

Constitutional Engineering and Transitional Design Following Constitutional Court Decision Number 135/PUU-XXII/2024

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Article Info

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History:

Submitted: 03-08-2026

Revised: 14-08-2026

Accepted: 07-09-2026

Keyword:

*Constitutional Court Decision;
Constitutional Engineering; Electoral
Transition; Local Election Design.*



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Journal.

Abstract

This study examines the constitutional implications of Constitutional Court Decision Number 135/PUU-XXII/2024 for the transitional design of local elections in Indonesia. The Decision separates national elections from local elections by approximately 2–2.5 years, creating a temporal mismatch between the expiration of existing regional mandates and the implementation of the new local electoral cycle. This transition raises a constitutional dilemma between continuity of government and periodic democratic authorization, particularly for Regional People's Representative Councils (DPRD) and regional heads. Using doctrinal legal research with statutory and conceptual approaches, this study evaluates competing transitional models through periodic democratic authorization, continuity of constitutional government, legal certainty, proportionality, regional autonomy, and temporariness. The study proposes a differentiated transitional design: a temporary DPRD arrangement preserving the representative composition produced by the 2024 election, and interim elections for regional heads to restore direct democratic authorization while protecting regional autonomy. The proposed design requires explicit legislative provisions, limited transitional authority, institutional safeguards, dispute-resolution mechanisms, and a clear sunset clause to prevent exceptional arrangements from becoming permanent electoral mechanisms.

How to cite (Chicago Style):

Rifqi Qonita Hulwana and Muhammad Riyadi, "Constitutional Engineering and Transitional Design Following Constitutional Court Decision Number 135/PUU-XXII/2024," *Estudiante Law Journal* 8, no. 2 (2026): 264–284. <https://doi.org/10.33756/eslaj.v8i2.40728>.

1. Introduction

The Constitutional Court's Decision No. 135/PUU-XXII/2024 marks a significant turning point in the redesign of Indonesia's electoral system. The Decision restructures the electoral calendar into two distinct electoral cycles, national elections and local elections. National elections encompass the election of the President and Vice President, members of the House of Representatives (DPR), and members of the Regional Representative Council (DPD). Local elections, meanwhile, comprise the election of members of the Provincial and Regency/Municipal Regional People's Representative Councils (DPRD), which are held concurrently with the election of governors, regents, mayors, and their respective deputies. Consequently, this constitutional arrangement brings an end to the simultaneous election model that combined national and local elections within a single electoral cycle, as implemented in the 2019 and 2024 elections.

This institutional redesign originated from a constitutional review petition filed by the Association for Elections and Democracy (Perludem)¹ challenging several provisions of Law No. 7 of 2017 on General Elections and Law No. 8 of 2015 on the Election of Governors, Regents, and Mayors.² In its legal reasoning, the Constitutional Court identified several structural shortcomings arising from the simultaneous conduct of national and local elections. Holding multiple elections on the same day not only creates excessive complexity for voters in making electoral choices but also places an overwhelming burden on election management bodies. Moreover, the Court found that the existing model failed to provide sufficient opportunities to strengthen political party institutionalization and improve the overall quality of electoral democracy.

The Court subsequently introduced a new constitutional interpretation of the electoral schedule as regulated under Article 167(3) and Article 347(1) of the General Election Law, together with the relevant provisions of the Regional Election Law. These provisions were declared conditionally unconstitutional unless interpreted to require voting to be conducted in two separate electoral stages. The first stage is dedicated to the election of the President and Vice President, members of the DPR, and members of the DPD as part of the National Elections. The second stage consists of the election of members of the DPRD and regional heads, to be conducted no earlier than two years and no later than two and a half years after the inauguration of the National Election winners. According to the Court, this separation is intended to simplify the voting process, improve the quality of voters' decisions, and reduce the cumulative burden borne simultaneously by election administrators, political contestants, and voters.³

¹ Perludem is a civil society organization engaged in elections and democracy. This organization was founded by a group of citizens who believe that elections must be able to produce a government that truly represents the people. To realize this goal, Perludem conducts research, voter education, election monitoring, and policy advocacy to encourage the realization of democratic and fair elections. "Home," Association for Elections and Democracy, accessed June 3, 2026, <https://perludem.or.id/>.

² "Applicant Test Provisions for the Separation of National and Local Elections to Improve Application," Constitutional Court of the Republic of Indonesia, accessed June 3, 2026, <https://mkri.id/berita/pemohon-uji-ketentuan-pemisahan-pemilu-nasional-dan-lokal-perbaiki-pemohonan-23624>.

³ "Here's the Constitutional Court's Reason to Separate National Elections and Regional Elections," hukumonline.com, accessed June 3, 2026, <https://www.hukumonline.com/berita/a/begini-alasan-mk-pisahkan-pemilu-nasional-dan-pemilu-daerah-lt685d435889599/>.

Parapat and Khalid examine Constitutional Court Decision No. 135/PUU-XXII/2024 from two principal perspectives: the effectiveness of election administration and the constitutional limits of the Constitutional Court's authority. They argue that separating national and local elections has the potential to improve the quality of election administration while simultaneously raising constitutional concerns over the Court's tendency to move beyond its traditional role as a negative legislator.⁴ A similar institutional concern is explored by Amalia et al. through their discussion of Constitutional Court Decision No. 124/PUU-XXIII/2025. Since the petition in that case was declared inadmissible because the legislature had not yet implemented Decision No. 135, Decision No. 124 does not establish a new constitutional basis for the separation of national and local elections. Instead, the authors employ it to evaluate the Constitutional Court's evolving institutional role and the legislative response following Decision No. 135.⁵ Taken together, these studies primarily address the constitutional legitimacy of Decision No. 135 and the institutional position of the Constitutional Court.

Andana et al. identify the potential vacancy of regional head and Regional People's Representative Council (DPRD) offices resulting from the interval between the expiration of the mandates obtained through the 2024 elections and the projected implementation of local elections within the constitutionally prescribed period following the next national elections.⁶ Suryana et al. regard Constitutional Court Decision No. 135/PUU-XXII/2024 as part of a broader electoral reform agenda intended to strengthen democratic quality, improve the effectiveness of election administration, and reinforce political party institutionalization. Azizah, Sarjiyati, and Taufiq Yuli Purnama complement this discussion by examining its implications for administrative efficiency, political representation, election financing, regulatory harmonization, and intergovernmental fiscal coordination following the separation of elections.⁷ Collectively, these studies remain primarily concerned with the institutional and governance implications of the new electoral design.

The discussion of constitutional engineering has developed through the work of Arsul Sani et al., who conceptualize electoral separation as an institutional redesign intended to reduce cognitive overload, create a reflective interval, and strengthen meaningful participation.⁸ Fathullah and Adnyani extend this discussion by addressing the risk of a *legislative vacuum* during the transition period and proposing several alternatives, including interim elections,

⁴ Apwan Riadi Parapat and Khalid, "Analysis of Constitutional Court Decision No. 135/PUU-XXII/2024 on the Separation of National and Regional Elections from the Perspective of Fiqh Siyasah Dusturiyah," *QANUN: Journal of Islamic Laws and Studies* 4, no. 1 (October 2025): 527–37, <https://doi.org/10.58738/qanun.v4i1.931>.

⁵ Rezki Amalia, Ahmad Rustan, and Nur Nashriyani Jufri, "Analysis of Constitutional Court Decisions Exceeding Judicial Authority: A Study of Constitutional Court Decision No. 124/PUU-XXIII/2025 on the Separation of National and Local Elections," *Lex Generalis Law Journal* 6, no. 8 (July 2025), <https://doi.org/10.56370/jhlg.v6i8.2493>.

⁶ Apri Andana, Arfa'i, and Muhammad Amin, "The Legal Implications of Constitutional Court Decision No. 135/PUU-XXII/2024 for Regional Elections," *Limbago: Journal of Constitutional Law* 5, no. 3 (October 2025): 106–23, <https://doi.org/10.22437/limbago.v5i3.49646>.

⁷ Miftahul Nur Azizah, Sarjiyati, and Taufiq Yuli Purnama, "A Juridical Analysis of Constitutional Court Decision No. 135/PUU-XXII/2024 on the Separation of General Elections in Indonesia," *Legal Standing: Jurnal Ilmu Hukum* 10, no. 1 (February 2026): 179–88, <https://doi.org/10.24269/ls.v10i1.13493>.

⁸ Arsul Sani et al., "Reconfiguring Electoral Design Post-Constitutional Court Decision No. 135/PUU-XXII/2024: Prospects for Meaningful Voter Participation," *Jurnal Konstitusi* 22, no. 4 (December 2025): 828–50, <https://doi.org/10.31078/jk22410>.

extensions of terms of office, and the adoption of transitional provisions through legislative amendment.⁹ Neither study, however, develops a normative framework that distinguishes the mechanism for filling DPRD seats from that for filling regional head offices on the basis of their respective constitutional sources of legitimacy.

The academic discourse on Constitutional Court Decision No. 135 has remained primarily centered on its constitutional justification, institutional implications, and alternative approaches to regulating the transition period. Comparatively little attention has been devoted to developing a comprehensive model of constitutional engineering for filling the offices of Regional People's Representative Council members and regional heads during the transition toward local elections within the constitutionally prescribed interval of no less than two years and no more than two and a half years following the inauguration of officials elected in the national elections, a period projected to fall approximately in 2031¹⁰ under the current electoral calendar. Against this background, this study addresses three research questions: (1) What are the implications of Constitutional Court Decision No. 135/PUU-XXII/2024 for Indonesia's electoral design? (2) How should the concept of constitutional engineering introduced by Constitutional Court Decision No. 135/PUU-XXII/2024 be understood? (3) What transitional arrangement is most appropriate for filling DPRD and regional head offices during the constitutionally prescribed transition period preceding the next local elections? This article argues that the mechanism for filling public offices during the transition should not be uniform. Given its representative character within Indonesia's proportional party-list system, the DPRD should be filled through a party-based mechanism reflecting the distribution of seats obtained in the 2024 elections. Regional heads, by contrast, derive their constitutional legitimacy directly from the electorate and should therefore be selected through interim elections in order to preserve democratic legitimacy and the principle of popular sovereignty.

2. Method

This study employs doctrinal legal research using statutory, case-based, and conceptual approaches. The primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, legislation concerning elections and regional government, and Constitutional Court Decision Number 135/PUU-XXII/2024. Secondary legal materials include relevant books, scholarly journal articles, and previous research. All legal materials were collected through library research by identifying, compiling, and classifying relevant sources in accordance with the focus of the study.

The analysis was conducted qualitatively through grammatical, systematic, and constitutional interpretation of legal norms and the Constitutional Court's reasoning. The study then applies conceptual analysis and prescriptive legal reasoning to assess alternative transitional models against four principal parameters: periodic democratic authorization, continuity of constitutional government, legal certainty, and proportionality of transitional intervention, complemented by the principles of regional autonomy and temporariness. These parameters are used to compare term extensions, interim replacement (PAW), acting regional heads, interim elections, and transitional

⁹ Seni Kamalia Rizki Fathullah and Ni Ketut Sari Adnyani, "Parlemen Daerah Tanpa Anggota: Legislative Vacuum di Balik Putusan MK Nomor 135/PUU-XXII/2024," *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi* 3, no. 2 (April 2026): 22–30, <https://doi.org/10.62383/konsensus.v3i2.1622>.

¹⁰ The authors use the expression "approximately 2031" as a calendar-year projection based on the constitutional interval of 2–2.5 years following the inauguration of officials elected in the national elections, as mandated by Constitutional Court Decision No. 135.

DPRD arrangements before formulating differentiated transitional designs for the DPRD and regional heads. Through this methodological framework, the study not only identifies the legal problems arising from Decision No. 135/PUU-XXII/2024 but also formulates a prescriptive legal framework for a constitutional, limited, and temporary transitional arrangement until regional governments elected through the local elections are established.

3. Implications of the Constitutional Court Decision Number 135/PUU-XXII/2024

Constitutional Court Decision No. 135/PUU-XXII/2024 (hereinafter Decision No. 135) responds to structural deficiencies arising from Indonesia's simultaneous election model. The Court identified several systemic weaknesses, including the excessive workload imposed on election officials, voter fatigue caused by casting multiple ballots on the same day, the marginalization of local political issues, and institutional pressures affecting political party recruitment.¹¹ These concerns were reflected in the substantial number of election officials who died or experienced work-related health complications during the 2019 and 2024 general elections despite various preventive measures adopted by the government.¹² Rather than treating these issues as isolated administrative shortcomings, the Court regarded them as constitutional concerns affecting the quality of democratic participation and electoral governance.¹³

These findings prompted the Court to declare Article 167(3) and Article 347(1) of the General Elections Law, together with Article 3(1) of Law No. 8 of 2015 on Regional Elections, conditionally unconstitutional. The Court consequently introduced a new constitutional framework by separating national elections from local elections, requiring local elections to be conducted no earlier than two years and no later than two years and six months after the inauguration of officials elected in the national elections.¹⁴ This remedial framework extends beyond merely rescheduling electoral events. It seeks to strengthen Indonesia's presidential system, improve the quality of democratic participation, reduce the administrative burden of election management, and create sufficient constitutional space for voters to distinguish national political evaluation from local political choice. Similar proposals had previously been advanced by Amir, who argued that separating electoral cycles would enhance voter participation, improve electoral administration, strengthen the presidential system, and promote more effective local governance.¹⁵

The constitutional rationale underlying Decision No. 135 may also be understood through V. O. Key Jr.'s concept of retrospective voting. Rather than requiring voters to evaluate national and local offices simultaneously, the constitutionally prescribed interval enables citizens to assess

¹¹ See Constitutional Court Decision Number 135/PUU-XXII/2024, June 26, 2025, 138–39.

¹² See Ministry of Health, "Causes of Election Officials' Deaths and Illnesses," [Kemkes.go.id](https://kemkes.go.id/id/jumlah-petugas-pemilu-meninggal-capai-527), May 16, 2019, <https://kemkes.go.id/id/jumlah-petugas-pemilu-meninggal-capai-527>; Ministry of Health, "Health Screening Reduces Election Officials' Mortality," [Kemkes.go.id](https://kemkes.go.id/id/skrining-kesehatan-tekan-angka-kematian-petugas-pemilu), February 19, 2024, <https://kemkes.go.id/id/skrining-kesehatan-tekan-angka-kematian-petugas-pemilu>; see also Tempo, "108 Election Officials Died in the 2024 General Election, Ministry of Health Reveals the Complete List of Causes," February 25, 2024, <https://www.tempo.co/politik/108-petugas-pemilu-2024-meninggal-kemenkes-ungkap-daftar-lengkap-penyebabnya-83935>.

¹³ Constitutional Court Decision Number 135/PUU-XXII/2024, 138–45.

¹⁴ Constitutional Court Decision Number 135/PUU-XXII/2024, 145–46.

¹⁵ Mushaddiq Amir, "The Most Ideal Simultaneity of the 2024 Elections Based on the Decision of the Constitutional Court of the Republic of Indonesia," *Al-Ishlah: A Scientific Journal of Law* 23, no. 2 (October 2020): 115–31, <https://doi.org/10.56087/aijih.v23i2.41>.

governmental performance before participating in subsequent local elections.¹⁶ Electoral separation therefore functions not merely as an administrative adjustment but as an institutional mechanism designed to improve the quality of democratic authorization through more informed electoral judgment. From this perspective, the Court's new electoral design seeks to reduce cognitive overload and strengthen the rational exercise of voting rights by allowing electoral accountability to develop sequentially rather than concurrently.

The implications of Decision No. 135 therefore extend beyond changes to the electoral timetable. The separation of national and local elections consequently requires adjustments to Indonesia's electoral institutions, particularly in regulating the transitional period, synchronizing terms of office, and developing constitutional arrangements capable of preserving democratic legitimacy, ensuring the continuity of constitutional government, and maintaining legal certainty throughout the implementation of the new electoral framework. These constitutional implications provide the analytical foundation for the discussion of constitutional engineering in the following section. The principal implications of this redesigned electoral framework are presented in Table 1.

Table 1. Conceptual Framework of the Separation of National and Local Elections.

Aspect	National Elections	Local Elections
Elective Offices	President and Vice President, House of Representatives (DPR), and Regional Representative Council (DPD)	Governor/Vice Governor, Regent/Vice Regent, Mayor/Vice Mayor, Provincial DPRD, and Regency/Municipal DPRD
Constitutional Basis	Article 22E of the 1945 Constitution, as interpreted in Decision No. 135	Article 18(4) and Article 22E of the 1945 Constitution, as interpreted in Decision No. 135
Timing	Conducted first as a single nationwide election	Conducted after the National Elections
Electoral Interval	Marks the beginning of the electoral cycle	Held no earlier than two years and no later than two years and six months after the inauguration of the President and Vice President or members of the DPR and DPD
Political Orientation	National policy, national governance, and strengthening the presidential system	Regional development, local governance, and strengthening regional autonomy
Constitutional Objective	Strengthening the effectiveness of the presidential system	Enhancing the quality of local democracy and government accountability
Impact on Voters	Enables voters to focus on national political issues	Enables voters to focus on local issues and to make more rational and informed electoral choices (responsible electorate)
Impact on Election Administration	Reduces the complexity of administering five-ballot simultaneous elections	Provides greater time for institutional preparation and public evaluation
First Implementation	2029 General Election	Local elections following the 2029 national elections (2031)

Source: Compiled by the authors based on Constitutional Court Decision No. 135/PUU-XXII/2024.

¹⁶ Peter H. Odegard, review of *The Responsible Electorate: Rationality in Presidential Voting, 1936–1960*, by V. O. Key Jr., *The American Historical Review* 72, no. 1 (October 1966): 331–32, <https://doi.org/10.1086/ahr/72.1.331>.

Table 1 illustrates that the separation established by Decision No. 135 creates a new temporal structure for Indonesia's electoral cycle. The constitutionally prescribed interval between national and local elections provides greater institutional space for voters, political parties, and election administrators to prepare for separate electoral contests. At the same time, the interval creates a constitutional consequence that cannot be resolved through electoral scheduling alone: the terms of office of regional heads and DPRD members elected in 2024 may expire before the subsequent local elections can be conducted.¹⁷ The transition therefore concerns not only when elections are held, but also how constitutional offices remain occupied during the interval.

The problem is particularly significant because regional heads and DPRD members derive their democratic mandates through different institutional arrangements. Regional heads obtain their mandates directly from voters through local elections, whereas DPRD members are elected through a proportional electoral system involving political parties. The expiration of both mandates within the same transitional period therefore does not necessarily require a uniform mechanism. Any transitional arrangement must preserve the functioning of local government while remaining consistent with the periodic character of democratic authorization and the constitutional requirement of legal certainty.¹⁸ Legal certainty, in this regard, requires transitional rules to be sufficiently clear and predictable to determine the status, duration, and authority of public offices during the period of institutional change.¹⁹

Decision No. 135 itself recognizes that the separation of electoral cycles requires transitional regulation. The Court places the regulation of the consequences of the new electoral schedule, including arrangements concerning the terms of office of regional heads and DPRD members, within the legislative task of developing the necessary constitutional arrangements.²⁰ This delegation is significant because it leaves the legislature with a constitutional design problem: it must prevent a vacancy in local government without allowing a temporary transitional measure to become an unjustified extension of an electoral mandate. The issue therefore shifts from the constitutionality of separating the elections to the constitutionality of the institutional arrangements required to implement that separation. The need to preserve the functioning of constitutional institutions during periods of institutional change is consistent with the broader principle of continuity of constitutional government, which requires governmental functions to remain operative despite exceptional or transitional circumstances.²¹

This transitional problem provides the point of departure for the constitutional engineering analysis that follows. The assessment requires attention to the periodic renewal of democratic authorization, the continuity of constitutional government, and legal certainty, while requiring any transitional intervention to remain proportionate to the constitutional objective it seeks to achieve. These criteria are used not as an independent constitutional test established by the Court, but as an analytical

¹⁷ Constitutional Court Decision Number 135/PUU-XXII/2024, 143–46.

¹⁸ Moch Fiqri Zainurahman, Gunawan Gunawan, and Khulaila Inda Fikriyah, "Implications of the Constitutional Court Decision No. 135/PUU-XXII/2024 concerning the Separation of National and Local Elections and Their Impact on the Term of Office of Regional Heads and DPRD," *Applied Journal of Minangkabau Government* 5, no. 2 (December 2025): 166–83.

¹⁹ Takis Tridimas, "Legal Certainty and Protection of Legitimate Expectations," in *The General Principles of EU Law*, ed. Takis Tridimas (Oxford: Oxford University Press, 2006), 242–97; see also Julien Dellaux, "The Principle of Legal Certainty in Constitutional Law: Signs of and Hopes for a Consolidation of the Domestic Legal System and the Rule of Law," *Revue française de droit constitutionnel* 119, no. 3 (November 2019): 665–96, <https://doi.org/10.3917/rfdc.119.0665>.

²⁰ Constitutional Court Decision Number 135/PUU-XXII/2024, 143.

²¹ Andrew McDougall, "Continuity of Constitutional Government during a Pandemic: Considering the Concept in Canada's Emergency Management Act," *Canadian Journal of Political Science/Revue Canadienne de Science Politique* 53, no. 2 (June 2020): 293–98, <https://doi.org/10.1017/S0008423920000293>.

framework for assessing the competing transitional arrangements discussed in the subsequent analysis.

4. Constitutional Engineering in Constitutional Court Decision No. 135/PUU-XXII/2024

Constitutional engineering refers to the deliberate process of designing or restructuring the basic legal framework that governs the organization and exercise of political power. This process determines who participates in the exercise of public authority, when such authority is exercised, and how it is established, exercised, and renewed through constitutional procedures.²² Qvortrup grounds the concept in the idea that institutional design can shape political behavior and policy outcomes, particularly through electoral arrangements and other constitutional institutions.²³ Waylen views constitutional design as an institutional framework governing relations among state institutions and between the state and citizens.²⁴ Ginsburg and Elkins further broaden this understanding by showing that constitutional innovation does not occur solely through changes to constitutional text, but also through institutional processes and supporting institutions that shape how a constitutional order operates.²⁵ However, this understanding remains broad and requires further specification.

Within this framework, constitutional engineering must be distinguished from electoral engineering and constitutional implementation. Electoral engineering focuses on the design or modification of electoral systems and rules. It may constitute part of constitutional engineering when such changes materially affect the configuration of political power, although the two concepts are not identical.²⁶ Constitutional implementation, by contrast, refers to the legal measures necessary to translate constitutional norms or judicial decisions into operational rules. Sumodiningrat regards Constitutional Court decisions as a source of legal policy for the legislature and emphasizes the legislative obligation to follow up decisions that are final and binding.²⁷ At the same time, the enactment and implementation of legislation must remain within the framework of constitutional values and norms.²⁸ Accordingly, this article understands constitutional engineering as the restructuring of institutions and norms required to implement a new electoral design while regulating the constitutional consequences arising from that change.

Constitutional Court Decision No. 135 creates the need for constitutional engineering because the Court altered the institutional configuration of elections by separating national elections from local elections while leaving the regulation of their consequences to the legislature. This change goes

²² See Zachary Elkins, "Constitutional Engineering | Political Science, Law & Governance," Britannica.com, accessed August 11, 2026, <https://www.britannica.com/topic/constitutional-engineering>.

²³ Matt Qvortrup, "The Logic of Constitutional Engineering: Institutional Design and Counterterrorism from Aristotle to Arend Lijphart," *Studies in Conflict & Terrorism* 41, no. 2 (2018), <https://doi.org/10.1080/1057610X.2016.1249779>.

²⁴ Georgina Waylen, "Constitutional Engineering: What Opportunities for the Enhancement of Gender Rights?" *Third World Quarterly* 27, no. 7 (2006): 1209–21, <https://doi.org/10.1080/01436590600933305>.

²⁵ Tom Ginsburg and Zachary Elkins, "Ideation and Innovation in Constitutional Rights," *Law and Ethics of Human Rights* 16, no. 2 (2022): 217–44, <https://doi.org/10.1515/lehr-2022-2009>.

²⁶ Electoral engineering is often positioned as part of constitutional engineering, although the two can be distinguished because electoral systems are frequently regulated by statute beneath the constitution. See Robert Podolnjak, "Contemporary Croatian Electoral Engineering as a Sophisticated Form of Electoral Manipulation," *Zbornik Pravnog fakulteta u Zagrebu* 63, no. 1 (February 2013): 155–87.

²⁷ Aprilian Sumodiningrat, "Strengthen Constitutional Court's Decision as Political Legal Perspective in Legislative Branch," *Jurnal Konstitusi* 20, no. 2 (June 2023): 257–78, <https://doi.org/10.31078/jk2025>.

²⁸ Muhammad Reza Maulana, "Efforts to Create Constitutional Quality Legal Products Through the Preventive Review Model," *Jurnal Konstitusi* 15, no. 4 (2018): 774–95, <https://doi.org/10.31078/jk1545>.

beyond rescheduling elections; it also affects the tenure of public offices, the relationship between voters and elected officials, and the mechanisms through which political mandates are renewed. The legislature must therefore formulate rules that implement the new design while regulating the institutional consequences arising during the transitional period.

Such follow-up forms part of the legislature’s obligation to implement a Constitutional Court decision that is final and binding. The House of Representatives (DPR) has included amendments to the General Elections Law in the 2025–2026 priority National Legislation Program (Program Legislasi Nasional or *Prolegnas*), while civil society organizations have submitted proposed amendments as legislative input.²⁹ Yet the direction and model of the constitutional engineering to be adopted by the legislature remain unclear. The issue therefore extends beyond amending electoral rules to determining how public mandates and affected institutions are maintained during the transitional period. This institutional choice also relates to the new electoral design’s aim of reducing cognitive overload and providing a reflective interval for voters. Arsul Sani et al. show that separating elections can reconfigure political incentives by reducing the dominance of national contests over voters’ attention to local issues.³⁰ The interval provides voters with greater opportunity to evaluate government performance before granting the next political mandate, thereby strengthening vertical accountability.³¹

Table 2. Dimensions and Objectives of Constitutional Engineering

Dimension of Constitutional Engineering	Objective
Separation of national and local elections (<i>electoral timing</i>)	Reduce the complexity of five-ballot simultaneous elections
Reduction of <i>cognitive overload</i>	Improve the quality of voters’ electoral choices
Creation of a <i>reflective interval</i>	Provide voters with sufficient time to evaluate government performance
Voter-centered institutional design	Place voters at the center of electoral design

Source: Adapted by the authors from Arsul Sani et al. (2025).

Table 2 shows that constitutional engineering under Decision No. 135 operates through changes to the timing and sequencing of elections. The separation of national and local elections does not merely reduce the complexity of electoral administration; it also alters the institutional conditions under which political mandates are renewed. The reflective interval gives voters an opportunity to focus on local issues and evaluate government performance before granting the next mandate. Arsul Sani et al. demonstrate that electoral separation can reduce cognitive overload and shift voters’ attention from the dominance of national contests toward local issues.³² Institutional design can strengthen or constrain citizens’ rights, and democratic outcomes depend significantly on how open, transparent, and participatory the constitutional engineering process is.³³

²⁹ Perludem, “Terima Audiensi Perludem, Fraksi NasDem Konsisten Perjuangkan Pemilu Berkualitas,” *Perkumpulan untuk Pemilu dan Demokrasi*, January 28, 2026, <https://perludem.or.id/terima-audiensi-perludem-fraksi-nasdem-konsisten-perjuangkan-pemilu-berkualitas/>.

³⁰ Sani et al., “Reconfiguring Electoral Design Post-Constitutional Court Decision No. 135/PUU-XXII/2024,” 828–50.

³¹ Guillermo A. O’Donnell, “Horizontal Accountability in New Democracies,” *Journal of Democracy* 9, no. 3 (1998): 117.

³² Sani et al., “Reconfiguring Electoral Design Post-Constitutional Court Decision No. 135/PUU-XXII/2024,” 832.

³³ Waylen, “Constitutional Engineering,” 1209–21.

It is important to emphasize that constitutional engineering refers to deliberate institutional redesign that affects the allocation, duration, or democratic source of public authority. In Decision No. 135, the allocation of public authority refers to the organization of electoral mandates into two arenas: national and local elections. The duration of public authority concerns the temporal regulation of electoral mandates through the separation of the two electoral cycles, particularly the two-to-two-and-a-half-year interval following the inauguration of officials elected in the National Elections. The democratic source of public authority concerns the renewal of mandates through elections, as the new design determines when and through which electoral arena voters renew the mandates of national and local officials. These three dimensions also distinguish constitutional engineering from constitutional implementation. Technical changes that merely translate the new design into electoral procedures constitute implementation, whereas legislative choices that determine who receives a mandate, how long that mandate is exercised, and how it is renewed through elections have a constitutional engineering dimension. Electoral engineering may overlap with constitutional engineering when changes to electoral systems affect the configuration of political mandates, but the two concepts remain distinct.³⁴ The legislature must therefore interpret Decision No. 135 carefully to ensure that constitutional engineering is not reduced to mere constitutional implementation.

Under Decision No. 135, the legislature's design space concerns the regulation of the consequences arising from electoral separation, rather than the authority to disregard or alter the constitutional direction established by the Court. Sumodiningrat positions Constitutional Court decisions as a source of legal policy that should guide the legislature in preventing constitutional disobedience and maintaining the principle of checks and balances.³⁵ Maulana, meanwhile, emphasizes the importance of ensuring constitutional conformity from the outset of the legislative process, including through the preventive review (a priori review) model, so that legislation does not merely satisfy technical requirements but also reflects constitutional values and norms.³⁶ The regulation of terms of office and mechanisms for filling offices during the transition should therefore serve as instruments for implementing the new design established by Decision No. 135 while preventing rules that extend mandates or transfer the source of public authority without an adequate constitutional basis.

Arsul Sani et al. identify three institutional prerequisites for the success of the post-Decision No. 135 electoral design: internal democratization of political parties, independence of election management bodies, and stability of electoral regulations.³⁷ These prerequisites support the functioning of the new design without altering the conceptual boundaries of constitutional engineering established above. Internal party democratization can promote more open political recruitment and competition; independent election management bodies can safeguard electoral integrity; and regulatory stability can enable political actors and voters to operate under clear and predictable rules.³⁸ In this regard, the legislature should avoid reactive changes to electoral rules once electoral stages have commenced. The Purcell principle underscores the importance of avoiding changes to

³⁴ Podolnjak, "Contemporary Croatian Electoral Engineering as a Sophisticated Form of Electoral Manipulation," 155–87.

³⁵ Sumodiningrat, "Strengthen Constitutional Court's Decision as Political Legal Perspective in Legislative Branch," 257–78.

³⁶ Maulana, "Efforts to Create Constitutional Quality Legal Products Through the Preventive Review Model," 774–95.

³⁷ Sani et al., "Reconfiguring Electoral Design Post-Constitutional Court Decision No. 135/PUU-XXII/2024," 844.

³⁸ Sani et al., "Reconfiguring Electoral Design Post-Constitutional Court Decision No. 135/PUU-XXII/2024," 844–46.

electoral rules during an ongoing electoral process because such changes may generate uncertainty and disrupt electoral administration.³⁹

Although Decision No. 135 introduces a new direction for Indonesia's electoral design, its implementation faces several institutional challenges. One major risk is institutional layering, in which new formal rules accumulate on top of existing political practices without displacing them.⁴⁰ Electoral separation, for example, does not necessarily transform political relations built around patronage and clientelism.⁴¹ Institutional redesign must therefore account for the conditions that determine whether the new design actually changes political behavior or merely adds new rules to existing practices.

A more immediate problem arises during the transitional period. The interval between the national and local elections creates a period in which the terms of regional heads and members of the Regional People's Representative Council (DPRD) may expire before the next elections take place. Temporary mechanisms for filling these offices, including the appointment of acting regional heads, may increase the concentration of central government influence and generate concerns regarding legitimacy and institutional tensions with DPRD.⁴² These risks become more significant when acting officials gain opportunities to influence bureaucratic structures or public resources in ways that may benefit particular political actors. The legislature therefore cannot limit its task to determining how vacancies will be filled. It must ensure that transitional arrangements do not disproportionately extend electoral mandates, alter the source of officeholders' democratic legitimacy, or create an unequal political playing field.

The central issue is therefore no longer whether the separation of elections can be implemented, but how the legislature should regulate its transitional consequences without disrupting the periodic renewal of democratic mandates and the continuity of constitutional government. This question provides the basis for assessing alternative transitional mechanisms against the principles of periodic democratic authorization, continuity of constitutional government, legal certainty, and proportionality of transitional intervention.

5. Designing Transitional Arrangements for Filling Public Offices (2029–2031)

Decision No. 135 creates a temporal problem because the new electoral design separates national and local elections by a gap of approximately 2–2.5 years. This change creates a mismatch between the terms of public office, which have traditionally followed a five-year electoral cycle, and the new electoral calendar. Indonesia's experience demonstrates that transitional arrangements may alter the duration of public office without eliminating the principle of democratic succession. The 1999 election, for example, shortened the term of the DPRD elected in 1997 to approximately 13 months,

³⁹ Richard Hasen, "Reining in the Purcell Principle," *Florida State University Law Review* 43, no. 2 (January 2016): 427–64; see also Idul Rishan, "Abusive Judicial Review: The Scandal of the Minimum Age and the Dysfunction of the Constitutional Court," *Invite: Legal Journal* 7, no. 1 (2024): 127–28, <https://doi.org/10.22437/ujh.7.1.119-149>.

⁴⁰ Eva Sera, "James Mahoney – Kathleen Thelen (Ed.): Explaining Institutional Change. Ambiguity, Agency and Power," *Historická Sociologie* 2016, no. 2 (January 2017): 152–56, <https://doi.org/10.14712/23363525.2016.17>.

⁴¹ Richard S. Katz and Peter Mair, "Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party," *Party Politics* 1, no. 1 (January 1995): 5–28, <https://doi.org/10.1177/1354068895001001001>.

⁴² Rahmazani Rahmazani, "The Problems of Appointment Acting Officer of Regional Head in the Transition Period Before the Election of 2024," *Jurnal Konstitusi* 20, no. 2 (June 2023): 196–215, <https://doi.org/10.31078/jk2022>.

while the implementation of simultaneous local elections also resulted in some regional heads elected in 2020 serving less than a full five-year term. The periodization of political power during a transitional period does not always follow the regular electoral cycle because the political system must adjust to a new institutional configuration.⁴³

The problem takes a different form for the DPRD and regional heads. The DPRD faces institutional expiry because the terms of all members elected in 2024 will end before the local elections scheduled for around 2031. Regional heads face a different problem: local government must continue to function, but the filling of executive offices must not sever the source of democratic authorization vested in local communities.⁴⁴ These differences make a single transitional formula for all offices constitutionally problematic. The transitional design therefore needs to reconcile continuity of government, electoral periodicity, the source of political mandate, legal certainty, and regional autonomy.⁴⁵

Decision No. 135 can be understood through the framework of judicial restraint, particularly in the way the Court limits its remedial intervention and leaves space for the legislature to design the transitional arrangements. Judicial restraint requires courts to limit the exercise of judicial power so that they do not assume functions that institutionally belong to democratic lawmaking bodies.⁴⁶ It operates as a discipline on judicial power, requiring courts to remain courts rather than replacing the judgment of democratic institutions with their own policy preferences.⁴⁷ This restrained approach is important for preserving the institutional boundaries of the Court, although judicial intervention remains justified when necessary to protect democracy and the Constitution.⁴⁸

This character reflects a weak-form review dimension at the remedial stage, rather than a limitation on the binding force of the decision. The Court retains final authority to determine the constitutional meaning that must be observed, while the legislature retains discretion to determine the transitional mechanism so long as it does not depart from the constitutional boundaries established by the Court.⁴⁹ This position does not diminish the final and binding nature of Constitutional Court decisions, which applies *erga omnes*.⁵⁰ The consequence is that the legislature must design a transitional accommodation capable of bridging the two electoral regimes without disproportionately extending existing mandates, creating new electoral mandates without sufficient justification, or excessively concentrating authority in the central government.

⁴³ Darmawan Darmawan and Muchlisin, "Reconstruction of Regional General Election Law After the Constitutional Court Decision," *TADHKIRAH: An Applied Journal of Islamic Law and the Study of Sharia Philosophy* 2, no. 3 (September 2025): 56–74, <https://doi.org/10.59841/tadhkirah.v2i3.277>.

⁴⁴ Rahmazani, "The Problems of Appointment Acting Officer of Regional Head in the Transition Period Before the Election of 2024," 196–215.

⁴⁵ McDougall, "Continuity of Constitutional Government during a Pandemic," 293–98.

⁴⁶ Zainal Arifin Mochtar, *Judicial Power: The Constitutional Court and the Discourse of Judicial Activism vs Judicial Restraint* (Jakarta: Rajawali Press, 2021).

⁴⁷ Derek Webb, "The Lost History of Judicial Restraint," *Notre Dame Law Review* 100, no. 1 (December 2024): 289.

⁴⁸ Zainal Arifin Mochtar, "Guarding Democracy: Judicial Activism in the Indonesian Constitutional Court Decisions in Regional Head Electoral Disputes," *Constitutional Review* 11, no. 1 (May 2025): 36–62, <https://doi.org/10.31078/consrev1112>.

⁴⁹ Webb, "The Lost History of Judicial Restraint"; see also Idul Rishan, "Populisme Mahkamah Konstitusi dalam Penafsiran Perkara-Perkara pada Wilayah Open Legal Policy," *Jurnal Hukum IUS QUIA IUSTUM* 31, no. 3 (December 2024): 585–609, <https://doi.org/10.20885/iustum.vol31.iss3.art5>.

⁵⁰ M. Agus Maulidi, "Menyoal Kekuatan Eksekutorial Putusan Final dan Mengikat Mahkamah Konstitusi," *Jurnal Konstitusi* 16, no. 2 (July 2019): 339–62, <https://doi.org/10.31078/jk1627>.

The transition of the DPRD must also be clearly distinguished from individual vacancies that are addressed through the Interim Replacement (Penggantian Antarwaktu or PAW) mechanism. PAW operates while the term of the DPRD remains in force and an individual member leaves office before the end of that term. The mechanism preserves the representative composition established through an election by replacing individuals who are no longer able to perform their functions.⁵¹ Article 239 of the MD3 Law likewise establishes PAW as a mechanism for replacing members of the House of Representatives when vacancies arise during their term of office.⁵² This logic, however, cannot simply be applied to the 2029 transition because what expires is not the term of several individual members but the term of the DPRD as an institution and on a simultaneous basis. Using PAW in such circumstances would risk transforming a mechanism designed for individual replacement into an instrument for reconstructing the institution after the electoral mandate has expired.

The evaluation of transitional designs cannot rest solely on administrative convenience. Electoral periodicity, the source of the mandate, continuity of government, legal certainty, administrative and fiscal feasibility, neutrality, and the risk of abuse of power should serve as common criteria for assessing each alternative. Periodic elections provide voters with a mechanism to retain or replace public officials based on their performance.⁵³ In an open-list proportional representation system, this principle becomes particularly important because voters also determine which candidates obtain legislative seats. The relationship between voters and representatives therefore strengthens the position of electoral authorization as the foundation of legislative representation.⁵⁴

Table 3. Comparative Evaluation of Transitional Models

Model	Advantages	Key Disadvantages	Constitutional Problems
Term extension	Simple; preserves institutional continuity; does not require a new election	Extends the mandate without new electoral authorization; creates an incumbency advantage	Electoral periodicity, term limits, and democratic legitimacy
PAW / Interim Replacement	Has an established legal basis; relatively easy to apply to individual vacancies	PAW is designed to replace individual members while the institutional term remains in force	Cannot resolve the institutional expiry of the entire DPRD
Acting regional heads (Pj)	Ensures continuity of executive functions; relatively quick to implement	No direct electoral mandate; risks increasing central control over regional government	Democratic legitimacy, regional autonomy, and governmental neutrality

⁵¹ Nur Lian, “Sistem PAW Anggota DPR RI oleh Partai Politik Menurut Prinsip Kedaulatan Rakyat,” *SUPREMASI: Jurnal Hukum* 6, no. 2 (April 2024): 128–47, <https://doi.org/10.36441/supremasi.v6i2.1998>.

⁵² See Article 239 of Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives.

⁵³ Michael Smart and Daniel M. Sturm, “Term Limits and Electoral Accountability,” *Journal of Public Economics* 107 (November 2013): 93–102, <https://doi.org/10.1016/j.jpubeco.2013.08.011>.

⁵⁴ Fifiana Wisnaeni et al., “Diagnosing Electoral System Performance: A Juridical Analysis of Open-List Proportional Representation in Indonesia,” *LAW REFORM* 22, no. 2 (June 2026): 344–72, <https://doi.org/10.14710/lr.v22i2.74052>.

Interim election	Returns authorization to voters; strongest in terms of electoral legitimacy and periodicity	Costly and complex; requires new legal and administrative arrangements; may create electoral fatigue	Must remain an exceptional and temporary mechanism
Transitional DPRD / Provisional Council	Preserves representative functions without simply extending the existing term; can maintain the 2024 electoral composition	Requires a special legal basis; the legitimacy of members after expiry of the original term must be narrowly constructed	Popular sovereignty, source of mandate, limits on authority, and prohibition of permanent mandates

Source: Compiled by the authors.

Term extension offers the simplest form of institutional continuity, but it extends the mandate without renewed electoral authorization. The problem becomes more serious when the same approach is applied to both the DPRD and regional heads because the two offices derive their legitimacy from different sources. A limited extension has emerged as one possible option for legal reconstruction, but the expiration of the DPRD's term in 2029 still requires specific transitional norms to prevent a legislative vacuum.⁵⁵ PAW does not resolve the problem either. The PAW mechanism operates when an individual member leaves before the institutional term expires, whereas the 2029 problem concerns the simultaneous expiration of the DPRD's institutional term. Using PAW to replace all DPRD members would transform a mechanism for individual replacement into an instrument for establishing a transitional institution.⁵⁶

For regional heads, the appointment of acting regional heads (Pj) offers an advantage in maintaining administrative continuity, but the problem extends beyond electoral legitimacy. The appointment of Pj involves public participation, transparency, accountability, legal certainty, and central-regional relations. Gunanto identifies a tension between administrative continuity and democratic accountability in the appointment of acting regional heads within a decentralized democracy.⁵⁷ Prolonged reliance on Pj during the transition also raises concerns about the implementation of regional autonomy.⁵⁸ This concern derives its constitutional basis from Article 18 of the 1945 Constitution. Regional autonomy constitutes an important element of the post-Reformasi transformation of central-regional relations and must be protected against tendencies toward the recentralization of authority.⁵⁹ Transparency and accountability are equally important to prevent transitional arrangements from increasing the concentration of authority in the central government.⁶⁰ The constitutional problems surrounding the regulation and appointment of acting regional heads further reinforce the case against making central appointment the primary

⁵⁵ Fathullah and Adnyani, "Parlemen Daerah Tanpa Anggota," 22–30.

⁵⁶ Lian, "Sistem PAW Anggota DPR RI," 128–47.

⁵⁷ Djoni Gunanto, "Acting Regional Heads and the Governance Deficit in Indonesia's Decentralised Democracy: Participation, Rule of Law, and Transparency in the Transition to the 2024 Simultaneous Regional Elections," *SWATANTRA* 22, no. 1 (2024): 25–34, <https://doi.org/10.24853/swatantra.22.1.25-34>.

⁵⁸ Emmanuel Ariananto Waluyo Adi and Theresia Rachelita Devia Irani, "Reflections and Expectations of Democracy in the Implementation of Regional Autonomy: Long-Term Potential for Appointment of Acting Regional Heads," *PLEDOI (Jurnal Hukum dan Keadilan)* 2, no. 1 (March 2023): 50–68, <https://doi.org/10.56721/pledoid.v2i1.184>.

⁵⁹ Ni'matul Huda and Despan Heryansyah, "Kompleksitas Otonomi Daerah dan Gagasan Negara Federal dalam Negara Kesatuan Republik Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 26, no. 2 (August 2019): 238–58, <https://doi.org/10.20885/iustum.vol26.iss2.art2>.

⁶⁰ Muhammad Fitra Kurniawan, Muhammad Hamzah Al Faruq, and Garuda Era Ruhpinesthi, "Measuring Accountability for Filling the Acting Regional Heads in Indonesia," *Jurnal Konstitusi* 20, no. 4 (December 2023): 576–603, <https://doi.org/10.31078/jk2042>.

transitional solution.⁶¹ Interim elections provide the strongest form of electoral legitimacy because they return authorization to voters. That legitimacy, however, must be weighed against implementation costs, administrative burdens, and the risk of electoral fatigue. For a term of approximately 2–2.5 years, an interim election must satisfy requirements of necessity and balancing rather than being presumed to be automatically more democratic.

The comparison points toward different transitional mechanisms for the DPRD and regional heads. The DPRD requires continuity of representation because the central problem concerns the simultaneous expiration of the institution's term. Regional heads, by contrast, require renewed authorization because the central problem concerns both continuity of government and the legitimacy of the regional executive.⁶² Accordingly, this article proposes the establishment of a Provisional Regional People's Representative Council (DPRDS) that maintains the representative composition resulting from the 2024 election. This composition is not preserved because legislative seats belong to political parties, but because the 2024 election represents the most recent representative configuration to receive direct authorization from voters. A similar design has been proposed by Nasution and Thoriq to prevent a legislative vacuum during the transitional period.⁶³ This model also avoids expanding the function of PAW beyond its original purpose of addressing individual vacancies. The DPRDS should have a specific statutory basis, a limited period of operation until the DPRD resulting from the 2031 local elections is inaugurated, and only those powers necessary to maintain legislative, budgetary, and oversight functions.

For regional heads, this article considers an interim election the strongest option for renewing democratic authorization, although it would entail greater fiscal and administrative costs. Regional heads derive their legitimacy and mandate from direct elections,⁶⁴ meaning that appointing Pj for 2–2.5 years could transfer the source of political authorization from regional voters to the central government. The risk concerns not only electoral legitimacy but also the quality of regional autonomy guaranteed by Article 18 of the 1945 Constitution. The appointment of Pj within a decentralized democracy raises concerns regarding participation, the rule of law, transparency, and accountability. Maintaining an appropriate balance between central and regional authority is essential to protecting regional autonomy against tendencies toward recentralization. Concerns regarding accountability in the appointment of Pj and the constitutionality of its regulatory framework further strengthen the case against relying on central appointment as the primary solution.⁶⁵ An interim election does entail fiscal consequences, but those consequences may be justified where the election is necessary to restore democratic authorization, protect regional autonomy, and no less restrictive mechanism can achieve the same constitutional objectives.

Although this design is asymmetrical, it remains constitutionally coherent because each mechanism addresses a different constitutional problem. The DPRD requires continuity of representation without creating a new electoral mandate, whereas regional heads require renewed authorization

⁶¹ Taufiqurrahman, "The Constitutionality of Minister of Home Affairs Regulations: A Study of Minister of Home Affairs Regulation No. 4 of 2023 on Acting Governors, Acting Regents, and Acting Mayors," *Lex Renaissance* 9, no. 1 (July 2024): 85–107, <https://doi.org/10.20885/JLR.vol9.iss1.art5>.

⁶² Wisnaeni et al., "Diagnosing Electoral System Performance," 344–72.

⁶³ Ali Imran Nasution and Ahmad Reihan Thoriq, "Establishing Provisional Regional People's Representative Council: A Notion to Address Vacancies During the Transition in Local Election," *Cepalo* 10, no. 2 (2026): 89–100, <https://doi.org/10.25041/cepalo.v10no2.5104>.

⁶⁴ Muhammad Riyadi et al., "Analysis of General Election Commission Regulation Number 18 of 2024: Jean Jacques Rousseau's Perspective on the Legitimacy of Power," *Journal USM Law Review* 8, no. 1 (March 2025): 1, <https://doi.org/10.26623/p17tw674>.

⁶⁵ Kurniawan, Faruq, and Ruhpinesthi, "Measuring Accountability for Filling the Acting Regional Heads in Indonesia"; see also Taufiqurrahman, "The Constitutionality of Minister of Home Affairs Regulations," 85–107.

that cannot be fully substituted by administrative appointment. This asymmetry is not an inconsistency in the design but a consequence of the different sources of legitimacy and the distinct nature of the institutional problems. Both mechanisms nevertheless require constitutional safeguards. *First*, the DPRDS and interim elections must have an explicit legal basis because both constitute transitional mechanisms that cannot simply be equated with ordinary procedures for filling public office. *Second*, both mechanisms must have a clearly defined time limit and a sunset clause that automatically terminates them once the DPRD and regional heads resulting from the local elections are inaugurated. *Third*, authority during the transitional period must be limited to actions necessary to ensure continuity of government and must not be used to adopt strategic policies that bind the government resulting from the subsequent election.

Fourth, the transitional design must apply the principle of democratic non-entrenchment. The composition of the DPRDS must not be understood as ownership of legislative seats by political parties, while regional heads elected through an interim election must not receive institutional advantages that could transform the transitional mechanism into a means of preserving political power. *Fifth*, the filling of regional head offices must respect regional autonomy and prevent the recentralization of authority through prolonged appointment by the central government. *Sixth*, the legislature must provide mechanisms for transparency, accountability, and oversight that enable the public to evaluate the implementation of both transitional mechanisms.

6. Conclusion

Constitutional Court Decision No. 135/PUU-XXII/2024 fundamentally restructures Indonesia's electoral cycle by separating national and local elections, but its implementation creates a transitional problem that cannot be resolved through a uniform mechanism for all regional offices. This article finds that the constitutional consequences of the 2029–2031 transition require a differentiated design: a Provisional Regional People's Representative Council (DPRDS) should preserve the representative composition produced by the 2024 election to prevent an institutional legislative vacuum, while regional heads should be filled through an interim election to renew democratic authorization and protect regional autonomy. This asymmetrical design reflects the different sources of legitimacy and institutional problems of the DPRD and regional heads, while remaining subject to judicially established constitutional boundaries and legislative discretion. Its implementation, however, requires explicit statutory transitional clauses governing duration, eligibility, authority, electoral procedures, transparency, accountability, dispute resolution, and safeguards against political entrenchment and recentralization. The proposed design should therefore be understood as a temporary constitutional accommodation rather than a permanent electoral regime, with a clear sunset clause terminating both mechanisms upon the inauguration of the DPRD and regional heads elected through the 2031 local elections. The article also acknowledges that the proposed model requires further legislative, administrative, and fiscal assessment, particularly concerning the feasibility and cost of interim elections.

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