Table 4. Laws Frequently Subject to Judicial Review before the Constitutional Court (as of 7 November 2025)

NO.	STATUTE	NUMBER
1.	Law No. 7 of 2017 on General Elections	168
2.	Law No. 8 of 1981 on the Criminal Procedure Code	86
3.	Law No. 8 of 2012 on Legislative Elections	37
4.	Law No. 8 of 2015 amending Law No. 1 of 2015 on Regional Head Elections	43
5.	Law No. 10 of 2016 amending Law No. 1 of 2015 on Regional Head Elections	87
6.	Law No. 13 of 2003 on Manpower	42
7.	Law No. 18 of 2003 on Advocates	40

NO.	STATUTE	NUMBER
8.	Law No. 24 of 2003 on the Constitutional Court	38
9.	Law No. 32 of 2004 on Regional Government	38
10.	Law No. 42 of 2008 on Presidential Elections	34

The shift from a dominance of street oratory to a supremacy of legal argumentation does not signal the fading of idealism. Instead, it reflects strategic maturity and an understanding that justice requires meticulous work. In the courtroom, arguments are structured carefully, evidence is presented to clear standards, and remedies are formulated with precision. This activity is not merely legal practice; it is civic education that cultivates disciplined thinking, careful normative reading, and the courage to take principled positions.

The dominance of young age groups in Indonesia’s demographic structure is a strategic factor that cannot be ignored in discussions of the future of democracy and constitutional supremacy. Current data show that Generation Z (born approximately 1997-2012) numbers around 74.93 million people, or 27.94 percent of the population, while more than half of Indonesians are under 35 years old. This condition underscores that the path toward *Indonesia Emas 2045* will be determined by the extent to which young people articulate their civic consciousness critically, honestly, and courageously in upholding constitutional values.

Student legal activism, which has grown in recent years, is an early manifestation of this demographic potential. It shows that the demographic bonus is not merely about economic productivity but also about moral and intellectual energy to strengthen democracy. If this constitutional consciousness is sustained, young people will not only become successors but also determinants of a new direction for Indonesian democracy grounded in integrity and justice.

4. THE CHALLENGE OF PRAGMATISM

The long history of student movements shows that each generation faces its own terrain of struggle. During the colonial period, students and youth articulated national ideas and planted seeds of courage to free themselves from injustice. In the 1960s, students demanded a reorientation of power. At the end of the twentieth century, students led reform movements that dismantled authoritarianism.

In the twenty-first century, the challenge is different. Procedural democracy functions, but its quality is shaped by money, disinformation, and polarization. Apathy grows due to distance from political spaces. Many citizens doubt the significance of their own votes. In such circumstances, democratic literacy becomes urgent. The ability to verify information, test data, and distinguish facts from opinion noise is a civic skill that determines the future of the rule of law.

Disinformation spreads rapidly through digital channels. Algorithms amplify echo chambers that stifle rational discourse. Political hoaxes and hate speech divert public attention from substantive policy issues. In this environment, intellectual courage means slowing judgment, checking sources, and building honest arguments. Students can serve as reliable information buffers by upholding verification ethics and responsibility to explain truth to the public. Voter education emphasizing reasoning and civic propriety has long-term transformative power.

The temptation of political pragmatism demands an ethical response. When power is seen as a shortcut to personal gain, public morality fades. Policy becomes transactional, and justice is postponed in the name of stability. In such conditions, universities must revive their character-building function, honoring integrity, intellectual honesty, and moral courage. Students are called to set examples by resisting transactional temptations and grounding politics in ideas. Small, consistent actions, such as reading statutes, writing policy notes, attending public hearings, monitoring officials, and participating in community deliberations, can help sustain democracy. The next task is to ensure that the institution's decisions are truly influenced by the diversity of perspectives present within it, including those that have long been marginalized.

Gender justice, fulfillment of the rights of persons with disabilities, and expanded youth participation in decision-making require concrete policy measures. Equality is not charitable benevolence; it is a constitutional mandate requiring active state engagement. Court decisions have affirmed the obligation to ensure meaningful representation of women in power structures. Progress is measured not merely by seat numbers, but by influence and access to strategic spaces.

Electoral law enforcement also requires strengthening. Administrative violations, procedural disputes, and electoral crimes intersect across enforcement tracks. Inter-institutional coordination must be firm

to avoid overlap and ensure accountability. Experience shows that many cases stall due to weak evidence, conflicting interpretations, or a lack of institutional alignment. Reform requires not only normative revision but also integrity, investigative capacity, data transparency, and public access to information on processes.

The Constitutional Court exemplifies how legal space can serve dignified change. When norms restrict equality or participation without proportional justification, courts may review and correct them through binding decisions. These rulings can improve electoral governance when accompanied by political will and active civic participation.

Student legal activism is intertwined with this process. Students bring public concerns into a forum requiring argumentative honesty. They articulate constitutional harm, causal links between norms and impacts, and propose clear remedies. This process instills a habit of viewing law as a means of restoring constitutional promises to citizens. Student legal activism demonstrates that the drive for change born from conscience can be carried out through legitimate procedures and strengthen democracy.

The motivation underlying this courage is simple yet profound: law is understood as a dignified path to change. Many student petitioners do not seek office. They appear as citizens who perceive the gap between constitutional values and daily political practice. The promise of equal participation is sometimes hindered by rigid technical rules or narrow calculations of elites. Students are present to restore the spirit of the constitution into the law. Change can be achieved without violence, without insults, without unnecessary hostility, but instead through clear reasoning and verifiable data.

5. CONSTITUTIONAL CULTURE

Campus culture provides fertile ground for legal activism. Routine discussions sharpen articulation skills. Legal clinics hone the ability to formulate arguments and organize evidence. Collaboration with civil society organizations broadens understanding of how public policy is formed, implemented, and evaluated. From classrooms and discussion spaces, students move into courtrooms carrying citizens' interests in justice. When that experience flows back to the campus, the next generation gains an example that knowledge can be transformed into action.

Constitutionally conscious participation is required at all stages. Participatory oversight must extend beyond campaigns to party verification, voter list determination, and multi-level tabulation. Voter education emphasizing rights, procedures, and public ethics narrows the opportunities for manipulation. When citizens understand the rules, elections approach justice.

The ultimate goal of electoral reform is not merely changing statutory wording. It is restoring the relationship between law, justice, and human dignity. Electoral law is not simply technical rules on registration, nomination, and tabulation; it is the moral map of democracy. Electoral law is the moral map of democracy, showing how far the state values the people as holders of power: the way norms are designed, the way stages are carried out, and the way disputes are resolved are reflections of the living values of law. If the mirror is clouded, the shared task is to clean it. If the mirror is cracked, the shared task is to repair it so that its reflection becomes clear again.

Students occupy a strategic position in this endeavor. Their knowledge enables them to read the intent behind policy. Their idealism sustains perseverance in a tiring process. Their closeness to public dynamics sharpens sensitivity to citizens' needs. Students can serve as a bridge between ideas and action, between the campus space and the policy arena, between the text of the constitution and lived experience. Through this constitutional culture, students can act as guardians of public conscience when political noise drowns out the voice of common sense. Students can remind us that equality is not an ornament in speeches, but an obligation that must be embodied in policies and institutions.

Elections are not the end of democracy's story. They are a mirror reflecting national quality. It is the society's task to ensure that the reflection shows justice. Students once lit the path to independence and reform; today, they ensure democracy retains its essence. A voice that is clear, sharp, and courageous remains necessary. When such voices are present, the Constitution becomes a living practice, not a frozen text. The constitution lives as the actions of citizens who are educated, critical, and responsible. Through honest and measured action, electoral law reform moves from discourse to reality.

This book is written to reaffirm students' role as guardians of the democratic conscience. From the Constitutional Court chambers have

emerged landmark decisions that mark a new chapter in civic participation in electoral law reform. This book seeks to convince campuses and civil society to continue ensuring that the spirit of reform endures. The aim is precise: to ensure electoral law consistently sides with justice and human dignity.

PART II

Writing Constitutional History in the Courtroom

The journey of student legal activism has left not only a moral footprint but also an intellectual legacy in the form of landmark Constitutional Court decisions. From the courtroom, young ideas are tested against constitutional logic, and the spirit of legal reform finds its concrete expression. In every petition they submit, students do not merely draft legal arguments; they also write a new history of citizen participation in safeguarding democracy. They revive the meaning of “popular sovereignty” not as a political slogan, but as a living constitutional practice.

Several decisions of the Constitutional Court arising from student petitions have generated broad discussion in the public and academic spheres regarding political rights, equality of representation, leadership renewal, and electoral justice. These rulings demonstrate how campus idealism can interact with the rationality of state law. In the hands of students, the Constitutional Court becomes not merely a judicial institution. Still, an arena of civic education, a place where values of justice are tested and the Constitution is refreshed in meaning.

1. TYPOLOGY OF PETITIONS

The new wave of student legal activism before the Constitutional Court reflects a transformation toward a mature intellectual movement. Students are no longer merely observers or critics; they emerge as constitutional actors who use legal instruments to correct the course of democracy.

Table 5. Electoral Judicial Review Petitions Filed by Students (2015-2025)

NO.	DECISION	PETITIONERS	SUBJECT MATTER	DISPOSITION
1.	58/PUU-XIII/2015	Mohammad Ibnu, Fahatul Azmi Bahlawi, Octianus, Iwan Firdaus, and Muhammad Rizki	Vote margin among candidates/participants in the election of governor, regent, and mayor in a petition seeking annulment of the determination of vote-count results.	Inadmissible
2.	120/PUU-XIII/2015	Nu'man Fauzi and Achyanur Firmansyah	State (regional) funding of regional head election (pilkada) campaigns (APBD).	Rejected
3.	65/PUU-XIV/2016	Student Executive Board of the Faculty of Law, Universitas Ibnu Chaldun Jakarta, represented by Andi Hugeng and Muhammad Syukur Mandar	Electoral matters regulated in three different statutes do not yet have uniform standards.	Inadmissible
4.	58/PUU-XVI/2018	Muhammad Dandy	Presidential nomination threshold: political parties preferred by first-time voters cannot nominate presidential and vice-presidential candidates.	Rejected
5.	92/PUU-XVI/2018	Deri Darmawansyah	Constitutionality of independent presidential candidates.	Inadmissible
6.	10/PUU-XVII/2019	Ahmad Syauqi, Ammar Saifullah, Taufiqurrahman Arief, et al.	The right of the President and Vice President to campaign on holidays, and the obligation to disclose the source of funding for survey institutions.	Rejected
7.	19/PUU-XVII/2019	Joni Iskandar and Roni Alfiansyah Ritonga	The rights of voters who changed domicile during the 2019 General Election.	Rejected
8.	37/PUU-XVII/2019	Ronaldo Heinrich Herman, et al.	Simultaneous elections.	Rejected
9.	7/PUU-XVIII/2020	Michael and Kexia Goutama	Mechanism for replacing the Deputy Governor.	Inadmissible

NO.	DECISION	PETITIONERS	SUBJECT MATTER	DISPOSITION
10.	90/PUU-XXI/2023	Almas Tsaqibbiru Re A	Minimum age requirement for presidential and vice-presidential candidates.	Partially granted
11.	91/PUU-XXI/2023	Arkaan Wahyu Re A	Minimum age requirement for presidential and vice-presidential candidates.	Inadmissible
12.	98/PUU-XXI/2023	Andi Redani Suryanata	Requirements to run/declare candidacy as a DPD candidate or to be nominated as a DPR, provincial DPRD, or regency/municipal DPRD candidate.	Inadmissible
13.	128/PUU-XXI/2023	Muhammad Syeh Sultan, A. Fahrur Rozi, and Tri Rahma Dona	Campaigning in educational institutions.	Rejected
14.	134/PUU-XXI/2023	Josua A.F. Silaen, et al.	Authority of the KPU and Bawaslu to examine and announce the track record of presidential and vice-presidential candidates.	Rejected
15.	141/PUU-XXI/2023	Brahma Aryana	Minimum age for presidential and vice-presidential candidates.	Rejected
16.	12/PUU-XXII/2024	Ahmad Al Farizy and Nur Fauzi Ramadhan	Resignation of legislative candidates in regional head elections (pilkada).	Rejected
17.	18/PUU-XXII/2024	Otniel Raja Maruli Situmorang	Addition of the phrase “or a coalition of political parties” to Article 228 of Law No. 7 of 2017.	Rejected
18.	21/PUU-XXII/2024	AD. Afkar Rara and Fathul Hadie Utsman	KPU’s obligation to directly disseminate information on political parties and legislative candidates participating in elections; simplification of the legislative-election ballot format; parliamentary threshold; calculation and determination of votes/seats for legislative elections.	Rejected

NO.	DECISION	PETITIONERS	SUBJECT MATTER	DISPOSITION
19..	52/PUU-XXII/2024	Ahmad Farisi and A. Fahrur Rozi	Campaign leave/permit for members of the DPR, DPD, and DPRD in regional head elections (pilkada).	Partially granted
20.	59/PUU-XXII/2024	Muhammad Alfata Birza, et al.	Expansion of the legal subjects of vote-buying offenders.	Rejected
21.	61/PUU-XXII/2024	Terence Cameron	Deadline for submission of independent candidates in regional head elections (pilkada).	Rejected
22.	62/PUU-XXII/2024	Enika Maya Oktavia, et al.	Presidential nomination threshold.	Fully granted
23.	69/PUU-XXII/2024	Sandy Yudha Pratama Hulu and Stefanie Gloria	Ban on campaigning in educational institutions.	Fully granted
24.	70/PUU-XXII/2024	A. Fahrur Rozi and Anthony Lee	Candidate requirements for regional head elections: age thresholds for governor/deputy governor, regent/deputy regent, and mayor/deputy mayor (calculation point), and candidate determination.	Rejected
25.	89/PUU-XXII/2024	Arkaan Wahyu Re A	Age threshold as a requirement for regional head candidacy.	Rejected
26.	91/PUU-XXII/2024	Terence Cameron, Raihan Husnul Wafa, Wildan Nurmujaddid Erfan	Resignation of DPR, DPD, and DPRD members designated as candidates in regional head elections (pilkada).	Rejected
27.	118/PUU-XXII/2024	Abu Rizal Biladina	Locality and domicile requirements for regional head candidates.	Inadmissible
28.	126/PUU-XXII/2024	Wanda Cahya Irani and Nicholas Wijaya	Ballot design and the time limit for the next election in a regional head election with a single candidate pair.	Partially granted
29.	137/PUU-XXII/2024	Satrio Anggito Abimanyu, et al.	Voter relocation in regional head elections and the use of electronic equipment.	Rejected
30.	167/PUU-XXII/2024	Caroline Gabriela Pakpahan, et al.	Institutional status of the DKPP Secretariat.	Inadmissible

NO.	DECISION	PETITIONERS	SUBJECT MATTER	DISPOSITION
31.	173/PUU-XXII/2024	Binti Lailatul Masruroh	State Budget (APBN) and Regional Budget (APBD) as sources of funding for regional head elections (pilkada).	Inadmissible
32.	176/PUU-XXII/2024	Adam Imam Hamdana et al.	Constitutionality of grounds for resignation of elected legislative candidates.	Partially granted
33.	88/PUU-XXIII/2025	Adam Imam Hamdana and Wianda Julita Maharani	Resignation of DPR, DPD, and DPRD members running in regional head elections (pilkada).	Rejected
34.	90/PUU-XXIII/2025	Khalid Irsyad Januarsyah, Robby Ardiansyah, Zamroni Akhmad Affandi, Panji Muhammad Akbar, Zahira Nurmahdi Hanafiah, Muhammad Azis, Muhammad Faisal Hamdi, Hasan Kurnia Hoetomo	Nomination threshold for regional heads and deputy regional heads.	Rejected
35.	104/PUU-XXIII/2025	Yusron Ashalirrohman, et al.	The term “recommendation” of Bawaslu in handling administrative violations in regional head elections (pilkada) is interpreted as a “decision.”	Partially granted
36.	124/PUU-XXIII/2025	Arina Sa'yin Afifa, Muhammad Adam Arroftu Arfah, and Brahma Aryana	Separation of national elections and local elections following the Constitutional Court's decision.	Inadmissible

When examined longitudinally from 2015 to 2025, student petitions submitted to the Constitutional Court display a relatively consistent pattern. Although submitted by individual students or small groups, these petitions reflect the concerns of young generations regarding the design of electoral law, which is perceived as not yet fully just, inclusive, or responsive to democratic development. From the totality of cases, at least six main typologies emerge, illustrating the orientation, focus, and scope

of legal intervention sought by these young petitioners.

First, petitions focus on political accessibility and the right to be elected. This is the most dominant category and reflects student concern over the high “barrier to entry” in Indonesia’s electoral system.

These petitions challenge minimum age requirements for presidential, vice presidential, and regional head candidates; domicile requirements; minimum education thresholds; and resignation requirements for candidates running for office. Students view such provisions as often disproportionate and potentially obstructive to youth political participation. Constitutional Court Decision No. 62/PUU-XXII/2024 (annulling the presidential nomination threshold) is the clearest example of youth efforts to expand political choice and inclusive participation through constitutional channels.

Second, petitions relating to fairness in electoral competition. In this category, students challenge nomination thresholds in presidential and regional elections.

They argue that excessively high thresholds limit voter choice and exclude alternative candidates. Such arguments appear in Decisions No. 58/PUU-XVI/2018, No. 62/PUU-XXII/2024, and No. 90/PUU-XXIII/2025, all of which emphasize equal opportunity and broader access for new political contenders. This typology also includes Decision No. 58/PUU-XIII/2015 concerning vote-margin thresholds in regional election result disputes, which was deemed to restrict avenues for challenging vote-counting errors.

Third, petitions emphasizing voter rights protection and access to electoral processes. This typology covers issues of voter relocation, use of technology in elections, procedural simplification, and simultaneous election design.

Petitioners highlight practices considered inconsistent or unresponsive to increasingly dynamic voter needs. Cases on voter relocation (Decision No. 19/PUU-XVII/2019) and electronic voting tools (Decision No. 137/PUU-XXII/2024) demonstrate youth commitment to more inclusive, modern, and legally certain elections.

Fourth, petitions relating to electoral integrity and democratic ethics. Students in this category challenge campaign bans in educational institutions, election organizers’ authority to disclose candidate track records, and sanctions for vote buying.

Decision No. 69/PUU-XXII/2024, which granted the petition on campaign bans in educational institutions, underscores students' role as guardians of academic independence. Meanwhile, petitions seeking to expand the legal subject of vote-buying offenses (Decision No. 59/PUU-XXII/2024) reflect concern over electoral pragmatism.

Fifth, petitions concerning electoral governance. These include issues such as replacement mechanisms for elected officials, ballot design in single-candidate elections, deadlines for subsequent elections, and the institutional status of bodies such as DKPP.

These petitions highlight regulatory gaps or uncertainties in electoral administration that may lead to arbitrariness or legitimacy issues. Decision No. 126/PUU-XXII/2024, which reformed the ballot design for single-candidate elections, is a key example.

Sixth, petitions concerning political financing and transparency. Here, students focus on campaign financing, whether from state budgets (APBN/APBD) or other sources.

Decisions No. 120/PUU-XIII/2015 and No. 173/PUU-XXII/2024 reflect concern that without fair and transparent financing, elections remain vulnerable to transactional politics. Similarly, petitions concerning the disclosure of survey institutions' funding sources emphasize the importance of informational integrity.

Across all categories, a common thread emerges: a strong drive to organize elections that are fairer, more inclusive, more integrity-based, and more modern. Students are not merely pursuing technical changes; they are highlighting structural problems in Indonesia's electoral law design, from nomination requirements to institutional strengthening and competitive integrity. These typologies show that students have transformed the Constitutional Court into a space of normative advocacy for clean and just democracy.

Conceptually, student cases can be understood as contributing to four layers of constitutional education:

1. a **critical-normative layer**, testing the validity and rationality of legal rules against constitutional principles.
2. an **institutional layer**, strengthening democratic institutions to operate according to constitutional mandates.
3. an **ethical-participatory layer**, reintroducing morality into public space through legal argumentation.

4. a **transformational layer**, using judicial review as a medium of public education and civic learning.

2. DECISIONS WITH SIGNIFICANT IMPACT

This section elaborates on several Constitutional Court decisions resulting from student-initiated judicial review of electoral laws, which have significantly affected the design and regulation of electoral law in Indonesia.

Table 6. Implications of Student-Initiated Constitutional Court Decisions on Electoral Law

NO.	DECISION	IMPLICATIONS FOR ELECTORAL LAW
1.	90/PUU-XXI/2023	A person who has held or is currently holding an elected public office (elected officials), including regional heads, may run as a candidate for President or Vice President even if they have not yet reached the age of 40.
2.	141/PUU-XXI/2023	The legislature may readjust the alternative formulation of the minimum age requirement for presidential and vice-presidential candidates as part of an open legal policy. The position of governor is the most appropriate to be equated, given that its responsibilities and complexity most closely approximate the national level, in line with the tiered age requirements for regional heads, and the President intended to ensure political leadership maturity and experience. This decision reconstructs the Constitutional Court's legal reasoning in Decision No. 90/PUU-XXI/2023.
3.	12/PUU-XXII/2024	The General Election Commission (KPU) must require elected legislative candidates who run in regional head elections (pilkada) to submit a written statement declaring their willingness to resign after inauguration. The schedule for the nationwide simultaneous regional elections in November 2024 must be implemented consistently and not altered to avoid overlap between crucial stages of the 2024 Simultaneous Regional Elections and unfinished stages of the 2024 General Elections.
4.	52/PUU-XXII/2024	Governors and Deputy Governors, Regents and Deputy Regents, Mayors and Deputy Mayors, other state officials, and regional officials may participate in campaign activities by submitting a campaign permit in accordance with statutory provisions, including the obligation not to use facilities attached to their office and to take leave outside state responsibility.

NO.	DECISION	IMPLICATIONS FOR ELECTORAL LAW
5.	62/PUU-XXII/2024	The presidential and vice-presidential nomination threshold (presidential nomination threshold) based on the percentage of votes obtained or seats won in elections for members of the House of Representatives (DPR) is abolished.
6.	69/PUU-XXII/2024	The prohibition on campaigning in educational institutions is exempted for higher education institutions that have obtained permission from the person in charge of the institution (or equivalent authority) and where attendance is not for electoral campaigning.
7.	70/PUU-XXII/2024	The age requirement for regional head candidates must be met at the nomination stage, which culminates in the formal determination of candidates.
8.	126/PUU-XXII/2024	An election with a single candidate pair shall be conducted using a ballot containing the names and photographs of the candidate pair and two columns below indicating the options “agree” and “disagree.” If the single candidate pair loses, a re-election shall be held no later than one year from polling day, and the elected regional head shall serve until the inauguration of the regional head resulting from the next simultaneous regional elections, provided that the term does not exceed five years.
9.	137/PUU-XXII/2024	The use of electronic voting equipment and/or electronic voting methods is open to implementation insofar as it does not violate the principles and standards of elections that are direct, general, free, confidential, honest, fair, and periodic, and provided that readiness is met in terms of technology, financing, human resources, software, community preparedness in the relevant region, and other requirements, and is regulated by statutory provisions.
10.	176/PUU-XXII/2024	An elected legislative candidate may resign before inauguration only if the state assigns them to fill a position not filled by an election.
11.	90/PUU-XXIII/2025	The legislature may adjust the nomination threshold for regional head elections provided that the provisions are not more burdensome than the standards set out in Constitutional Court Decision No. 60/PUU-XXII/2024, and, if necessary, may directly adopt the provisions of Constitutional Court Decision No. 62/PUU-XXII/2024.
12.	104/PUU-XXIII/2025	The phrase “recommendation” in the handling of administrative violations by Bawaslu is interpreted as a “decision.”

2.1. Constitutional Court Decision No. 141/PUU-XXI/2023

Case Identification

- a. Number: 141/PUU-XXI/2023
- b. Year: 2023
- c. Date of Decision: 29 November 2023
- d. Subject Matter: Judicial review of the minimum age requirement norm for presidential and vice-presidential candidates after it was interpreted by Constitutional Court Decision No. 90/PUU-XXI/2023.
- e. Petitioner: Brahma Aryana, a student at the Faculty of Law, Universitas Nahdlatul Ulama Indonesia (UNUSIA), assisted by counsel from the VST & Partners law office.
- f. Object of the Petition: Constitutional review of Article 169, letter q, of Law No. 7 of 2017 on General Elections, as interpreted in Constitutional Court Decision No. 90/PUU-XXI/2023 regarding the age requirement for presidential and vice-presidential candidates.

Constitutional Harm and Main Claims of the Petition

The petitioner argued that Constitutional Court Decision No. 90/PUU-XXI/2023, which added the phrase “or has held/is holding an office elected through general elections, including regional head elections” to Article 169 letter q of the Election Law, gave rise to legal uncertainty and a violation of the principle of justice. Brahma Aryana, as a citizen and law student, considered that his constitutional right to fair legal certainty (Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia) as well as the principle of the rule of law and the independence of judicial power (Article 1 paragraph (3) and Article 24 paragraph (1) of the 1945 Constitution) had been impaired.

The Petitioner asserted that Constitutional Court Decision No. 90/PUU-XXI/2023 was produced through a process tainted by ethical defects, as affirmed by the Decision of the Honorary Council of the Constitutional Court No. 2/MKMK/L/11/2023, which found a conflict of interest and a breach of the principle of impartiality by Constitutional Justice Anwar Usman. The petitioner considered that this condition had the potential to delegitimize the 2024 Simultaneous Elections, as it served as the legal basis for nominating officials under 40.

The Court's Legal Considerations

The Constitutional Court noted that the Petitioner alleged the unconstitutionality of Article 169, letter q, of Law No. 7 of 2017, as interpreted in Constitutional Court Decision No. 90/PUU-XXI/2023, due to ethical violations and external intervention in the decision-making process. According to the Petitioner, the process violated the principles of the rule of law, judicial independence, and legal certainty, and also created uncertainty by opening the possibility that a 21-year-old could become a presidential or vice-presidential candidate if they were holding an office resulting from an election. The petitioner requested that the Court reinterpret the norm so that the alternative age requirement would be limited only to experience as a governor or deputy governor.

The Court then affirmed that Constitutional Court Decision No. 90/PUU-XXI/2023 is final and binding from the moment it is pronounced. It therefore cannot be annulled or declared invalid through any mechanism whatsoever, including through the application of Article 17 paragraphs (6) and (7) of Law No. 48 of 2009, which cannot be applied to the Constitutional Court as a court of first and final instance. Constitutional Court Ethics Council (Majelis Kehormatan Mahkamah Konstitusi or MKMK) Decision No. 2/2023 was also affirmed, not assessing the substance of Decision No. 90/2023 as legally defective, but merely declaring the existence of ethical violations without affecting its validity. Accordingly, the petitioner's arguments regarding a conflict of interest or external intervention could not be used as a basis to assess the unconstitutionality of the norm as interpreted through Constitutional Court Decision No. 90.

Furthermore, the Court affirmed that regulation of the minimum age requirement for presidential and vice-presidential candidates, including the possibility of alternative equivalence with public office or offices obtained through elections, lies within the competence of the legislature, as long as it does not contradict constitutional principles and satisfies criteria of morality, rationality, and accountability in justice. The Court acknowledged the existence of various discourses on age adjustment but considered that the design of such requirements remains a matter of an open legal policy that the Court cannot determine. Because not all of the petitioner's arguments were proven, the Court concluded that Article 169, letter q, of Law No. 7 of 2017, as interpreted by Constitutional Court

Decision No. 90/2023, does not conflict with the 1945 Constitution, and the petition was declared to be without legal merit.

Ruling (Holding)

In its ruling, the Constitutional Court declared that it rejects the Petitioner's petition in its entirety. Thus, the Court rejected the entire petition of Brahma Aryana to reinterpret Article 169 letter q of the Election Law and upheld the meaning of the Constitutional Court Decision No. 90/PUU-XXI/2023.

Substantively, the Court affirmed that the interpretation "at least 40 years of age or has held/is holding an office elected through general elections, including regional head elections" remains applicable and constitutionally binding.

However, in its legal considerations, the Court also affirmed that the legislature remains authorized to define or clarify who is meant by the term 'elected official,' so that it is commensurate with the weight of the offices of President and Vice President. Therefore, the Court considered the office of governor to be the most appropriate to be equated, given that its responsibilities and complexity most closely approximate the national level, consistent with the tiered design of age limits for regional heads, and the President intended to ensure political leadership maturity and experience.

Meaning and Relevance of the Decision

Although the case was rejected by the Constitutional Court, in light of the legal considerations in Constitutional Court Decision No. 141/PUU-XXI/2023, the Court reconstructed its previously stated legal position in Constitutional Court Decision No. 90/PUU-XXI/2023. Constitutional Court Decision No. 141/PUU-XXI/2023 also provides the legislature with space to adjust the alternative formulation of the minimum age requirement for presidential and vice-presidential candidates as part of an open legal policy.

In addition, Constitutional Court Decision No. 141/PUU-XXI/2023 constitutes an important milestone for student legal activism in Indonesia. Although the petition was rejected, the case demonstrates the younger generation's constitutional awareness in safeguarding the principles of judicial integrity and democratic legitimacy. In this petition, a law student argued that public oversight of constitutional adjudication is not the task of judges or senior academics alone, but also part of citizens'

constitutional education.

Brahma Aryana's effort to file this judicial review reflects moral courage in upholding the values of a clean, integrity-based rule of law, while also showing how student legal activism can serve as a channel of intellectual resistance to an ethical crisis within state institutions.

In the context of learning about electoral democracy, this case shows that judicial review is not merely a legal matter, but also an arena of public ethics and morality. Students, as prospective national leaders, help ensure that constitutional interpretation aligns with substantive justice and democratic integrity.

2.2. Constitutional Court Decision No. 12/PUU-XXII/2024

Case Identification

- a. Number: 12/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 29 February 2024
- d. Subject Matter: Resignation requirements for elected legislative candidates in regional head elections.
- e. Petitioners: Ahmad Alfarizy and Nur Fauzi Ramadhan, students at the Faculty of Law, Universitas Indonesia (UI), concentration in Constitutional Law.
- f. Object of the Petition: Judicial review of Article 7 paragraph (2) letter s of Law No. 10 of 2016 on the Election of Governors, Regents, and Mayors (the Regional Head Elections Law or Pilkada Law) against the 1945 Constitution of the Republic of Indonesia.



Nur Fauzi Ramadhan and Ahmad Alfarizy during the hearing of Case No. 12/PUU-XXII/2024 at the Constitutional Court (PHOTO: DOCUMENTATION MKRI.ID)

Constitutional Harm and Main Claims of the Petition

The petitioners considered that Article 7, paragraph (2) of the Pilkada Law, creates legal uncertainty and the potential for injustice in the 2024 Simultaneous Regional Elections. The norm only requires DPR, DPD, and DPRD members who have been inaugurated to resign if they run for regional head.

The student petitioners argued that elected legislative candidates who have not yet been inaugurated should also be required to resign. If not, they could still use their political status and electoral influence for personal gain in the regional elections. This condition was considered to threaten the principles of justice, equality, and electoral integrity, and to potentially misuse the voters' mandate that had just been given in the legislative election.

According to the Petitioners, the existing norm conflicts with Article 28D, paragraph (1), of the 1945 Constitution, which concerns fair legal certainty, and with Article 22E, paragraph (1), of the 1945 Constitution, which guarantees honest and fair elections. They also considered that potential overlaps between the stages of the 2024 General Elections and the 2024 Regional Elections could reduce the legitimacy of the nationwide simultaneous regional election results.

The Court's Legal Considerations

The Court stated that it has authority to adjudicate the case and found that the petitioners have valid legal standing because, as citizens and voters, they have a direct interest in the fairness of the conduct of the regional elections.

On the merits, the Court held that the status of elected candidates for DPR, DPD, and DPRD who have not yet been inaugurated does not yet attach constitutional rights and obligations that could be misused. Therefore, the petitioners' concerns about abuse of office were considered not yet relevant.

The Court also took into account the time gap between the inauguration of DPR/DPD members (1 October 2024) and the regional elections (27 November 2024). The gap was considered sufficient to prevent abuse of office. Nevertheless, the Court instructed the General Election Commission (KPU) to require written statements from elected legislative candidates who run in regional elections, declaring their willingness to

resign if they are officially inaugurated as members of the DPR, DPD, or DPRD.

The Court also emphasized the importance of maintaining the nationwide simultaneous regional election schedule for November 2024, as regulated in Article 201, paragraph (8), of the Pilkada Law. The schedule must be implemented consistently to avoid overlap with unfinished stages of the 2024 General Elections. Changing the schedule was considered capable of disrupting stage stability and threatening the constitutionality of conducting simultaneous regional elections.

One constitutional justice, M. Guntur Hamzah, delivered a dissenting opinion. Justice Guntur was of the view that the students' petition should have been granted and that Article 7, paragraph (2) letter s should be interpreted as also covering elected legislative candidates who intend to run in the regional elections, to safeguard justice and consistency with the principles of elections that are honest and fair.

Ruling (Holding)

In its ruling, the Court rejected the Petitioners' petition in its entirety.

Although rejecting the petition, the Court provided crucial constitutional interpretation through the legal considerations of the decision, namely:

1. The KPU must require elected legislative candidates who run in the regional elections to submit a statement of willingness to resign after inauguration.
2. The regional elections must be conducted consistently according to the November 2024 schedule to avoid overlap between crucial stages of the 2024 Simultaneous Regional Elections and unfinished stages of the 2024 General Elections. Changing the schedule could disrupt and threaten the constitutionality of conducting nationwide simultaneous regional elections.

Meaning and Relevance of the Decision

This decision shows that student legal activism need not result in a granted petition to have an impact. Through constitutional arguments, students succeeded in prompting the Court to reaffirm political ethics and legal certainty in the conduct of the 2024 Nationwide Simultaneous Regional Elections.

The Court used this case as momentum to emphasize the boundary

between individual political rights and the integrity of the electoral process, while strengthening coordination among electoral management bodies.

For the student movement, this decision provides valuable constitutional learning: that legal struggle is not always about formal victory but about bringing the reasoning of justice and order into the public sphere. In the context of electoral law reform, this case affirms students' role as guardians of democratic integrity and morality through lawful, civilized legal channels.

2.3. Constitutional Court Decision No. 52/PUU-XXII/2024

Case Identification

- a. Number: 52/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 20 August 2024
- d. Subject Matter: Campaign permits for members of the DPR, DPD, and DPRD in regional head elections.
- e. Petitioners: A. Fahrur Rozi (a Constitutional Law student at Syarif Hidayatullah State Islamic University (UIN) Jakarta) and Ahmad Farisi (a researcher and observer).
- f. Object of the Petition: Article 70 paragraph (2) of Law No. 10 of 2016 on the Election of Governors, Regents, and Mayors.



Ahmad Farisi and A. Fahrur Rozi during the hearing of Case No. 52/PUU-XXII/2024 at the Constitutional Court (PHOTO: DOCUMENTATION MKRI.ID)

Constitutional Harm and Main Claims of the Petition

The Petitioners, who are Indonesian citizens and voters in the 2024 regional elections, challenged Article 70, paragraph (2), of Law No. 10 of 2016 because it was considered to create space for the abuse of power by state officials involved in regional election campaigning. The norm allows governors, regents, mayors, and other state officials to participate in campaigning by merely submitting a campaign permit, without apparent limitations on the use of official facilities or conflicts of interest.

According to the Petitioners, the absence of such limitations could harm citizens' constitutional right to hold honest, fair, and democratic regional head elections, as guaranteed by Article 18, paragraph (4), Article 22E, paragraph (1), and Article 28D, paragraph (1), of the 1945 Constitution. They considered the provision to conflict with the principles of equality and electoral justice, and to create opportunities for active officials to support specific candidates, including those with family relationships, thereby undermining bureaucratic neutrality and the misuse of state instruments.

The Court's Legal Considerations

The Court held that regional head elections form part of the election regime, so the legal principles and limitations applicable to general elections should also apply to regional elections. Therefore, the norm in Article 70 paragraph (2) of Law No. 10 of 2016 on campaign permits for state officials must be aligned with Article 281 paragraph (1) of Law No. 7 of 2017 on General Elections, which expressly provides that state officials may campaign only if they do not use facilities attached to their office and must take leave outside state responsibility.

The Court also emphasized that campaign permits for state officials must not be interpreted as justification for using state offices and facilities. The permit requirement must be understood as an administrative mechanism to ensure the performance of official duties is not disrupted, not as a license to campaign without limits.

In addition, the Court underscored the importance of Bawaslu's supervision to ensure that state officials involved in campaigning continue to comply with the principle of neutrality, and rejected limiting campaign oversight only based on family relationships because it would narrow the scope of supervision.

The Court further affirmed that differences in regulation between Law No. 10 of 2016 and Law No. 7 of 2017 had created legal uncertainty. Therefore, the legislature must harmonize the Pilkada and Election regulations so that all campaign norms are subject to the same principles: honesty, fairness, and neutrality of public officials.

Ruling (Holding)

In its ruling, the Constitutional Court stated that:

1. Article 70 paragraph (2) of Law No. 10 of 2016 conflicts with the 1945 Constitution of the Republic of Indonesia and has no binding legal force insofar as it is not interpreted as: “Including that it must also comply with the provisions:
 - a. Not using facilities attached to the office, except security facilities for state officials as regulated in statutory provisions; and
 - b. Taking leave outside state compensation.”
2. Accordingly, the article must be read as: “Governors and Deputy Governors, Regents and Deputy Regents, Mayors and Deputy Mayors, other state officials, and regional officials may participate in campaigning by submitting a campaign permit in accordance with statutory provisions, including that they must comply with the provisions of not using facilities attached to their office and taking leave outside state compensation.”

Meaning and Relevance of the Decision

This decision constitutes an important precedent in safeguarding the neutrality of public officials during regional elections. The Court emphasized that state officials who participate in campaigning must temporarily relinquish the rights and facilities associated with their offices to prevent inequality and abuse of power.

Through this ruling, the Court strengthened the principle of equality before the law in electoral contestation, affirmed the integrity of regional elections free from intervention by active officials, and broadened the meaning of electoral justice as a constitutional right of citizens. This decision also affirmed the direction of electoral law reform toward harmonization between the Election Law and the Pilkada Law, ensuring that there are no longer loopholes for state officials to exploit for electoral interests.

2.4. Constitutional Court Decision No. 62/PUU-XXII/2024

Case Identification

- a. Number: 62/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 2 January 2025
- d. Subject Matter: Threshold for nomination of a pair of candidates for President and Vice President (presidential nomination threshold).
- e. Petitioners: Enika Maya Oktavia, Rizki Maulana Syafei, Faizal Nasirul Haq, and Tsalis Khoiril Fatna (all are students of the Faculty of Sharia and Law, Sunan Kalijaga State Islamic University (UIN) Yogyakarta and members of the Constitutional Observers Community).
- f. Object of the Petition: Article 222 of Law No. 7 of 2017 on General Elections against the 1945 Constitution of the Republic of Indonesia.



Rizki Maulana Syafei, Faizal Nasirul Haq, Enika Maya Oktavia, and Tsalis Khoiril Fatna during an online hearing of Case No. 62/PUU-XXII/2024 at the Constitutional Court

(PHOTO: DOCUMENTATION MKRI.ID)

Constitutional Harm and Main Claims of the Petition

The Petitioners, who are Indonesian citizens and active students, filed a judicial review against Article 222 of Law No. 7 of 2017, which sets a threshold of 20% of DPR seats or 25% of valid national votes to nominate a pair of candidates for President and Vice President. They considered that this provision restricts citizens' constitutional rights as voters to obtain diverse alternative candidates, and hampers the political rights of smaller parties to participate in nominations.

The Petitioners argued that the norm violates Article 27 paragraph (1) of the 1945 Constitution (equality before the law), Article 28C paragraph (2) of the 1945 Constitution (the right to participate in government), Article 28D paragraph (1) of the 1945 Constitution (the guarantee of fair legal certainty), and Article 28I paragraph (2) of the 1945 Constitution (the right to be free from discrimination). They considered that the threshold had exceeded the limits of open legal policy because it created intolerable injustice, narrowed the space of contestation, and made the political process dominated by only a handful of large parties.

The Court's Legal Considerations

The Court considered that this petition differs from previous cases because it presented a new basis of argument: that the nomination threshold had exceeded the limits of open legal policy by generating irrationality, injustice, and violations of constitutional morality.

In its historical analysis, the Court traced the records of amendments to the 1945 Constitution, particularly Article 6A paragraphs (2) and (3). The tracing showed that there had never been deliberation on a percentage threshold for nominating presidential and vice-presidential candidates. The limitation regulated in the Constitution concerns only the requirements for election (electability), not nomination. This means, according to the Court, that the presidential nomination threshold lacks constitutional basis and is the result of the legislature's additional interpretation.

The Court also considered that using the results of the previous DPR election period as the basis for presidential nomination is irrational. Election results from five years earlier do not necessarily reflect actual public support in the subsequent period. As a result, new parties that qualify as election participants lose the constitutional right to nominate candidates, even though they have lawfully met the requirements as election participants.

In its comparative analysis, the Court affirmed that presidential systems with multiparty systems, such as those in the United States, Brazil, Mexico, and Peru, do not apply a similar threshold. The main principles of a presidential system are separation of powers and popular sovereignty, not strengthening the power of large parties. Therefore, linking executive strength to legislative support through a threshold is, instead, a

matter of parliamentary logic, which is not in accordance with the spirit of Indonesia's presidential system.

The Court was of the view that maintaining Article 222 of Law No. 7 of 2017 would limit the people's right to obtain more choices of presidential and vice-presidential candidates, and could potentially encourage extreme political polarization because it would produce only two pairs of candidates. If left unchecked, such a situation risks eroding the substance of popular sovereignty and threatening social integration.

Accordingly, the Court decided to depart from its prior position, which had treated the threshold as a matter of open legal policy. It declared that the existence of Article 222 of Law No. 7 of 2017 conflicts with the principle of popular sovereignty and citizens' political rights.

Ruling (Holding)

In its ruling, the Court granted the Petitioners' petition in its entirety. The Court declared that Article 222 of Law No. 7 of 2017 conflicts with the 1945 Constitution of the Republic of Indonesia and has no binding legal force.

In addition, through the legal considerations of Constitutional Court Decision No. 62/PUU-XXII/2024, the Court also provided normative guidance to the legislature for the revision of the Election Law, as follows:

1. All political parties participating in elections have the right to nominate a pair of candidates for President and Vice President;
2. The nomination of a pair of candidates for President and Vice President by a political party or coalition of political parties participating in elections is not based on the percentage of the number of seats in the DPR or the acquisition of valid national votes;
3. In nominating a pair of candidates for President and Vice President, election-participating political parties may form a coalition as long as such a coalition does not cause domination by a political party or coalition of political parties resulting in limited pairs of presidential and vice-presidential candidates and limited voter choices;
4. Election-participating political parties that do not nominate a pair of candidates for President and Vice President shall be subject to a sanction prohibiting them from participating in the next election period; and

5. The formulation of the intended constitutional engineering, including amendments to Law No. 7 of 2017, involves the participation of all parties that have a concern with the conduct of elections, including political parties that do not obtain seats in the DPR, by applying the principle of meaningful public participation.

Meaning and Relevance of the Decision

This decision constitutes a turning point in Indonesia's constitutional history, because, for the first time, the Court annulled the presidential nomination threshold provision that had been a source of controversy for two decades. The Court affirmed that the people's right to choose freely and to obtain diverse candidate options is the core of popular sovereignty. The abolition of the presidential nomination threshold in Constitutional Court Decision No. 62/PUU-XXII/2024 followed the provision's having been challenged 33 times before the Constitutional Court.

Politically, this decision opens the way for a more inclusive presidential election, provides space for new parties to participate directly, and broadens the people's choices. Legally, the Court affirmed a firm limit that the legislature cannot use political interpretation to curtail citizens' constitutional rights.

For the student movement and civil society, this decision marks a victory of constitutional legal activism, showing that through argumentation and legal mechanisms, significant changes to the democratic system can be achieved without violence, but through reasoning, evidence, and moral courage to uphold constitutional justice.

2.5. Constitutional Court Decision No. 69/PUU-XXII/2024

Case Identification

- a. Number: 69/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 20 August 2024
- d. Subject Matter: Prohibition of campaigning in educational institutions.
- e. Petitioners: Sandy Yudha Pratama Hulu and Stefanie Gloria, students at the Faculty of Law, Universitas Indonesia.
- f. Object of the Petition: Article 69 letter i of Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of

Law (Perppu) Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law.



Stefanie Gloria and Sandy Yudha Pratama Hulu during the hearing of Case No. 69/PUU-XXII/2024 at the Constitutional Court (PHOTO: DOCUMENTATION MKRI.ID)

Constitutional Harm and Main Claims of the Petition

The Petitioners challenged the prohibition on campaigning in “educational institutions” as set out in Article 69 letter i, of Law No. 1 of 2015. They considered that the ban violates constitutional rights as guaranteed by Article 22E paragraph (1), Article 28C paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

As students and first-time voters in regional elections, the Petitioners felt constitutionally harmed because the rule closed access to information, ideas, and academic dialogue with regional head candidates. According to them, the prohibition hinders freedom of thought, expression, and the acquisition of substantive political information.

The Petitioners argued that campaign regulation in universities for regional elections should be aligned with the interpretation in Constitutional Court Decision No. 65/PUU-XXI/2023 and Constitutional Court Decision No. 128/PUU-XXI/2023, which had permitted campaigning in universities as long as permission is obtained from the person in charge of the venue and without campaign attributes.

The Court's Legal Considerations

The Court emphasized that, following Constitutional Court Decision No. 85/PUU-XX/2022, there may no longer be an extreme distinction between the regimes for national general elections and regional head elections. Both constitute an exercise of popular sovereignty as regulated in Article 22E of the 1945 Constitution.

The Court then found that an absolute prohibition on campaigning in educational institutions, including universities, conflicts with the principles of justice, academic freedom, and citizens' rights to obtain political information. Universities are precisely an ideal space for intellectual dialogue and rational political education.

The Court considered that, taking into account the principle of *erga omnes* and the harmonization of the legal regimes of general elections and regional elections, the interpretation that had been given to the campus campaign prohibition in the general election case (Article 280 paragraph (1) letter h of Law No. 7 of 2017) must also apply to regional elections. This means the prohibition is conditionally constitutional, namely, permissible as long as certain conditions are fulfilled.

Ruling (Holding)

In its ruling, the Court granted the Petitioners' petition in its entirety. The Court declared that the phrase "educational institutions" in Article 69 letter i of Law No. 1 of 2015 conflicts with the 1945 Constitution of the Republic of Indonesia and has no binding legal force, conditionally insofar as it is not interpreted as:

"excluded for universities that obtain permission from the person in charge of the university or other designation and are attended without electoral campaign attributes."

Meaning and Relevance of the Decision

This decision constitutes an important milestone in expanding democratic space on campus. The Court affirmed that political campaigning on university campuses is not a violation but a form of political education when conducted with academic ethics, with official permission, and without campaign attributes.

This decision affirms equal treatment between general and regional elections and strengthens the principle that campuses are deliberative spaces for testing the ideas and visions of prospective leaders. Accordingly, students are not merely objects of elections, but active subjects in shaping an intelligent, critical, and constitutional political culture.

2.6. Constitutional Court Decision No. 70/PUU-XXII/2024

Case Identification

- a. Number: 70/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 20 August 2024
- d. Subject Matter: Requirements for regional head candidates, age limits for governor/deputy governor, regent/deputy regent, mayor/deputy mayor (the point of calculation), and determination of candidates.
- e. Petitioners: A. Fahrur Rozi (a Constitutional Law student at Syarif Hidayatullah State Islamic University (UIN) Jakarta) and Anthony Lee (a student at Podomoro University), both also voters in the 2024 regional elections.
- f. Object of the Petition: Judicial review of the constitutionality of Article 7 paragraph (2) letter e of Law No. 10 of 2016 on Regional Elections against Article 1 paragraph (3), Article 18 paragraph (4), and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Constitutional Harm and Main Claims of the Petition

The Petitioners questioned the ambiguity of when the minimum age of regional head and deputy regional head candidates is calculated: whether at the time of registration, candidate determination, or inauguration. According to the Petitioners, this uncertainty could result in unfair treatment among candidates and threaten citizens' constitutional right to an election administration that guarantees legal certainty and justice, as guaranteed by Article 28D, paragraph (1), of the 1945 Constitution.

As voters, the Petitioners considered that this uncertainty could reduce public trust in the conduct of regional elections and threaten the principles of justice and orderly stages. They argued that the age calculation should be explicitly determined by law to avoid differing interpretations in practice.

The Court's Legal Considerations

The Court first found that the Petitioners have legal standing because they could demonstrate a causal link between the applicability of the challenged norm and the potential harm to their constitutional rights as citizens and voters.

On the merits, the Court traced the history and systematic regulation of the age requirement for regional head candidates from Law No. 22 of 2014, Government Regulation instead of Law No. 1 of 2014, Law No. 1 of 2015, Law No. 8 of 2015, to Law No. 10 of 2016, and found that none of these provisions mentions age calculation “as of the determination of the candidate pair.”

The Court affirmed that fulfillment of the minimum age requirement for regional head candidates must be met at the time the candidate pair is determined by the General Election Commission (KPU). This view is consistent with the practice of other elections that require all candidate requirements, including age, to be fulfilled before a candidate is declared valid and determined.

In its considerations, the Court stated that adding a new phrase as proposed by the Petitioners could instead create legal anomalies and disharmony among election regimes. The Court emphasized the importance of maintaining legal consistency between general elections and regional elections, so that there are no fundamental differences in the stage of candidate determination.

Ruling (Holding)

In its ruling, the Constitutional Court rejected the Petitioners' petition in its entirety.

However, in the legal considerations of the Decision, the Court affirmed that Article 7 paragraph (2) letter e of Law No. 10 of 2016 already has a precise meaning and does not require additional interpretation. Based on a historical and systematic review, as well as prevailing practice, the age requirement for regional head candidates must be met at the nomination stage, which culminates in the determination of candidates.

Meaning and Relevance of the Decision

This decision provides legal certainty that the point of calculation for the minimum age of regional head candidates is at the time of the deter-

mination of the candidate pair. Accordingly, candidates who have not met the minimum age when determined by the KPU cannot be validated as regional head or deputy regional head candidates. An important implication of this decision is the consistency of Indonesia's electoral system: all candidate requirements, including age, must be met before candidates are determined. This decision also strengthens the principles of legal certainty and equal treatment among candidates and prevents varied interpretations by election administrators.

The Constitutional Court's legal considerations in Decision No. 70/PUU-XXII/2024 also directly nullify the relevance of Supreme Court Decision No. 23 P/HUM/2024. The Court affirmed that the age of regional head candidates must be calculated at the time the candidate pair is determined by the KPU, not at the time of inauguration, as interpreted by the Supreme Court. Thus, the Constitutional Court's decision corrects the Supreme Court's interpretation and establishes a final and binding constitutional standard for all election management bodies. Accordingly, the KPU must use the Constitutional Court's reference in assessing the age requirements for regional head candidates in the 2024 regional elections, to maintain uniformity of the system and legal certainty across election regimes in Indonesia.

For legal education, this case is a concrete example of how students use the judicial review mechanism to clarify ambiguous electoral norms. Through this petition, they not only highlighted the technical aspects of regional elections but also revived the spirit of constitutionalism, which demands certainty, justice, and equality before the law.

The students who filed this case proved that legal activism is not merely a moral protest, but an intellectual act that improves the foundations of democracy. By challenging a norm that appears simple, they help ensure that every citizen has the same certainty in political rights, both as voters and as candidates within Indonesia's electoral democratic system.

2.7. Constitutional Court Decision No. 126/PUU-XXII/2024

Case Identification

- a. Number: 126/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 14 November 2024

- d. Subject Matter: Ballot design and the time limit for the next election in regional head elections with a single candidate pair.
- e. Petitioners: Wanda Cahya Irani (Student) and Nicholas Wijaya (Private Employee).
- f. Object of the Petition: Judicial review of Article 54C paragraph (2) and Article 54D paragraph (3) of Law No. 10 of 2016 on the Election of Governors, Regents, and Mayors (the Pilkada Law) against the 1945 Constitution of the Republic of Indonesia.

Constitutional Harm and Main Claims of the Petition

The Petitioners argued that Articles 54C, paragraph (2), and 54D, paragraph (3), of the Pilkada Law create legal uncertainty and injustice in the conduct of single-candidate pair regional elections.

The Petitioners considered that the provisions:

1. Do not provide equal choice for voters because the ballot only displays the single candidate pair without a space for political expression “agree” or “disagree”; and
2. Do not regulate a clear time limit for holding the next election if the empty column wins, thereby creating a vacuum in regional government and prolonging the term of acting regional heads without electoral legitimacy.

Both matters were deemed to violate Articles 18, paragraph (4), 22E, paragraph (1), and 28D, paragraph (1) of the 1945 Constitution, which guarantee honest, fair, and democratic elections.

The Court’s Legal Considerations

The Constitutional Court stated that the Petitioners have valid legal standing because they have a direct interest in the implementation of democratic, legally certain regional elections. On the merits, the Court held that the provision on ballot design for regional elections with a single candidate pair, as set out in Article 54C, paragraph (2), of the Pilkada Law, must be interpreted in accordance with the principle of popular sovereignty. The Court returned to its position in Constitutional Court Decision No. 100/PUU-XIII/2015, which affirmed that regional elections with a single candidate pair must use a plebiscite model, in which voters are given the choice to state “agree” or “disagree” with the single candidate pair.

This plebiscite model was considered to reflect freedom of choice better and to guarantee equal political expression for citizens, while also opening space for the “disagree” side to file a result dispute with the Constitutional Court. However, because the 2024 Simultaneous Regional Elections had reached the final stage, the Court held that the plebiscite-model ballot could be implemented only in the 2029 Nationwide Simultaneous Regional Elections.

Furthermore, regarding Article 54D paragraph (3) on the time limit for the next election if the empty column wins, the Court interpreted the phrases “the next election” and “the following year” as two interrelated matters that cannot be separated. According to the Court, a re-election following an empty-column victory must be held no later than one year after polling day, to avoid an overly long vacuum of regional leadership and to maintain continuity of regional governance. The regional head resulting from the re-election serves until the inauguration of the regional head resulting from the next simultaneous regional elections, with a maximum term of five years. The reduction of a regional head’s term due to synchronization adjustments was considered a reasonable constitutional consequence within the nationwide simultaneous regional election system.

To maintain fairness, the Court encouraged legal compensation for regional heads whose terms are reduced, as provided for in Article 202 of Law No. 8 of 2015, which was declared constitutional by Constitutional Court Decision No. 18/PUU-XX/2022.

Ruling (Holding)

The Constitutional Court granted the petition in part. The Court declared that Article 54C paragraph (2) of the Pilkada Law conflicts with the 1945 Constitution and has no binding legal force insofar as it is not interpreted as:

“An election with a single candidate pair shall be conducted with a ballot containing the name and photo of the candidate pair and two columns below containing the options ‘agree’ and ‘disagree.’”

The Court then decided that Article 54D paragraph (3) of the Pilkada Law conflicts with the 1945 Constitution and has no binding legal force

insofar as it is not interpreted as:

“The next election shall be held no later than one year from polling day, and the elected regional head shall serve until the inauguration of the regional head resulting from the next simultaneous regional elections, provided that it does not exceed five years.”

Meaning and Relevance of the Decision

This decision strengthens the principles of substantive democracy and equality of choice in single-candidate regional elections by implementing the “agree/disagree” plebiscite model. The Court emphasized the importance of maintaining the nationwide simultaneity of the 2029 regional elections and of limiting the tenure of acting regional heads so that it does not exceed the period without electoral legitimacy.

In addition, the Court introduced the concept of constitutional compensation for regional heads whose terms are reduced due to synchronization with simultaneous regional elections. Accordingly, this decision marks an important milestone in restructuring the legal framework for nationwide simultaneous regional elections, protecting citizens’ voting rights, and ensuring a balance between administrative efficiency and electoral justice.

2.8. Constitutional Court Decision No. 137/PUU-XXII/2024

Case Identification

- a. Number: 137/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 14 November 2024
- d. Subject Matter: Transfer voting in regional head elections and the use of electronic equipment in elections.
- e. Petitioners: Satrio Anggito Abimanyu et al., students of Universitas Islam Indonesia (UII) Yogyakarta.
- f. Object of the Petition: The phrase “in another place” in Article 62 paragraph (1) of Law No. 1 of 2015 and the phrase “at another polling station” in Article 95 paragraph (2) of Law No. 8 of 2015, against Article 1 paragraphs (2) and (3), Article 18 paragraph (4), Article 22E paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (5) of the 1945 Constitution of the Republic of Indonesia.

Constitutional Harm and Main Claims of the Petition

The Petitioners questioned the ambiguity of the phrases “in another place” and “at another polling station,” which they argued created legal uncertainty regarding voters’ rights to transfer their vote in regional elections. As students registered in the Permanent Voters List (DPT) but potentially not in their home regions on polling day, they considered that the provision could obstruct their constitutional voting rights, thereby conflicting with the principles of justice and equality before the law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution.

In addition, the Petitioners proposed that the Court provide a new interpretation enabling voters to exercise their voting rights outside their original electoral area, and open opportunities for the use of electronic technology (e-voting) to expand voter access without dependence on physical location.

The Court's Legal Considerations

The Court first affirmed that the Petitioners have legal standing because, as registered citizens and voters, they may suffer potential constitutional harm from the applicability of the challenged norm.

On the merits, the Court reminded that Indonesia’s regional head election system is area-based or constituency-based, so the right to vote is attached to domicile proven by an ID card (KTP). This principle ensures a direct linkage between voters and the regional head to be elected and preserves the purity of local accountability.

According to the Court, the phrases “in another place” and “at another polling station” must be interpreted as transfer voting within the same electoral area, for example, still within the same province for a gubernatorial election, or within the same regency/municipality for a regent/mayor election. The Court affirmed that voters outside their electoral area no longer have voting rights in the regional elections of their home region, as this would disrupt the principles of representation and local accountability.

Regarding the idea of using electronic voting technology, the Court acknowledged that e-voting and internet voting (i-voting) have the potential to improve efficiency and accessibility. Still, their implementation must meet the requirements of technological readiness, human resources, and guarantees of the principles of direct, general, free, confidential,

honest, and fair elections. The Court affirmed that the use of such technology falls within the legislature's, not the judiciary's, authority. However, the Court encouraged the DPR and the Government to consider the use of technology in future regional election reforms, particularly for the 2029 simultaneous regional elections and thereafter.

Ruling (Holding)

In its ruling, the Court rejected the Petitioners' petition in its entirety. However, in light of the legal considerations in this Decision, the Constitutional Court reaffirmed its position on the use of electronic election equipment and/or electronic voting methods.

Within reasonable reasoning limits, the use of electronic election equipment and/or electronic voting methods is open to implementation insofar as it does not violate the principles and standards of elections that are direct, general, free, confidential, honest, fair, and periodic, and provided that readiness is fulfilled in terms of technology, financing, human resources, software, community readiness in the relevant region, and other requirements, and is regulated in statutory provisions.

In this connection, to protect voting rights as a constitutional right of citizens, the Court emphasized that the issues raised by the Petitioners must receive the legislature's attention so they can be regulated in future amendments to election laws.

Meaning and Relevance of the Decision

This decision reaffirmed that voting rights in regional elections are tied to the electoral area, not a freely mobile right across regions. The Court clarified that transfer voting is permitted only within the same electoral area, whether at the provincial or regency/municipality level.

This decision reinforces the principles of legal certainty and local representation: only lawfully domiciled residents of a region have the right to determine their regional head. The Court also opened space for electoral technology renewal, but emphasized that any digital innovation must be accompanied by systemic readiness and explicitly regulated in law.

For law students and democracy activists, this case provides a concrete example of constitutional education on how a group of Universitas Islam Indonesia (UII) students challenged norms affecting millions of voters, while also encouraging public debate on electoral accessibility,

political rights equality, and the modernization of elections.

Accordingly, Constitutional Court Decision No. 137/PUU-XXII/2024 becomes an important lesson that student legal activism can broaden the horizon of electoral reform even when their petition is rejected, because in that process, the Constitution lives, is tested, and is studied by the younger generation of democracy's guardians.

2.9. Constitutional Court Decision No. 176/PUU-XXII/2024

Case Identification

- a. Number: 176/PUU-XXII/2024
- b. Year: 2024
- c. Date of Decision: 21 March 2025
- d. Subject Matter: Constitutionality of the grounds for resignation of elected legislative candidates.
- e. Petitioners: Adam Imam Hamdana et al., students of the Faculty of Sharia and Legal Sciences, Sayyid Ali Rahmatullah State Islamic University (UIN), Tulungagung.
- f. Object of the Petition: Article 426 paragraph (1) letter b of Law No. 1 of 2017 on General Elections (the Election Law).



Adam Imam Hamdana, Wianda Julita Maharani, and Adinia Ulva Maharani during the online hearing of Case No. 69/PUU-XXII/2024 at the Constitutional Court

(PHOTO: DOCUMENTATION MKRI.ID)

Constitutional Harm and Main Claims of the Petition

The Petitioners challenged Article 426, paragraph (1), letter b of Law No. 7 of 2017, which does not provide limits on the reasons for resignation by elected legislative candidates. According to them, the absence of such limits threatens the principle of popular sovereignty because it allows legislative candidates elected by the people to resign freely without clear reasons, including for personal interests or party instructions. This was considered to conflict with Article 1, paragraph (2); Article 22E, paragraph (1); and Article 28D, paragraph (1) of the 1945 Constitution regarding popular sovereignty, honest and fair elections, and legal certainty.

These students argued that the resignation of elected candidates negates the people's votes and betrays the public mandate. In an open-list proportional system, voters often vote for a candidate rather than a party. If the elected candidate resigns, voters' votes lose meaning, and electoral justice is disrupted.

The Court's Legal Considerations

The Court held that Article 426, paragraph (1), letter b, of the Election Law does not provide a firm limit on valid reasons for resignation, thereby opening the door to abuse. The Court recognized that resignation is a personal right of an elected candidate. Still, in the context of democratic elections, that right must be limited by responsibility toward the people's votes.

According to the Court, the phenomenon of elected legislative candidates resigning to run for regional head positions reflects unhealthy, potentially transactional political practices. This condition disregards the people's mandate and damages the basic principle of popular sovereignty in elections.

The Court also emphasized that political parties must have a mature cadre planning, separating figures prepared to become legislators from figures prepared to become regional heads. Resignation for reasons of personal political interests or party instructions constitutes injustice toward voters.

However, the Court still acknowledged certain conditions that can be constitutionally justified, namely resignation due to an assignment by the state to occupy a public office not filled through elections, such as a minister, ambassador, or other state officials.

Ruling (Holding)

In its ruling, the Court declared that Article 426 paragraph (1) letter b of the Election Law conflicts with the 1945 Constitution of the Republic of Indonesia and has no binding legal force, conditionally insofar as it is not interpreted as:

“resigning because of an assignment from the state to occupy an office that is not filled through elections.”

Meaning and Relevance of the Decision

This decision constitutes an essential affirmation of the principle of popular sovereignty in Indonesia’s electoral system. The Court positioned the people’s mandate as the moral and legal basis for elected legislative candidates, so that resignation cannot be carried out arbitrarily.

This decision also strengthens the function of constitutional education among students. Through this petition, students affirmed that legal activism is not merely debate over articles, but real action to safeguard the integrity of the people’s votes. Thus, this decision not only changes a legal norm but also strengthens the culture of political accountability and ethics of representation in Indonesian democracy.

2.10. Constitutional Court Decision No. 90/PUU-XXIII/2025

Case Identificatio

- a. Number: 90/PUU-XXIII/2025
- b. Year: 2025
- c. Date of Decision: 13 November 2025
- d. Subject Matter: Threshold for nomination of regional head candidates by political parties or coalitions of political parties after Constitutional Court Decision No. 60/PUU-XXII/2024.
- e. Petitioners: Khalid Irsyad Januarsyah, Robby Ardiansyah, Zamroni Akhmad Affandi, Panji Muhammad Akbar, Zahira Nurmahdi Hanafiah, Muhammad Azis, Muhammad Faisal Hamdi, and Hasan Kurnia Hoetomo. The Petitioners are a group of students from Universitas Diponegoro (UNDIP) and Semarang State University (UNNES).
- f. Object of the Petition: Judicial review of Article 40 paragraph (1) and Article 41 of Law No. 10 of 2016 (the Pilkada Law)

Constitutional Harm and Main Claims of the Petition

The Petitioners argued that the regional head nomination threshold provisions in Article 40 paragraph (1) and Article 41 of Law No. 10 of 2016, although reduced in magnitude through Constitutional Court Decision No. 60/PUU-XXII/2024, still restrict citizens' constitutional rights to be elected and to participate in government as guaranteed by Article 28D paragraph (3) of the 1945 Constitution. According to the Petitioners, the threshold requirement makes the process of nominating candidate pairs by political parties insufficiently open, thereby reducing the likelihood of more political alternatives for voters.

The Petitioners also considered that the threshold is no longer aligned with developments in the design of the electoral system following Constitutional Court Decision No. 55/PUU-XVII/2019, which emphasized the need to align national and regional elections. In the context of independent candidates, the Petitioners argued that the minimum support requirement hampers citizens who wish to run without party support, thereby conflicting with the principle of equal opportunity.

On that basis, the Petitioners requested that the Court declare Articles 40, paragraph (1), and 41 of Law No. 10 of 2016 unconstitutional or, at a minimum, reinterpret them so that political parties may nominate candidate pairs without a threshold.

The Court's Legal Considerations

In its considerations, the Constitutional Court rejected all of the Petitioners' arguments and affirmed that the regional head nomination threshold provisions remain consistent with constitutional principles. First, the Court considered that the threshold is an instrument that actually broadens voter choice. With the reduction of the threshold through Constitutional Court Decision No. 60/PUU-XXII/2024, the process of candidate submission by political parties is more open and competitive, not less so, as alleged by the Petitioners.

Second, the Court reaffirmed an important doctrine from Constitutional Court Decision No. 5/PUU-V/2007 regarding the independent pathway, namely that the minimum support requirement is a mechanism that must be maintained because it functions as a counterbalance between independent candidates and party-nominated candidates. According to the Court, the requirement must not be more burdensome

than party provisions. Still, it must also not be too light so as not to result in unserious nominations that could harm the quality of local democracy.

Third, the Court affirmed that the legislature remains within its open legal policy space to adjust nomination thresholds. However, any adjustment must not raise the threshold above the standard set by Constitutional Court Decision No. 60/PUU-XXII/2024. Accordingly, the DPR may amend the provisions, provided they remain within the bounds deemed proportional by the Court.

Fourth, the Court considered that the allegation that the threshold violates popular sovereignty, is discriminatory, or closes political participation opportunities was not proven. The challenged provisions were deemed to provide a reasonable balance between the political party and independent pathways and do not deprive citizens of their right to run for office.

Based on all these considerations, the Court concluded that the Petitioners failed to prove a constitutional violation.

Ruling (Holding)

In its ruling, the Constitutional Court declared that it rejects the Petitioners' petition in its entirety.

Meaning and Relevance of the Decision

Constitutional Court Decision No. 90/PUU-XXIII/2025 provides several important constitutional meanings for the regulation of regional elections in Indonesia. First, this decision strengthens the existence of nomination thresholds as an integral part of the architecture of regional elections. The threshold is set by the Court not as an obstacle, but as a mechanism to maintain the quality of competition and prevent the emergence of unserious candidates or speculative nominations.

Second, this decision affirms the balance between the political party and independent pathways. The Court viewed both as complementary in ensuring access to candidacy, so that the minimum support requirement for independent candidates remains necessary as a counterbalance.

Third, this decision provides legislative guidance that the DPR may review nomination thresholds to create a “new proportional balance” after the Court’s threshold reduction in Constitutional Court Decision

No. 60/PUU-XXII/2024. However, such an adjustment must not narrow the access to candidacy that has already been expanded through that decision.

Fourth, this decision affirms the consistency of the Court's jurisprudence on popular sovereignty and the design of electoral democracy. The Court continues to hold that the nomination of regional heads must be within a framework of healthy, measurable competition that does not eliminate citizens' opportunities to participate.

Accordingly, Constitutional Court Decision No. 90/PUU-XXIII/2025 serves as a harmonizing instrument for the regulation of candidacy and as a critical normative basis for future discussions on revisions to the Election Law and the Pilkada Law.

2.11. Constitutional Court Decision No. 104/PUU-XXIII/2025

Case Identification

- a. Number: 104/PUU-XXIII/2025
- b. Year: 2024
- c. Date of Decision: 30 July 2025
- d. Subject Matter: Bawaslu's authority in handling administrative violations in regional head elections (pilkada).
- e. Petitioners: Yusron Ashalirrohman (Student, fresh graduate of the Universitas Mataram), Roby Nurdiansyah (Student at the Universitas Mataram), as well as Yudi Pratama Putra and Muhammad Khairi Muslimin (Paralegals).
- f. Object of the Petition: Article 139 paragraphs (1) to (3) and Article 140 paragraph (1) of Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law (Perppu) Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law.

Constitutional Harm and Main Claims of the Petition

The Petitioners, as voters in general elections and regional head elections, considered that the authority of the General Elections Supervisory Body (Bawaslu) to handle administrative violations of regional elections that result only in recommendations (not decisions) does not provide legal certainty or legal protection.

The Petitioners argued that the norms of Articles 139 and 140 of Law

No. 1 of 2015 place Bawaslu in a subordinate position to the KPU, because the results of Bawaslu’s supervision must still be “examined and decided” by the KPU. This results in no guarantee of justice for reporters or voters and opens the door to abuse of authority by election administrators.

Therefore, the term “recommendation” should be interpreted as a “decision,” and the phrase “examine and decide” by the KPU should be construed as “follow up” on Bawaslu’s outcomes. The Petitioners felt that their constitutional rights to fair legal certainty (Article 28D, paragraph (1)) and to participate in honest and fair elections (Article 22E, paragraph (1)) had been violated.



Yusron Ashalirrohman and Roby Nurdiansyah during the hearing of Case No. 104/PUU-XXIII/2025 at the Constitutional Court (PHOTO: DOCUMENTATION MKRI.ID)

The Court's Legal Considerations

The Court affirmed several key points, including that there is no longer any regime difference between general elections and regional elections. All principles in Article 22E of the 1945 Constitution apply to both, so the legal mechanisms between them must be synchronized. Bawaslu’s authority must have binding legal force. In legislative and presidential elections, Bawaslu’s decisions are final and must be followed up by the KPU, whereas in regional elections, they remain recommendatory.

The provisions of Articles 139-140 of Law No. 1 of 2015, which grant Bawaslu only “recommendation” authority, render administrative law enforcement a mere formality, fail to guarantee fair legal protection, and potentially create legal uncertainty.

Therefore, for the sake of harmonization and the principle of justice, the term “recommendation” must be interpreted as a “decision,” and

the phrase “examine and decide” by the KPU must be construed as “follow up” on the decision. The Court also called for harmonization of the election and regional election laws to prevent dualism of authority and to strengthen the institutional position of election management bodies.

Ruling (Holding)

In its ruling, the Court declared that the word “recommendation” in Article 139 of Law No. 1 of 2015 conflicts with the 1945 Constitution of the Republic of Indonesia and lacks binding legal force, so long as it is not interpreted as “decision.”

In addition, the Court also declared that the phrase “examine and decide” and the word “recommendation” in Article 140 paragraph (1) of Law No. 1 of 2015 conflict with the 1945 Constitution and have no binding legal force insofar as they are not interpreted as “follow up” and “decision.”

Meaning and Relevance of the Decision

This decision strengthens Bawaslu’s position in the electoral and regional election law enforcement system by changing its authority from a recommendation to a final and binding one. This means that Bawaslu’s examination outcomes regarding administrative violations in regional elections must now be treated as decisions that the KPU must follow up on without re-examination.

In practice, Bawaslu has authority equal to the KPU in electoral law enforcement, strengthens the principle of checks and balances among election administrators, and increases guarantees for the protection of citizens’ voting rights in honest, fair, and integrity-based regional elections.

3. THE ANOMALY OF CONSTITUTIONAL COURT DECISION NO. 90/PUU-XXI/2023

Constitutional Court Decision No. 90/PUU-XXI/2023 marks a turning point that reveals the anomalous and paradoxical side of judicial activism in Indonesia. As an institution born of reform, the Court was granted broad authority to engage in progressive constitutional interpretation. When exercised with integrity and proportionality, judicial activism serves as a vital force for legal renewal and the protection of constitutional rights. However, Decision No. 90/PUU-XXI/2023 demonstrates

that activism without ethical discipline and constitutional restraint may undermine judicial legitimacy.

In this decision, the Court interpreted Article 169, letter q, of Law No. 7 of 2017 on General Elections, which sets a minimum age of 40 for presidential and vice-presidential candidates. The Court added a new norm allowing individuals who have held or currently hold elected public office, including regional heads, to run for president or vice president, even if under 40. The Court reasoned that electoral experience reflects political maturity and leadership capacity that can substitute for chronological age.

Theoretically, this approach may be seen as interpretive courage aimed at expanding political participation. The problem, however, lies not in inclusivity but in method and context. By introducing a new phrase absent from the statute, the Court was perceived as exceeding its interpretive authority and entering the legislative domain, constitutionally reserved for lawmakers. At this point, judicial activism shifted into judicial overreach, blurring the boundary between adjudication and lawmaking.

Controversy intensified due to the political context. The public perceived the decision as directly affecting the candidacy prospects of Gibran Rakabuming Raka, son of President Joko Widodo, as a vice-presidential candidate. The ruling was issued only three days before candidate registration opened. Combined with proven ethical violations by the Chief Justice, as found by the Constitutional Court Ethics Council (Majelis Kehormatan Mahkamah Konstitusi or MKMK), public trust in judicial independence was further eroded.

Notably, the petitioner in this case was a law student, Almas Tsaqib-biru Re A, at Universitas Surakarta. This illustrates how youth now use constitutional space as a legitimate channel for political advocacy. While educationally significant, Decision No. 90/PUU-XXI/2023 served as a warning that legal innovation without ethical discipline may cause institutional regression.

Academically, judicial activism is not boundless freedom. Healthy activism rests on moral integrity, measured reasoning, and fidelity to the separation of powers and checks and balances. In this case, the Court failed to maintain that balance. Consequently, a progressive interpretation that should have strengthened democracy instead disrupted legal

certainty and opened the door to delegitimation.

Thus, Decision No. 90/PUU-XXI/2023 is not merely a debate over age requirements, but a reflection on constitutional ethics in judicial practice. For students and the public, the message is clear: the Constitution lives not only through bold interpretation, but through respect for boundaries. True legal activism ensures that interpretation remains aligned with justice, equality, and constitutional supremacy.

The case also became a catalyst for increased student activism in the field of judicial review. Although not the first student to file a constitutional petition, Almas's case inspired many others to pursue similar constitutional mechanisms, further entrenching student legal activism as a defining feature of Indonesia's contemporary constitutional landscape.

PART III

The Court Is Not a Trial-and-Error Forum: Tips and Strategies

The wave of student involvement in judicial review proceedings before the Constitutional Court in recent years is both encouraging and strategically significant for Indonesia's future constitutional democracy. Through courageous, knowledge-based initiatives, students have demonstrated that spaces for public participation are not reserved solely for political elites or large organizations, but are also open to young citizens who possess constitutional awareness.

The testimonies of petitioners such as Ahmad Alfarizy, Nur Fauzi Ramadhan, A. Fahrur Rozi, Rizki Maulana Syafei, Stefanie Gloria, Sandy Yudha Pratama Hulu, as well as Yusron Ashalirrohman and colleagues in Testimonies Part of this book show that student initiatives to litigate before the Constitutional Court are not merely expressions of campus idealism. Instead, they represent a form of intellectual responsibility to safeguard the purity of the Constitution, improve democratic governance, and restore law to its moral purpose: justice for the people.

However, for student participation to remain more than a fleeting symbol of enthusiasm, it must be supported by targeted, realistic, and applicable strategies. Judicial review before the Constitutional Court is not a space for improvisation, but an arena for academic proof, ethical conduct, and rigorous constitutional reasoning. Accordingly, every step students take toward the Court must be prepared with awareness, capacity, and commitment.

1. SEVEN TIPS AND STRATEGIES

Below are seven strategic and substantive recommendations that may serve as guidance for students seeking to challenge statutes before the Constitutional Court, so that their constitutional struggle can have a tangible impact on strengthening democracy and upholding constitutional justice in Indonesia.

1) Identify a “recognized problem” as the starting point

- a. Students must begin with awareness of a real and relevant constitutional problem. This means that the issue being challenged should not arise solely from academic debate, but should be rooted in public concern or in a constitutional inequality whose impact on citizens’ rights can be identified.

Good examples include the simultaneity of general elections and regional head elections (Ahmad Alfarizy and Nur Fauzi Ramadhan), the prohibition of campaigning on campus (Stefanie Gloria and Sandy Yudha Pratama Hulu), or the presidential nomination threshold (Rizki Maulana Syafei et al.).

The guiding principle is: “*recognize the problem before challenging the provision.*”

- b. In examining a legal issue, it is essential to distinguish whether the problem concerns the norm itself or the practice of its implementation. This distinction is crucial because judicial review before the Constitutional Court is intended solely to assess the constitutionality of legal norms, not deviations in their application or implementation.
- c. Problem analysis must involve moral, rational, and constitutional justice dimensions, so that the petition is not merely legalistic but carries substantial public value.

2) Strengthen the academic foundation and constitutional argumentation

- a. Judicial review is not an arena for rhetoric, but a forum for testing legal reasoning.
- b. Every student intending to challenge a statute must possess three essential competencies: (1) mastery of the Constitutional Court’s

procedural law, including formal requirements, legal standing, and techniques for drafting petitions and relief (petitum); (2) the ability to formulate a solid constitutional argument demonstrating clearly, systematically, and logically how the challenged provision contradicts constitutional norms; and (3) empirical research support and academic theory, so that the petition is grounded not in opinion but in data-driven and literature-based analysis.

- c. Students are encouraged to form interdisciplinary research teams (for example, constitutional law, administrative law, and electoral law) so that arguments become comprehensive and multidimensional.

3) Make the campus a constitutional laboratory

- a. The campus is the most strategic space for sharpening and testing constitutional ideas before they reach the Constitutional Court. Students can encourage the establishment of a “student constitutional clinic” or a constitutional law laboratory within law faculties as a forum for judicial review simulations.
- b. Utilize academic spaces (classes, seminars, study groups) to test ideas scientifically and ethically.
- c. Supervising lecturers and mentors can act as curators of legal reasoning, helping students understand the ethics of constitutional advocacy rather than merely pursuing litigation ambition.

Thus, every petition submitted to the Constitutional Court becomes the product of collective learning and academic research, not a spontaneous expression of campus politics.

4) Use the Constitutional Court as a channel of public participation, not merely an academic testing ground

- a. As conveyed by Rizki Maulana and Yusron Ashalirrohman et al., the Constitutional Court is a space for democratic participation by citizens, not a stage for popularity. Students must view judicial review as a form of constitutional service, an academic method to improve legal systems that directly affect people’s lives. Accordingly, the Court should be used to articulate the voices of those who are often unheard, not merely to pursue academic interests.
- b. After submitting a petition, students should continue by dissemi-

nating ideas in the public sphere: writing in the media, engaging in inter-campus discussions, and educating the public about the substance of the issue under review.

In this way, judicial review becomes a bridge between academic spaces and the public sphere, as well as a legitimate and dignified form of political participation.

5) Prepare mental resilience, ethics, and procedural diligence

- a. The courtroom of the Constitutional Court is a sacred and professional space. As emphasized by Ahmad Alfarizy, “proceedings before the Constitutional Court are not a trial-and-error arena or a popularity stage.” Students must prepare themselves through:
 - i. High academic discipline: studying prior Constitutional Court decisions and understanding patterns in constitutional judges’ reasoning;
 - ii. Ethical legal communication: presenting arguments politely, factually, and with respect for the authority of the bench;
 - iii. Administrative diligence: ensuring completeness of documents, legal standing, and conformity with required formats.
- b. Acting as a petitioner before the Constitutional Court is an exercise in academic and moral responsibility, not merely a personal achievement.

6) Build coalitions between students and civil society

- a. Judicial review efforts are strengthened when supported by solid networks and coalitions.
- b. Students are encouraged to collaborate with: (1) civil society organizations such as the Association for Elections and Democracy (Perludem), Indonesia Corruption Watch (ICW), Pusako Universitas Andalas, Puskapol Universitas Indonesia, and others; (2) legal and democracy research centers; and (3) journalists or campus media, to broaden the impact of advocacy.
- c. Such coalitions not only enrich substantive arguments but also monitor post-decision implementation, ensuring that lawmaking institutions genuinely carry out the Court’s recommendations.

7) Integrate judicial review into the ecosystem of the Tridharma of Higher Education

As emphasized by Nur Fauzi Ramadhan, judicial review constitutes a factual manifestation of the *Tridharma* of Higher Education, particularly community service through constitutional channels. Accordingly, law faculties should be encouraged to: (1) facilitate students through constitutional litigation support units; (2) integrate judicial review experiences into curricula and research; and (3) recognize student initiatives as scholarly work or civic projects with social impact.

In this way, universities produce constitutional law graduates who are active, reflective, and change-oriented.

2. BEYOND SYMBOLISM AND EUPHORIA

Student movements toward the Constitutional Court represent the highest expression of educated citizens' role in nurturing democracy and the Constitution. However, to avoid stopping at symbolism or euphoria, every step must be:

1. Grounded in knowledge and constitutional awareness;
2. Conducted with ethics and responsibility; and
3. Directed toward improving the law and expanding justice.

By adhering to these principles, students become not merely “spectators of democracy,” but active subjects who help shape the direction of the nation’s Constitution.

PART IV

Conclusion: A Living Constitution in the Hands of Students

Based on an analysis of several judicial review decisions initiated by students, it can be affirmed that student legal activism does not arise from a reactive stance but from a reflective awareness of the condition of Indonesian democracy. This movement demonstrates that students are not merely observers, but part of a current of legal renewal that bridges constitutional idealism with the realities of public policy. They act as moral guardians of the Constitution, not only through criticism, but also through constructive efforts to correct legal norms that have lost their fidelity to the ideals of justice.

1. A CIVIC LABORATORY

The courtroom of the Constitutional Court has become a civic laboratory in which constitutional theory is put into practice. Within it, students learn to organize legal reasoning, formulate legal arguments systematically, and advance claims grounded in constitutional values. Judicial review is no longer understood merely as a judicial procedure, but as a means of constitutional education that revitalizes public legal consciousness. This activism shows that a healthy democracy is built not only by active voters but also by citizens who think critically and dare to uphold principles.

This new direction marks a significant shift in the history of the Indonesian student movement. If earlier generations were predominantly remembered for their courage in the streets, the current generation will also be remembered for its courage in the courtroom. Students have transformed the Constitutional Court into an arena of civic learning,

where reason replaces anger and justice becomes a shared objective. Student legal activism thus constitutes a civilized form of resistance to political stagnation and legal neglect that erodes public trust.

However, the struggle does not end in the courtroom. All Constitutional Court decisions arising from student petitions must be acknowledged and given serious follow-up by lawmakers. These decisions are not merely normative corrections, but moral and constitutional guides for the direction of national lawmaking. The implementation of Constitutional Court decisions is a constitutional obligation, not a political choice.

Therefore, any future revision of the Election Law must take all such Constitutional Court decisions as a normative foundation and an integral part of the formulation of new norms. Ignoring these decisions means disregarding constitutional commands and, ultimately, betraying the spirit of justice that has been fought for through students' arguments before the highest forum of legal authority.

Accordingly, the landmark Constitutional Court decisions arising from judicial review petitions filed by students are not merely symbolic victories but living sources of law. Within them lies a roadmap for lawmakers to build an electoral system that is more just, inclusive, and constitutional. Students have lit an intellectual torch that guides legal reform toward a more civilized direction. The next task lies in the hands of the legislature and the government to translate that spirit into binding norms, ensuring that the principle of electoral justice does not stop at judicial decisions, but flows into public policy.

Ultimately, the typology of student legal activism demonstrates that justice will not grow without the courage to think critically. Through legal struggles grounded in reason and public ethics, students have made the Constitutional Court not only a guardian of the Constitution's text, but also a space where constitutional ideals are revived through the actions of conscious and responsible citizens. They do not merely interpret the law; they rekindle the belief that democracy can still be improved, through clear thinking, calm courage, and fidelity to justice.

2. ENSURING JUDICIAL INDEPENDENCE

Given the Constitutional Court's significant role in upholding constitutional democracy in Indonesia and referring to the findings of the book

Designing Resilient Institutions: Countering Democratic Backsliding in Asia (International IDEA, 2025), it is crucial to ensure judicial independence as a core element of democratic institutional resilience. In that work, Tom Gerald Daly explains that one of the main patterns of democratic backsliding in Asia takes the form of “draining, packing, and instrumentalizing the judiciary,” namely, the systematic weakening of courts through political intervention, partisan appointments, and the use of judicial institutions to serve the interests of those in power.

Judicial independence, in this framework, is not merely protection for judges, but a foundation for substantive justice and public trust in the law. Daly emphasizes that without a free and principled judiciary, there is no effective mechanism to restrain executive power expansion, balance a weakened legislature, or guarantee electoral justice. In Asian countries, including Indonesia, Daly warns that the erosion of judicial institutions often occurs subtly through personal, familial, or elite influence rather than through formal constitutional amendments alone.

Reflection on the various Constitutional Court decisions initiated by students underscores the urgency of safeguarding judicial independence from short-term political influence. Without guarantees of judicial freedom, the spirit of legal reform animated through student legal activism would lose its institutional foundation.

An independent judiciary is thus a primary condition for ensuring that Constitutional Court decisions genuinely function as guardians of the Constitution, rather than serving merely as procedural accessories within a political system increasingly concentrated in executive hands.

3. PRESERVING THE PURITY OF STUDENT ACTIVISM

One of the key lessons from the rise of student legal activism before the Constitutional Court is the realization that intellectual honesty and sincerity are invaluable assets that must not be compromised. Student movements that pursue constitutional pathways arise not from short-term political interests, but from a call of conscience and a moral responsibility to correct legal distortions. In spaces often dominated by political interests and power calculations, organically grown student idealism becomes an oasis that reaffirms the meaning of participatory democracy.

However, this moral asset must be continuously protected and

strengthened. Students must remain vigilant against the possibility that their constitutional spirit may be reduced to a political instrument. Political elites may view student movements as “constitutional commodities,” symbols that can be exploited to legitimize political maneuvers before the Constitutional Court. This concern is not merely abstract, as its early signs were visible in the dynamics surrounding Constitutional Court Decision No. 90/PUU-XXI/2023, where issues of citizen participation, particularly youth participation, were drawn into struggles of power interests.

Therefore, every step taken by students in the constitutional arena must be accompanied by ethical reflection and critical awareness of “for whom and for what purpose the struggle is undertaken.” Student constitutional movements will remain meaningful if they stand on the foundations of intellectual honesty, moral independence, and commitment to substantive justice. When students preserve the purity of their motivation and ethical maturity, they become not merely “judicial review petitioners,” but guardians of constitutional conscience who ensure that the Court remains a home of truth, not a stage for vested interests.

4. ADAPTING LEGAL HIGHER EDUCATION

Student legal activism is flourishing across Indonesian law campuses. Students are present not only in lecture halls, but also in public forums, judicial institutions, and policy advocacy spaces. This phenomenon indicates that the younger generation of legal scholars increasingly recognizes that the Constitution is not merely a document, but a living social contract that must be protected. They read Constitutional Court decisions, scrutinize statutes, offer legal opinions, and help build critical narratives against deviations in constitutional practice. This is an encouraging sign for the future of Indonesia’s constitutional democracy.

Yet amid this momentum, campuses face a real challenge: Is our academic environment sufficiently prepared to serve as a space for the growth of mature and emancipatory constitutional awareness? Unfortunately, in many respects, the answer remains a resounding no. Many law faculties still operate within conservative frameworks trapped in curricular routines, academic bureaucratization, and limited reflective spaces for students to connect legal theory with living constitutional practice. Law is often taught as dogma, rather than as a tool for critical thinking

and social transformation.

Student legal activism does not emerge in a vacuum. It arises from concern over various forms of legal distortion and democratic erosion. Students witness how the law is often wielded as an instrument of power rather than as a means of protecting citizens. They learn from concrete cases, such as debates over the age requirement for presidential candidates, women's representation in state institutions, overlapping statutory regimes, and ethical violations by state officials. From these experiences, students develop a new awareness that the task of a jurist is not merely to interpret legal texts, but also to safeguard justice and constitutional reasoning in public life.

Constitutional Justice Arsul Sani (2024) has emphasized the need for legal higher education to expand spaces for progressive law as envisioned by Satjipto Rahardjo, that is, law that sides with humanity and substantive justice, rather than merely with regulatory texts. Justice Sani observes that legal education remains overly formalistic, procedural, and textual. Progressive law, by contrast, demands learning that cultivates social empathy, critical thinking, and the courage to engage in rule-breaking in the face of positive norms that conflict with society's sense of justice. According to him, legal education should not only produce interpreters of law but also contributors to sound lawmaking processes.

Accordingly, campuses must adapt and undertake serious reform, and the academic world must transform into a laboratory of democracy rather than a sterile lecture space detached from socio-political dynamics. Legal education curricula must instill constitutional empathy by linking theory to citizens' lived realities, strengthening reflective skills, and opening spaces for students to debate without fear of authority. Teaching constitutional law, for example, should not stop at discussing the separation of powers or the structure of state institutions, but should invite students to explore how power is exercised, abused, and contested through legal instruments.

The role of lecturers must also be revitalized. Lecturers should not merely act as instructors, but as facilitators of critical learning. They must serve as intellectual mentors who encourage students to think independently, rather than simply reproducing dominant views. The future of a just and democratic legal order will not be shaped by students

who merely memorize statutory provisions, but by those who dare to think and act in accordance with the values of constitutional democracy.

Amid growing student awareness in safeguarding the Constitution, campuses must not adopt a defensive stance. Instead, this is precisely the moment when campuses are tested: are they ready to become ecosystems that nurture public reason and constitutional literacy? Are they willing to cultivate intellectual traditions that are critical of power, including academic power itself? Reforming campuses, therefore, is not merely a matter of improving administration or updating curricula. It is a cultural endeavor to restore the meaning of legal education as a process of forming constitutionally conscious citizens who uphold public ethics and dare to speak truth in the face of injustice.

If students have begun to act as guardians of the Constitution, campuses must not fall behind, for it is within campuses that this moral responsibility must first be nurtured.

EPILOGUE

In the Silence of Struggle

FERI AMSARI

Activist and Scholar of Constitutional Law, Faculty of Law, Universitas Andalas

The explosion of modern scientific thought should have occurred in 1905, when Albert Einstein's works were published in various scientific journals. But what happened was only a spark. No scientific uproar followed. There was no debate or scientific discussion about those works. Einstein was sad and disappointed.

That disappointment is recounted by Walter Isaacson in Einstein's biography, based on information from the physicist's younger sibling. Einstein's articles contained a review of the theory of the relativity of light, which would later be used to prove the existence of tiny particles called "atoms." Einstein also wrote about Brownian motion, which Robert Brown had described in 1827. Einstein's writing on Brownian motion used a mathematical approach. Einstein's calculations later helped address problems in physics, biology, and computing. Einstein also wrote about space and time. Everyone knows that these works would lead humanity to a new civilization, even though they were not recognized at first.

In fact, the brilliance of Einstein's articles was understood by another great figure. According to Isaacson, Einstein's journal articles were read by an outstanding physicist named Max Planck. The German professor then wrote a letter to Einstein, and a correspondence of the most extraordinary kind began. As a patent examiner, Einstein felt very proud and happy that Planck had read and appreciated his work. The world changed in an instant, from the atomic bomb in Japan to the invention of advanced computers.

The struggle for something important is sometimes very quiet. It may

even traverse time. A new civility comes later. Take, for example, Pablo Picasso's works, which the world only fully realized after the maestro died.

So too with the struggle for democracy. Sometimes it takes time for people to recognize its benefits. Borrowing from Einstein's theory, the laws of nature apply equally to constant speed, but space and time can change if speed and gravity also change. Perhaps improving a country requires speed and gravity for democracy to improve.

“PAINTING DEMOCRACY” AT THE CONSTITUTIONAL COURT

Like Picasso's paintings, democracy has its own periods. Life experience matures that democracy. So too does painting democracy through the canvas of proceedings at the Constitutional Court.

This book tells the experiences of several students who challenged problematic laws before the Constitutional Court. Often, their struggle through judicial review was greeted with great attention. Take, for instance, Decision Number 70/PUU-XXII/2024, which saved democracy. Regional head elections did not repeat nepotism in the election of the President and Vice President. When that decision was about to be politically altered by the DPR, massive demonstrations occurred to defend the Constitutional Court's decision.

Yet at other times, the struggle at the Court does not receive the “stage” it deserves. There is no scientific examination of this decision on campuses. For example, in Case No. 126/PUU-XXII/2024 concerning the ballot design using a plebiscite mechanism of “agree” or “disagree” for single-candidate regional head elections. This decision became significant amid ongoing efforts by political parties to push for single-candidate regional head elections through various means. The Court firmly corrected the previous practice by ending the problematic habit of the “empty box” on the ballot. Not many have highlighted that this decision changed the regulation on the use of the empty box on ballots for single-candidate regional head elections, as practiced in the Simultaneous Regional Elections of 2017, 2018, 2020, and 2024.

The struggle of these students deserves appreciation. It not only changed the political rhythm but also transformed student activism in fighting for democracy and the public interest. Titi also helped unite this

educated group to engage in a formal struggle in the courtroom. This is something our founding mothers and fathers once undertook against colonial rule.

However, a grand stage will leave other problems behind. The student movement, known as the proletarian movement, may shift onto those grand stages. Although Constitutional Court proceedings will mature students in formal argumentation, it is inappropriate if this movement produces a new elite within the student movement. Especially now, campuses seem quiet of grassroots discourse under the shady trees of campus parking lots.

Soe Hok Gie, that well-known activist, did not want to distance himself from the proletarian movement, even though he discussed matters with the nation's political elites. Gie must be an example for the young intellectuals nurtured by Titi: avoiding media attention when it concerns himself, yet "holding his head high" when fighting for the public interest.

Perhaps Gie's analogy of the Hermit can serve as a fence for this student's struggle at the Constitutional Court. The campus is like a mountain of intellectual hermitage, while the academic community is the great sages of that hermitage. When chaos occurs at the foot of the hill, the great hermits must descend to resolve the problem. When that chaos ends, the hermits return to the peak of knowledge.

These intellectuals must not be lulled, because the contest at the Constitutional Court promises to reach new heights of arrogance. Have there not already been examples of students being used by those in power for purely political interests? Fortunately, this movement is far from such deception. Titi and these student friends are certainly well aware that their struggle at the Constitutional Court is not because the course "Constitutional Court judicial practice" is currently widespread. Especially not if, after receiving an "A," the struggle also ends.

Students must continue to be instruments of the people, living by reading books, debating truth, and then "taking to the streets." Of course, this Constitutional Court struggle must be continued and even expanded. That, too, is the importance of Titi's persona. Her figure can serve as a fence to keep students from losing themselves. Titi's talkativeness is expected to create consistency in this struggle, in addition to thinking through an ecosystem that makes this struggle sustainable.

This book should serve as a guide to expanding resistance through the Constitutional Court. As a model of an alternative student movement, students no longer only take to the streets but also enter the courtroom. Although silence often comes upon us, the struggle may begin by reading this book. Be inspired!

Testimonies: Why Do Students Go to the Constitutional Court?

This section presents testimonies from several students who became petitioners in cases of judicial review of electoral laws before the Constitutional Court. These cases resulted in Decisions with significant impact on the regulation of Indonesia's electoral law.

Bearing Democracy: A Student's Reflection from the Constitutional Court

AHMAD ALFARIZY

Petitioner in Case No. 12/PUU-XXII/2024

Anyone who wishes to be directly involved in the Constitutional Court must recognize the importance of preparation, provisions, and deep understanding.

I believe that no matter how much knowledge is collected, it must not be shackled in one's head; it must be brought down to the streets and voiced to every corner. The higher the knowledge one acquires, the farther one demands, the greater the responsibility for that knowledge to produce something. For me, the magnitude of the "result" of knowledge can be pursued through many paths, for example, voiced, written, narrated, published, or discussed, depending on the seeker's preference. But one thing is sure: anyone who seeks knowledge surely wants that knowledge to be "applied/implemented." From that understanding, I ultimately chose the path of judicial review at the Constitutional Court so that my ideas, knowledge, and all my complaints could be implemented.

Case No. 12/PUU-XXII/2024 was my first page in the beginning of judicial review at the Constitutional Court. This judicial review arose from awareness of the problem of simultaneous elections and regional head elections, which led to overlapping schedules. After the determination of vote acquisition in the 2024 General Election, much information still circulated that a handful of winners of the 2024 General Election would run in the 2024 Regional Head Elections. Unfortunately, the overlap-

ping schedule left the winners of the 2024 General Election in a position where they did not need to relinquish their status as winners to become candidates in the 2024 Regional Head Elections. For me, that condition would trigger a betrayal of the democratic mandate, diminish the importance of the people's vote, and monopolize the space for the emergence of other leadership candidates.

That anxiety certainly did not arise prematurely and end up at the Constitutional Court. A thorough preparation was undertaken, including understanding the procedural law of judicial review at the Constitutional Court, solidifying the foundation of arguments and the constitutional basis, drawing on the experiences of others, and consolidating it all into a proper petition document. All of that was undertaken with the status of "student," a label for people whose job is indeed to learn, learn, and learn. Yet that student status turned out to be a strength on one side. Students, with surging enthusiasm, thirst for knowledge, physical ability to keep reading, and the availability of time and energy, became our main ammunition (Nur Fauzi Ramadhan and I) to fight for Case No. 12/PUU-XXII/2024.

For students like me, the only reason to begin a struggle at the Constitutional Court is that there is a "recognized problem." A recognized problem means being able to identify its root causes and motives, deconstruct the problematic legal norm, and formulate its ideal and constitutional solution. By recognizing the situation, the Constitutional Court's gate opens as a constitutional facility to resolve the overlapping schedules of elections and regional head elections described above.

During the proceedings, I saw that the Constitutional Court was very appreciative of students who litigate directly. The reason is apparent: not many take that path, even though judicial review at the Constitutional Court is the best and most measurable way to overcome existing constitutional problems. However, the Court applied high standards and substantive scrutiny to the petition, fairly and professionally. Along the way, many things were not visible to students like us when filing judicial review, which the Justices then clarified in the Preliminary Hearing. From this, I increasingly understood that, whoever the party, judicial review at the Constitutional Court is a mandate. It must be borne with provisions of knowledge, diligence, and maturity in thinking.

The Courtroom of the Constitutional Court is not for trial and error,

not a playground, and not merely a stage of popularity. The sacredness of the courtroom teaches many things about how comprehensive a policy is formed, the importance of a holistic understanding of law and elections, and the vital mastery of the Constitutional Court's procedural law. Therefore, anyone who wishes to be directly involved in the Constitutional Court must recognize the importance of preparation, provisions, and deep understanding.

Although the Court rejected our petition, the Constitutional Court ultimately changed course and agreed with it in Decision Number 176/PUU-XXII/2024. This shows that the democratic process is very dynamic. Democracy is not a frozen space; it will move toward a clear voice and sincere intention. Therefore, any struggle must continue to be echoed and sounded by many parties in many spaces.

Judicial review at the Constitutional Court reflects that caring for the Constitution must be pursued through the proper democratic path. The State has provided an open space for anyone to participate directly in the Constitutional Court. The sacredness of the courtroom is not an obstacle for students, but rather a reminder that democracy can be driven by anyone who cares and is ready to learn. Students must be prepared to bear democracy, to become actors who safeguard the Constitution.

Students' Academic Contribution

NUR FAUZI RAMADHAN

Blind Disability, Petitioner in Case No. 12/PUU-XXII/2024

Students must care about their surroundings, even amid changing circumstances that push us toward individualism and pragmatism.

Case 12/PUU-XXII/2024 is one of the cases ever filed by students. There were two objects of the petition from us as petitioners at that time:

1. Elected legislative candidates in the 2024 Legislative Election must resign if they wish to run in the 2024 Regional Head Elections.
2. Not advancing the 2024 Regional Head Elections, which were initially scheduled for November 2024, to September 2024.

Although the Constitutional Court rejected the Petitioners' petition in the ruling, in its legal reasoning (Paragraph 3.13) the Court accommodated it. The Court issued a judicial order requesting the government at that time to continue carrying out the 2024 Regional Head Elections according to the original schedule that had been set, while also asking the KPU to issue a regulation requiring elected legislative candidates to submit a resignation letter if they wished to contest in the 2024 Regional Head Elections.

WHY THE CONSTITUTIONAL COURT?

Struggle can be carried out in various ways, one of which is through steps at the Constitutional Court. What Ahmad Alfarizy and I have done is one form of contribution that students can make.

Steps such as demonstrating in the streets, writing in the media,

conducting directed scientific discussions, and even filing a challenge through state institutions such as the Constitutional Court, the Supreme Court, or other state institutions are actions to bring the results of academic discourse to life in the public sphere. This is also in line with universities' purpose to carry out the *Tridharma* of higher education, one of which is community service. Students must care about their surroundings, even amid changing circumstances that push us toward individualism and pragmatism.

The Constitutional Court is not the only one, but it is one of them. The struggle through judicial review is a contribution to thought and academic discourse, usually carried out in the classroom, but now pursued through constitutional channels that can directly influence policy and the direction of national development.

SPECIAL FOR TITI ANGGRAINI

Titi Anggraini (whom we usually call Bu Titi) is an extraordinary figure who inspired several judicial review petitions at the Constitutional Court. As her student, Bu Titi always sparks her students to think openly, while remaining responsible for the ideas put forward.

Bu Titi's presence is like water amid thirst and amid the increasingly pragmatic attitude of young people today. As someone with an activist background and then trusted to teach at the Faculty of Law, Universitas Indonesia, this "Syahrini" of Indonesia's elections makes each of her students increasingly thirsty for critical thinking. Not only that, but she has also succeeded in creating new Titi Anggraini figures among Indonesia's youth and students.

Throughout my work and participation in activities with her, I feel she can be an example of a very egalitarian leader, easy to discuss with, genuine, and prioritizing inclusivity. She also does not hesitate to involve young people in critical and strategic matters, including serving as legal counsel in several judicial review cases and other issues.

She seems to be setting an example that young people are a highly valuable social investment in activism, including electoral activism, which she has pursued for the past 25 years (Titi Anggraini's quotation at the Constitutional Court hearing, 7 August 2024).

Silence Means Letting Injustice Win Without Resistance

A. FAHRUR ROZI

Petitioner in Case No. 52/PUU-XXII/2024 and 70/PUU-XXII/2024

Awareness of the Constitutional Court's potential as a protector of the Constitution must be balanced with vigilance against the risk of politicization that looms.

“The only thing necessary for the triumph of evil is for good men to do nothing.”

—Edmund Burke

The decision to engage in electoral legal activism arose from a reflective struggle amid an increasingly complex and paradoxical political-legal landscape. As Edmund Burke is often quoted, injustice in electoral work will not correct itself. It requires someone's courage to change it.

As a law student, knowledge of the principles of statehood will lose its meaning if it remains merely passive, not translated into concrete action. There is a moral and intellectual responsibility inherent in every individual who has the privilege of knowledge. One is responsible for ensuring that the rules of electoral competition not only meet formal-procedural requirements but also align with the spirit of substantive constitutional democracy.

General elections are not merely a routine, administrative mechanism for power transition. They are a sacred political rite, which will determine the fate of 280 million Indonesians for the next five years. The quality of the electoral process will be directly proportional to the quality of the government produced. Legitimacy derived from elections

conducted with integrity will become substantial socio-political capital for a government to carry out its mandate of national transformation.

Conversely, flawed elections will produce a government with fragile legitimacy and vulnerable to a crisis of public trust. Injustice in the electoral process will have systemic impacts on the entire structure of our democracy. Therefore, ensuring that electoral laws reflect principles of equality, procedural justice, and the protection of every citizen's voting rights is an integral part of efforts to maintain democratic health sustainably.

Amid political dynamics often dominated by short-term electoral calculations and narrow partisan interests, the Constitutional Court emerges as an institution of hope. The Court, as part of the judicial power, has a unique capacity to influence political policies that often ignore citizens' constitutional rights. In this context, the judicialization of politics becomes relevant. When the legislative process fails to accommodate broader public interests, the Constitutional Court becomes the last oasis for citizens to ensure that fleeting and opportunistic electoral interests do not hijack elections. Every judicial review filed with the Court is one step in the long journey of electoral law reform. It becomes a gradual endeavor to continue building an electoral system that is increasingly democratic, inclusive, and just.

However, awareness of the Constitutional Court's potential as a protector of the Constitution must be balanced with vigilance against the risk of politicization that looms. There is a phenomenon of weakening, changing the composition of judges, and manipulating judicial institutions that is most often used as a strategy in the process of global democratic backsliding. Constitutional Court Decision No. 90/PUU-XXI/2023, marked by conflicts of interest and serious ethical violations, is bitter proof that even an institution as eminent as the Court can slip when faced with systematic political pressure.

In such a position, constitutional democracy in Indonesia will endure so long as institutions that safeguard the Constitution, including the Constitutional Court, do not submit to temptations and political pressures that betray their constitutional mandate. It is in this context that student activism gains its strategic significance. It becomes an independent external social control force to ensure the Court remains on the right path.

Thus, involvement in student activism for electoral reform is a man-

ifestation of the belief that constitutional democracy is a project that is never finished. It requires continuous supervision, active participation, and the courage to question authority when it deviates from principles of justice. Democratic backsliding often does not occur solely because there is a large conspiracy neatly organized, but because of collective indifference, passive attitudes, and failure to act in response to injustice.

Student legal activism is a rejection of that passivity, a moral and knowledge-based commitment. This will become an intellectual investment for a future Indonesian democracy that is more dignified, just, and sustainable.

Restoring Democracy to the People

RIZKI MAULANA SYAFEI

Petitioner in Case No. 62/PUU-XXII/2024

I believe that change through legal channels, primarily through judicial review, is an elegant, constitutional, and dignified step toward improving Indonesia's democratic system and the governance of the constitutional order.

As a student of Constitutional Law, Universitas Islam Negeri Sunan Kalijaga Yogyakarta, with full academic awareness, intellectual integrity, and moral responsibility as a citizen, I filed a petition together with fellow petitioners because I have a lawful (legal) interest that is valid, actual, and relevant under the Constitution. Since first pursuing the field of constitutionalism, I have been active in the Constitutional Observers Community at UIN Sunan Kalijaga Yogyakarta, a forum focused on the study of constitutional law and electoral law.

Through that involvement, I learned that democracy and general elections are the primary instruments for realizing popular sovereignty, as affirmed in Article 1, paragraph (2), of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). As part of the young generation that will carry forward Indonesia's democratic relay, I believe that active participation in improving the law and the constitutional system is not merely a right, but also a moral and intellectual responsibility. My generation grew up in an open, democratic climate, yet also witnessed how short-term political interests often undermine constitutional idealism.

This academic and ethical concern grew stronger when I studied Article 222 of Law Number 7 of 2017 on General Elections, which regulates the presidential and vice-presidential nomination threshold (presidential nomination threshold) of 20 percent of DPR seats or 25 percent of the

valid national vote. This provision, after being examined in depth from normative, philosophical, and sociological aspects, in fact gives rise to serious constitutional problems. Its application has exceeded the reasonable limits of the principle of open legal policy held by lawmakers. It has even entered the realm of violating the three main pillars of constitutional law: morality, rationality, and justice.

Based on that, there are several fundamental reasons underlying my filing of a judicial review petition. First, from the standpoint of democratic morality, the presidential nomination threshold has caused a basic distortion of the function of political parties, which should, in fact, be the primary instrument for channeling the people's aspirations. This threshold system encourages political aggregation that is elitist and exclusive, so that smaller parties that should be channels of political representation for society are instead pushed out of the national competition space. In fact, not infrequently, those smaller parties have cadres who are qualified, have integrity, and have national leadership capacity. As a result, people lose diversity in choosing national leadership candidates, and the democratic process becomes a limited arena for a handful of major political forces. This condition creates a constitutional inequality because the people's right to choose freely has been reduced by a political mechanism grounded in power rather than representational justice.

Second, in terms of legal rationality, the presidential nomination threshold lacks any academic basis, empirical logic, or adequate constitutional relevance. Under the simultaneous election system implemented since the 2019 elections, the electoral measure based on the results of the previous legislative election becomes irrelevant as a basis for nominating a president for the subsequent period. By using valid votes from the last election, this law indirectly overrides the people's vote without new consent, thereby violating the principles of periodicity and direct representation of the people. Votes given to elect parliamentary representatives in the previous election cannot automatically be used again to nominate a president in the subsequent period. Such practice is a distortion of the right to vote explicitly guaranteed by Article 28D, paragraph (1), of the 1945 Constitution of the Republic of Indonesia, which affirms that everyone has the right to fair treatment and legal certainty in governance.

Third, from the perspective of political justice, the presidential nom-

ination threshold has created an exclusive, closed system in which only major parties or major coalitions can nominate a presidential candidate. The people, including me as a young voter, lose the space for active participation and become mere spectators of political compromises arranged by party elites under the pretext of “open legal policy.” In fact, the principle of constitutional democracy demands openness and equality of opportunity for all citizens to participate. The right to vote and to be elected is not a right that political parties can commodify, but rather a constitutional and fundamental human right that must not be arbitrarily restricted by law.

Fourth, from sociological and political aspects, the impact of the nomination threshold is also clearly visible. In the 2019 and 2024 elections, the public witnessed the formation of large coalitions that were pragmatic and not ideology-driven, in which parties joined not because of a shared national vision but solely to meet administrative nomination requirements. This phenomenon of “bloated coalitions” blurs political direction and erodes the opposition’s role as a guardian of the balance of power. As a result, Indonesia’s presidential system tends to lose practical oversight functions because all major political forces are concentrated within a single circle of power.

In fact, a healthy democracy requires a strong, honorable opposition that functions as a check on power to safeguard transparency, accountability, and the government’s political responsibility. Political data also strengthens that argument. The presidential nomination threshold has never been proven to create a positive coattail effect for parties supporting the winning presidential candidate. In the 2019 election, several supporting parties actually experienced a decline in vote share compared to the previous election. A similar phenomenon also occurred in the 2024 election, where the electability of the presidential candidate was not directly proportional to an increase in votes for the sponsoring party. This means that the claim that the presidential nomination threshold is needed to strengthen the presidential system is empirically unfounded.

Fifth, from the perspective of original intent, the presidential nomination threshold was not intended by the framers of the Constitution. The imposition of a 20% presidential nomination threshold is inconsistent with the principles of inclusive and transparent democracy. The 20% figure lacks a strong academic basis because elections have been held

simultaneously. This provision also contradicts Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia because using valid votes of political parties or coalitions of political parties in the previous legislative election means it has exceeded the limit of the periodicity principle and causes a distortion of voter representation, failing to respect voters' right to vote because the votes given in the previous electoral period have been hijacked as a requirement for the ongoing election, even though voters may not direct their votes in line with the last election.

As a law student and part of Indonesia's young generation, I believe democracy must not become a closed space for political elites, but rather a broad space of participation for all people without exception. The abolition of the presidential nomination threshold is not only a technical requirement of electoral law but also a moral call to restore democracy to the people, strengthen political justice, and expand the young generation's participation in determining the nation's future direction.

I submitted this petition, together with fellow petitioners, as an academic commitment, a constitutional responsibility, and a manifestation of the young generation's awareness of the urgency of enforcing constitutional justice in Indonesia. I believe that change through legal channels, primarily through judicial review, is an elegant, constitutional, and dignified step toward improving Indonesia's democratic system and the governance of the constitutional order.

Let Students Ask

STEFANIE GLORIA

Petitioner in Case No. 69/PUU-XXII/2024

History shows that students have always been the driving force behind every fundamental reform in Indonesia, and that campuses have been the arena of their struggle.

There is one thing that always draws my attention as regional head elections approach: almost all television broadcasts are dominated by campaign-tinged content, discussions, and candidate speeches. Even for me, who was merely sitting in to peek at my Father, who was busy flipping the remote buttons, searching for an Indonesian badminton match, I inevitably got trapped watching the candidates' debate broadcast. From the many (and lengthy) presentations by the candidates, I took away at least two impressions. First, why are the questions like that? Second, why are the answers like that?

As a layperson who does not understand how the media works, I was often skeptical and thought, "Ah, the questions must have been set up." A clearly baseless conclusion. But as a layperson who also tried to understand what the candidates aspired to achieve, I honestly did not understand much. Yet there was nothing I could do about that lack of understanding. After all, it was a television broadcast. It would be impossible for me to go to the broadcasting venue outside the city and ask questions directly, just because I was annoyed and felt that the answers given by the candidates were still hanging and not probed further by the moderator.

Until finally, in 2024, the first period of regional head elections, in which I had already become a law faculty student. It turned out that student movements on campus truly opened my eyes to how an issue can be voiced loudly without needing to be wrapped in "lofty" language. Whenever I heard my fellow students' aspirations for public officials'

performance, I often felt both uneasy and impressed by their sharpness. Through campus learning, my understanding and idealism developed. As taught, public participation is a crucial element in regional head elections. Regional head candidates must dare to be challenged critically. If indeed the regional head cannot (or does not dare to) provide satisfactory answers to issues in that region, then there is no need to become the regional head there. That is what I thought.

Then the following questions arose: why and how. Why are students often set aside in the discussion components for regional head candidates? Is it because we are considered not yet capable of uniting ideal ideas and practice? Even though history proves that students have always been the driving force behind every fundamental reform in Indonesia, and campuses have always been the arena of their struggle. Then, how would it be if students were again involved in presenting the candidates' visions and missions in open academic discussions? I have always felt that the student component brings at least one novelty: the purity of questions. Even though we still have much to learn scientifically, our questions arise from concern about practical dynamics, from curiosity about the changes being proposed, and from the curiosity of lay members of society toward parties that claim they want to contribute to our region.

In the end, through campuses and students, questions that are widely discussed by the public truly get conveyed. Questions that may be considered "naïve" or, on the contrary, too sensitive, are directly put to the candidates to request their answers. I think it is this method that no longer makes candidates' presentations merely fill television screens, but truly become close, relevant, and raw. On campus, barriers disappear, leaving two sides: candidates who claim they will dedicate at least the next five years to regional development, and students as constituents who expect their region to develop. That is what distinguishes students from other components. And I think that is what must be fought for. Therefore, that is what we fought for on the stage of the Constitutional Court.

Legal Activism at the Constitutional Court: When Trust Issues and Despair Become One

SANDY YUDHA PRATAMA HULU

Petitioner in Case No. 69/PUU-XXII/2024

Even though I have felt disappointment several times over its decisions, the struggle at the Constitutional Court remains relevant to ensure that justice is still truly real in this nation.

As a law student, hearing the words “Constitutional Court” is not something strange. How could it be otherwise, when even since the first weeks of lectures, this name has continued to be spoken by lecturers on campus. This institution seems to have its own “spotlight.” The Constitutional Court continues to be praised as a child of reform, not a failed product of oligarchy. Since first becoming a law student, I have always viewed the Constitutional Court as a glimmer of hope amid the many facts of state life that are “somewhat off.”

I learned more about the Constitutional Court when I began engaging in legal debate at the Faculty of Law, Universitas Indonesia. By participating in the legal discussion, I came to understand the significant role of the Constitutional Court. On various occasions, I concluded that the Constitutional Court is the last savior from the decaying political law in Indonesia. From studying debate issues, I increasingly understood that the Constitutional Court may indeed have a destiny to be “born” to balance political forces that not infrequently tear apart our sense of justice.

Conversely, the deeper I studied law, the more I developed distrust toward political institutions that make laws in this country. Their arrogance, policies that do not side with the people, and their “cooperative-

ness” with the interests of those in power made me develop trust issues toward lawmakers. For power, law is made merely a “stamp.”

However, trust in the Constitutional Court seemed to collapse instantly. Like navigating a romantic relationship, the Constitutional Court “cheated” with a third party: power. Disappointment came several times from the Court’s cold rooms. Finally, toward the end of 2023, the Constitutional Court did not dress up to celebrate fireworks; instead, it lit the fuse of anger for many. Constitutional Court Decision Number 90/PUU-XXI/2023 was the source of that spark. How could it not be, when the Constitutional Court seemed to be “hijacked” by interests and greed? The spotlight that once shone on the Court faded instantly.

Unfortunately, one party who became a “matchmaker” between the Court and power was a student. A student who should have been a pillar of reform instead took part in the collapse of trust toward the nine sturdy pillars of the Court. As a student, I also felt guilty. I felt the need to take part in efforts to take responsibility for this chaos. Quoting a Nias proverb, “Sanondrö akhe, ilu’ilu’I donrönia” (dare to act, dare to be responsible). From there, my legal activism began.

My activism began when, together with Stefanie Gloria, I challenged the provision banning regional head candidates’ campaigning on university campuses in the Regional Head Election Law before the Constitutional Court. This petition began with despair toward political elites who tried to put forward people who “seem to need still to learn politics” to become regional heads. Not infrequently, some of them relied solely on popularity and political gimmicks, without idealism or a vision for regional progress. Therefore, at that time, Stef’s and my goal was only one: to ensure that regional head candidates were truly worthy of leading their regions.

This petition was spun into many things. Many people commented negatively before they saw the petition’s substance. Phrases such as “Almas Part 2,” “U-20 Party Cadre,” and “Snot-nosed Kid, Just Study” decorated our social media timelines. But we both remained steadfast in our struggle because we believed it was not for Sandy and Stefanie, but for Indonesia.

In the end, with steadfastness of heart wrapped in trust issues and despair, we lived each step in the courtroom. Until finally, the Constitutional Court granted our petition. Decision Number 69/PUU-XXII/2024

served as the basis for implementing university campaigning under strict conditions: no campaign attributes, no banners, and dangdut shows. What exists are only directed and helpful academic discussions. Our happiness did not end there. True happiness was born when seeing fellow students across the archipelago carry out the mandate of this decision; many talks and academic forums involved regional head candidates on campus. Perhaps the results were not immediately apparent in the 2024 Regional Head Elections. Still, at least this is an initial step toward a democracy that is increasingly intelligent and free of misleading gimmicks.

I myself continued activism at the Constitutional Court after Case 69 was granted. At least several cases have been “handled” by me, both as legal counsel and as a Petitioner, from the independence of the DKPP secretariat, the abolition of the presidential nomination threshold, to the latest, fresh from the oven, the obligation of women’s representation in leadership seats and membership of the DPR’s auxiliary organs.

Even though I have felt disappointment several times over its decisions, the struggle at the Constitutional Court remains relevant to ensure that justice is still truly real in this nation.

Becoming Active Subjects in Determining the Direction of the State

**YUSRON ASHALIRROHMAN, ROBY NURDIANSYAH, YUDI PRATAMA PUTRA,
AND MUHAMMAD KHAIRI MUSLIMIN**

Petitioners in Case No. 104/PUU-XXIII/2025

As voters in regional head elections, the Petitioners are not passive subjects but active participants in determining the direction and future of the state.

We, the Petitioners in Case No. 104/PUU-XXIII/2025, have always believed that the role of the nation's young generation as the baton of the state's continuity is an integral part of safeguarding legal interests and of playing an active role in guarding the Constitution and building democracy. It is highly illogical and lacking in empathy for the Petitioners, consisting of students and recent graduates of Universitas Mataram who were involved in constitutional studies and research during their university years, to remain silent about legal problems. This then prompted the Petitioners to seek a judicial review to strengthen democracy and uphold the dignity of the Constitution, filing a petition before the Constitutional Court of the Republic of Indonesia.

In relation to the judicial review filed by the Petitioners in Case No. 104/PUU-XXIII/2025, the Petitioners noted a significant mandate in Point 4.4.1 of Law Number 59 of 2024 on the Long-Term Development Plan 2024-2045. One of them mandates that democracy development is directed toward the realization of substantive democracy that carries the people's mandate. However, that vision is not aligned with the operation of Article 139 paragraphs (1), (2), (3) and Article 140 paragraph (1)

of Law Number 1 of 2015 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into a Law (Regional Head Elections Law/ UU Pilkada), which regulate the design of the pattern for handling administrative violations in regional head elections. Those provisions create disharmony between the pattern for handling administrative violations under Law Number 7 of 2017 on General Elections (Election Law/ UU Pemilu) and the Regional Head Election Law, which ultimately does not guarantee legal certainty in the operation of norms.

The equalization of the election and regional head election regimes after Constitutional Court Decision No. 85/PUU-XX/2022 did not automatically cause those provisions to follow the development of electoral law. Ultimately, the Petitioners saw that the operation of those provisions always becomes a recurring problem in every regional head election due to the phrase “recommendation” by Bawaslu in Article 139 paragraphs (1), (2), (3) and the phrase “examine and decide” by the KPU which makes it appear as though the KPU is an appellate stage for Bawaslu’s recommendation. It is not uncommon for the interpretation of these norms to become a problem and be resolved in disputes over regional head election results at the Constitutional Court.

In that condition, the Petitioners also observed uncertainty in the Court’s view regarding the interpretation of those Regional Head Election Law provisions. In Constitutional Court Decision No. 48/PHP. BUP-XIX/2021 on the dispute over the results of the Gorontalo Regency regional head election, the Court justified the KPU’s decision not to implement Bawaslu’s recommendation as a form of prudence on the part of the regional head election organizer. However, this view changed in the Constitutional Court Decision No. 28/PHPU. BUP-XXIII/2025 on the dispute over the results of the North Barito Regency regional head election, in which, in essence, the Court did not justify the action of the North Barito KPU that explicitly refused to implement Bawaslu’s recommendation.

From these problems, the Petitioners decided to file a judicial review of the operation of Article 139 paragraphs (1), (2), (3), and Article 140 paragraph (1) of the Regional Head Election Law against Article 22E paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This judicial review is a form of the Petition-

ers' concern and an effort to realize an ideal and quality regional head election grounded in the Constitution. A democratic regional head election must be understood as meaning that the entire process fulfills the principles of being honest and fair (fairness), both for citizens who have the right to be elected and for regional head election organizers, as well as for every citizen who has the right to vote. The principle of fairness is not only related to the principle of non-discrimination. The principle of fairness is violated if it creates uncertainty in interpreting a norm, thereby making the expected definite outcome unclear.

In the petition for Case No. 104/PUU-XXIII/2025, the Petitioners requested that the Constitutional Court equalize the pattern for handling administrative violations in regional head elections with that for general elections. No longer using the term "recommendation" but using the term "decision."

The Petitioners believe that the Constitutional Court is a constitutional avenue for resolving legal issues and fostering legal certainty in the handling of administrative violations in regional head elections, thereby creating substantive justice within the framework of procedural justice.

As voters in regional head elections, the Petitioners are not passive subjects but active participants in determining the direction and future of the state. It is the responsibility of the Petitioners to realize the mandate for substantive democracy development, which improves the democratic process and strengthens the legitimacy of regional heads elected by the community.

The Petitioners also seek this judicial review to resolve differences in perception between the KPU and Bawaslu regarding the interpretation of "recommendation" in the said Regional Head Election Law provisions.

BIBLIOGRAPHY

BOOKS

Bisarya, Sumit and Madeleine Rogers. *Designing Resistance: Democratic Institutions and the Threat of Backsliding*. Stockholm: International Institute for Democracy and Electoral Assistance (International IDEA), 2023.

Daly, Tom Gerald. *Designing Resilient Institutions: Countering Democratic Backsliding in Asia*. Stockholm: International Institute for Democracy and Electoral Assistance (International IDEA), 2025.

ARTICLES

Sani, Arsul. “Expanding the Space for Progressive Law Based on State Ideology and the Constitution for Twenty-First-Century Legal Education.” *Sumbang Saran* for the Grand Celebration of the 100th Anniversary of the Faculty of Law, Universitas Indonesia (2024).

Faiz, Pan Mohamad. “Students in the Constitutional Court Courtroom Arena.” *Majalah Konstitusi* (October 2025).

CONSTITUTIONAL COURT DECISIONS

Constitutional Court. Decision No. 58/PUU-XIII/2015. *Mohammad Ibnu, et al. (Petitioners)* (2015).

Constitutional Court. Decision No. 120/PUU-XIII/2015. *Nu'man Fauzi and Achiyannur Firmansyah (Petitioners)* (2015).

Constitutional Court. Decision No. 65/PUU-XIV/2016. *Student Executive Board of the Faculty of Law, Universitas Ibnu Chaldun Jakarta, represented by Andi Hugeng and Muhammad Syukur Mandar (Petitioners)* (2016).

Constitutional Court. Decision No. 58/PUU-XVI/2018. *Muhammad Dandy (Petitioner)* (2018).

Constitutional Court. Decision No. 92/PUU-XVI/2018. *Deri Darmawansyah (Petitioner)* (2018).

Constitutional Court. Decision No. 10/PUU-XVII/2019. *Ahmad Syauqi, et*

al. (Petitioners) (2019).

Constitutional Court. Decision No. 19/PUU-XVII/2019. *Joni Iskandar and Roni Alfiansyah Ritonga (Petitioners)* (2019).

Constitutional Court. Decision No. 37/PUU-XVII/2019. *Ronaldo Heinrich Herman, et al. (Petitioners)* (2019).

Constitutional Court. Decision No. 7/PUU-XVIII/2020. *Michael and Kexia Goutama (Petitioners)* (2020).

Constitutional Court. Decision No. 90/PUU-XXI/2023. *Almas Tsaqibbiru Re A (Petitioner)* (2023).

Constitutional Court. Decision No. 91/PUU-XXI/2023. *Arkaan Wahyu Re A (Petitioner)* (2023).

Constitutional Court. Decision No. 128/PUU-XXI/2023. *Muhammad Syeh Sultan, A. Fahrur Rozi, and Tri Rahma Dona (Petitioners)* (2023).

Constitutional Court. Decision No. 134/PUU-XXI/2023. *Josua A.F. Silaen, et al. (Petitioners)* (2023).

Constitutional Court. Decision No. 141/PUU-XXI/2023. *Brahma Aryana (Petitioner)* (2023).

Constitutional Court. Decision No. 12/PUU-XXII/2024. *Ahmad Al Farizy and Nur Fauzi Ramadhan (Petitioners)* (2024).

Constitutional Court. Decision No. 18/PUU-XXII/2024. *Otniel Raja Maruli Situmorang (Petitioner)* (2024).

Constitutional Court. Decision No. 21/PUU-XXII/2024. *AD. Afkar Rara and Fathul Hadie Utsman (Petitioners)* (2024).

Constitutional Court. Decision No. 52/PUU-XXII/2024. *Ahmad Farisi and A. Fahrur Rozi (Petitioners)* (2024).

Constitutional Court. Decision No. 59/PUU-XXII/2024. *Muhammad Alfa-ta Birza, et al. (Petitioners)* (2024).

Constitutional Court. Decision No. 61/PUU-XXII/2024. *Terence Cameron (Petitioner)* (2024).

Constitutional Court. Decision No. 62/PUU-XXII/2024. *Enika Maya Okta-via, et al. (Petitioners)* (2024).

Constitutional Court. Decision No. 69/PUU-XXII/2024. *Sandy Yudha Prat-ama Hulu and Stefanie Gloria (Petitioners)* (2024).

Constitutional Court. Decision No. 70/PUU-XXII/2024. *A. Fahrur Rozi and Anthony Lee (Petitioners)* (2024).

Constitutional Court. Decision No. 89/PUU-XXII/2024. *Arkaan Wahyu Re A (Petitioner)* (2024).

Constitutional Court. Decision No. 91/PUU-XXII/2024. *Terence Cameron, Raihan Husnul Wafa, and Wildan Nurmujaddid Erfan (Petitioners)* (2024).

Constitutional Court. Decision No. 118/PUU-XXII/2024. *Abu Rizal Biladina (Petitioner)* (2024).

Constitutional Court. Decision No. 126/PUU-XXII/2024. *Wanda Cahya Irani and Nicholas Wijaya (Petitioners)* (2024).

Constitutional Court. Decision No. 137/PUU-XXII/2024. *Satrio Anggito Abimanyu, et al. (Petitioners)* (2024).

Constitutional Court. Decision No. 167/PUU-XXII/2024. *Caroline Gabriela Pakpahan, et al. (Petitioners)* (2024).

Constitutional Court. Decision No. 173/PUU-XXII/2024. *Binti Lailatul Masruroh (Petitioner)* (2024).

Constitutional Court. Decision No. 176/PUU-XXII/2024. *Adam Imam Hamdana, et al. (Petitioners)* (2024).

Constitutional Court. Decision No. 88/PUU-XXIII/2025. *Adam Imam Hamdana and Wianda Julita Maharani (Petitioners)* (2025).

Constitutional Court. Decision No. 90/PUU-XXIII/2025. *Khalid Irsyad Januarsyah, et al. (Petitioners)* (2025).

Constitutional Court. Decision No. 104/PUU-XXIII/2025. *Yusron Ashalirrohman, et al. (Petitioners)* (2025).

Constitutional Court. Decision No. 124/PUU-XXIII/2025. *Arina Sa'yin Afifa, Muhammad Adam Arroftu Arfah, and Brahma Aryana (Petitioners)* (2025).

ABOUT THE AUTHOR



TITI ANGGRAINI

Titi currently serves as a Member of the Board of Trustees of the Association for Elections and Democracy (Perludem) and as an Adjunct Lecturer in the Constitutional Law Department at the Faculty of Law, Universitas Indonesia (FHUI). She is widely known as an electoral practitioner with more than 25 years of experience in research and advocacy on elections and democracy in Indonesia and globally. Since her time as an FHUI student, she has been involved in electoral work, including as a member of the Central-Level Election Supervisory Committee (Panwaslu) in the 1999 General Election, the first election of the Reform era. In 2017, together with Kofi Annan and several other global figures, she was appointed a Democracy Ambassador by International IDEA for her contributions and consistent efforts to advance free, fair, and democratic elections. As the top-achieving student and best graduate of FHUI in 2001, she has also participated in various international election observation missions, including in Nepal, the United States, Australia, Myanmar, Cambodia, the Philippines, Malaysia, and Sri Lanka. In addition, Titi is also actively engaged as Deputy Coordinator of Maju Perempuan Indonesia (MPI). She writes extensively for a range of national and local media outlets and has published several books on elections and democracy in Indonesia.