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Dynamics of legal politics after Constitutional Court Decision Number 60/PUU-XXII/2024 Regarding the Party Wholesale System in the 2024 Regional Head Elections

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ABSTRACT

The Constitutional Court has made a decision on regional head nominations in the Pilkada, which is an integral part of the broader general election system in Indonesia. This study analyzes the legal, political, and social implications of the decision and explores the paradigm shift in nomination, the impact on political party structures, and public reactions to these changes to create a more inclusive and participatory political climate. The study used a qualitative approach, employing a combination of legal analysis and a conceptual approach, focusing on the development and understanding of relevant legal concepts, such as democracy, political participation, and the nomination system. The results of the study suggest that lowering the nomination threshold could strengthen democracy in Indonesia by offering more opportunities for small parties and independent candidates, thereby creating an inclusive and representative election system that reflects diverse public aspirations. Moreover, the study could examine the long-term implications of these electoral reforms on political and social stability, analyzing how increased representation influences public trust in the political system.

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INTRODUCTION

General elections (*Pemilu*) are often referred to as a democratic party that is the foundation of national and state politics to build a better future. As one of the main pillars of democracy, elections play a central role in encouraging the achievement of true democracy, as well as in building the nation's civilization (Riewanto, 2019; Romdoni & Runturambi, 2024; Rosanvallon & DeBevoise, 2018; Sistyawan & Gashimov, 2024; Yesilkagit et al., 2024). In addition, elections also have a very important evaluative function, namely as a means to assess the performance of the ruling regime in realizing the ideals of national independence. Through elections, the people have the opportunity to assess and determine whether the current government is still worthy of continuing its leadership or needs to be replaced by a new one (Wall, 2006).

One real manifestation of the implementation of democracy at the regional level is the direct election of regional heads (Pilkada). Pilkada provides an opportunity for people in the regions to express their sovereignty through direct elections for regional head candidates. Thus, Pilkada becomes a means of manifesting the sovereignty of the people and ensuring that the filling of regional head positions, whether at the provincial, district, or city levels, is carried out by the people directly. This is under the constitutional mandate stated in Article 18 paragraph (4) of the 1945 Constitution, which states that Governors, Regents, and Mayors are democratically elected by the people. This direct election of regional heads is also expressly regulated in Law Number 32 of 2004 concerning Regional Government, which was later replaced by Law Number 23 of 2014. The substance of this regulation has not undergone significant changes, confirming that state administrators remain committed to the principle of direct election of regional head (Amiruddin, 2021).

The main function of regional elections is to produce regional leadership that is in accordance with the will of the people (Aryanti & Haryaningsih, 2024; Luluardi & Diniyanto, 2021; MS et al., 2020; Tilome et al., 2020; Zoelva, 2013). Direct regional elections and all the mechanisms that support them provide space for the people to express their democratic rights, ensuring that the elected regional heads are those who have strong legitimacy from the people. Regional elections also function as an important means of gaining legitimacy of

power in a region, on par with the Presidential Election and Legislative Election in terms of importance to the democratic system as a whole (Munte, 2013). Therefore, Pilkada is not only a tool to elect regional leaders but also an integral part of the broader general election system in Indonesia.

The legal basis for the implementation of Pilkada, as regulated in Article 18 paragraph (4) of the 1945 Constitution, emphasizes that regional heads, be they Governors, Regents, or Mayors, are elected democratically. This provision provides a constitutional basis for the implementation of Pilkada, and in practice, the method of electing regional heads is determined through an open legal policy, which is further regulated in law (Amalia, 2016). One of the important policies that emerged from this dynamic was the implementation of Simultaneous Regional Elections, which aimed for efficiency, including in terms of budget savings. This policy emerged from the desire to reduce the cost burden arising from the implementation of Regional Elections separately in various regions at different times (Prihatmoko, 2005).

The year 2024 will be an important moment in Indonesia's democratic journey because in that year the National Simultaneous Regional Elections will be held. This agenda is a grand democratic celebration that will involve the election of regional heads throughout Indonesia simultaneously. The General Elections Commission (KPU) has determined that the National Simultaneous Regional Elections will be held on November 27, 2024. However, the process leading up to the voting day did not happen suddenly because the stages of its implementation had begun several months earlier. This stage includes various technical and administrative preparations, including the determination of candidates, campaigns, and election logistics needed to ensure that the Regional Elections can run smoothly and democratically (Afifi, 2005).

Along with the development of the state system and the dynamics of society, the regulations regarding the Election of Regional Heads and Deputy Regional Heads have changed. One important change occurred when the Constitutional Court (MK) issued a recent decision that granted part of the petition regarding the threshold for regional head nominations. In the Constitutional Court Decision Number 60/PUU-XXII/2024, the Court provided details regarding the threshold requirements that must be met by political parties or coalitions of political parties participating in the election in order to be able to nominate regional head candidate pairs, be they governors, regents, or mayors. This case was filed by a number of applicants and read out in the plenary session of the Constitutional Court on Tuesday, August 20, 2024.

The ruling has a significant impact on the dynamics of politics and the regional head election (*Pilkada*) system in Indonesia. One of the main points in this ruling is the change in the threshold for nominating regional heads by political parties. Previously, the applicable rules stipulated that political parties or coalitions of political parties must obtain at least 20% of seats in the DPRD or 25% of valid votes in the election to be able to nominate a candidate pair. However, with this ruling, the requirements have been changed to be lower, namely between 6.5% and 10%, depending on the number of residents registered on the permanent voter list (DPT) in each region. This lowering of the threshold is considered a step to expand the participation of political parties and allow more candidate pairs to advance in the Pilkada contestation. The stages of the Pilkada implementation regulated by the General Elections Commission (KPU) have been running in stages, and currently the Pilkada process has reached the stage of announcing the registration of candidate pairs. With this final Constitutional Court ruling, both candidate pairs supported by political parties or coalitions of political parties and Pilkada organizers must immediately adjust to the changes in the rules. This adjustment is very important to ensure that the nomination process is not disrupted and continues to run by democratic principles and applicable laws.

The Constitutional Court (MK) Decision Number 60/PUU-XXII/2024 arose from a lawsuit filed by several parties who felt that the threshold for regional head nominations (threshold) applied in the previous regional head elections (Pilkada) was not by the principles of inclusive democracy. Before this decision, the applicable threshold was 20% of DPRD seats or 25% of the total valid votes in the election, which was considered to limit the opportunities for small political parties or coalitions of parties to nominate regional head candidate pairs. This condition triggered the lawsuit because it was considered to narrow political competition and limit the choices of the community, which should have been represented by more candidates in the Pilkada.

In the legal debate that emerged, the plaintiffs argued that the excessively high threshold created dominance of large parties and reduced the quality of local democracy. They filed a lawsuit to lower the nomination threshold to expand political participation and encourage more active participation from small parties and independents. Ultimately, the Constitutional Court decided to grant part of the request by lowering the nomination requirement to 6.5% to 10%, depending on the population in the electoral district. This decision is expected to bring positive changes by creating a more open space for competition, so that small parties and coalitions of political parties can more easily participate in the regional elections. The background to the issuance of this decision shows pressure from the public and political circles to improve the nomination system in the regional elections. This is also a response to widespread dissatisfaction with the system is considered to be too advantageous for large parties, which ultimately reduces political plurality at the local level. The Constitutional Court, through this decision, attempted to balance the principles of inclusive democracy and

regional political stability by providing greater opportunities for parties that were previously constrained by strict nomination requirements.

The Constitutional Court Decision Number 60/PUU-XXII/2024 has a significant impact on the practice of the party wholesale system in the 2024 Pilkada. The party wholesale system refers to a practice in which political parties or coalitions of large parties exclusively control the nomination of regional heads, making it difficult for small or independent parties to compete. By lowering the nomination threshold, this party wholesale system will be significantly reduced, because more parties or coalitions of parties with small support can nominate regional head pairs. This has the potential to reduce the dominance of large parties in controlling who can advance in the Pilkada.

Legally, this ruling means that there is a significant adjustment to the laws and regulations governing the requirements for nominating regional heads. The KPU, as the election organizer, must immediately adjust its technical regulations to accommodate this change. Political parties that previously did not meet the threshold of 20% of DPRD seats or 25% of valid votes now have a greater opportunity to nominate candidates. This can also have an impact on the candidate registration process and verification of candidate pairs, which must be carried out more inclusively. Politically, the implication of this ruling is an increase in political plurality in regional elections. More candidates mean more choices for the community, which will enrich the democratic process at the regional level. Healthier competition is expected to emerge from more open nomination opportunities, reducing the tendency for transactional politics and pragmatic coalitions that often occur in the party wholesale system. At the same time, large parties may lose some of their control over the nomination process, but on the other hand, this could force them to focus more on the quality of the candidates they nominate and a more solid campaign platform. From a technical perspective, the KPU needs to make significant adjustments to the nomination and verification system, as well as prepare a new mechanism that allows parties with lower vote percentages to effectively register candidates. This may increase the administrative burden, given the increasing number of potential candidate pairs running in the Pilkada. However, in the long term, this new system is expected to create a fairer election process, where political participation is more evenly distributed among various political groups.

Following the issuance of Constitutional Court Decision Number 60/PUU-XXII/2024, the implementation challenges in the field are quite complex. In terms of regulatory adjustments, the General Elections Commission (KPU) must immediately change the technical rules related to the nomination of regional head pairs, considering the significantly lowered threshold. The KPU must ensure that small parties or coalitions of parties that have just met the requirements can participate in the Pilkada stages without administrative obstacles, which can increase the workload and affect the effectiveness of the Pilkada implementation. The readiness of the election organizing institution is crucial. Considering that the Pilkada stages are already underway, the KPU and Bawaslu must work quickly to adjust the rules, provide socialization to political parties, and ensure that the implementation of candidate registration runs in accordance with the Constitutional Court decision without disrupting the stages that have been set. In addition, large parties that previously dominated the nomination may show resistance to this change, because they feel disadvantaged by the lowering of the nomination threshold which can reduce their control in the nomination process. This resistance can appear in the form of political debate, lobbying, or even efforts to maintain their dominance through coalition strategies.

On the other hand, the Constitutional Court Decision Number 60/PUU-XXII/2024 also opens up great opportunities for improving the election system and local democracy. The lowering of the nomination threshold allows more political parties, including small parties, to participate in regional head elections, which in turn will create healthier and more diverse competition. With more choices of candidates, the public can have a wider opportunity to choose the leader who best suits the needs of their region, thereby strengthening democratic representation at the local level. In addition, this decision can be an initial step towards transparency and accountability in the nomination process because a more inclusive system will encourage parties to be more competitive, not only in terms of political strategy but also in presenting more concrete programs that are oriented towards the interests of the community. Thus, this decision has the potential to improve the Pilkada mechanism by increasing openness and more equitable political participation.

This study analyzes the legal, political, and social implications of the Constitutional Court's decision and explores the paradigm shift in nomination, the impact on political party structures, and public reactions to these changes to create a more inclusive and participatory political climate in Indonesia. The urgency of this research is very important in the context of national politics and law, especially ahead of the 2024 Pilkada. This topic is relevant because the Constitutional Court Decision Number 60/PUU-XXII/2024 changes the fundamental rules in the nomination of regional heads which has major implications for local political dynamics. In a situation where the party wholesale system previously dominated, this research provides insight into the legal and political impacts of the decision and how the regional head nomination system can become more inclusive and fairer. Understanding the challenges and opportunities that arise after this decision is

important for evaluating the readiness of election institutions, political participation mechanisms, and potential changes in local political structures.

METHOD

The research utilized a normative legal method that focused on the study of applicable legal norms, including laws, regulations, court decisions, and other legal documents. The statute approach was employed to analyze the relevant legal regulations in depth, particularly regarding changes in the threshold for regional head nominations in the Pilkada following Constitutional Court Decision Number 60/PUU-XXII/2024. This approach aimed to examine the suitability and implications of the decision within the existing legal system. Additionally, a conceptual approach was applied, concentrating on the development and understanding of relevant legal concepts, such as democracy, political participation, and the nomination system in the Pilkada.

The study utilized various data sources, including legal texts, government regulations, court decisions, and academic literature related to electoral law and political participation in Indonesia. Data generated from these sources comprised legal norms, regulatory frameworks, and case studies that illustrated the implications of the Constitutional Court's decision on regional head nominations.

The author analyzed the data through a qualitative approach, employing a combination of legal analysis and conceptual examination. This involved systematically reviewing relevant legal documents to identify key provisions and their impacts on the electoral process. The statute approach allowed for an in-depth exploration of how the changes in nomination thresholds align with existing regulations and the broader legal system. Additionally, the conceptual approach facilitated the exploration of theoretical frameworks related to democracy and political participation, helping to contextualize the findings within contemporary discussions on electoral reforms. This comprehensive analysis aimed to clarify the potential effects of the decision on the representation and inclusivity of the electoral system in Indonesia.

RESULTS AND DISCUSSION

Implications of Constitutional Court Decision Number 60/PUU-XXII/2024 on the Continuity of the Party Wholesale System in Regional Head Nominations in the 2024 Regional Elections

The history of Indonesian state administration has undergone significant developments, along with the dynamics of national politics that continue to change. One concrete manifestation of this change is the amendment to the 1945 Constitution of the Republic of Indonesia, which has been carried out four times as part of reform efforts in various aspects of national life. The amendment has emphasized the position of civil supremacy as the highest entity in the state structure, where the people have a very strategic position in national and state life through the principle of democracy, namely "from the people, by the people, and for the people." In this case, the people have the right to determine their leaders through direct General Elections. This shows a clear shift from the concept of representative democracy that was implemented before the reforms in 1998. General Elections are an integral part of the implementation of democracy, where the people are actively involved in controlling and supervising state power. This is based on a legal agreement outlined in a consensus reflected in the Constitution. According to Article 1 Paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is declared a democratic state of law, which means that sovereignty lies in the hands of the people and is implemented in accordance with the provisions of the Constitution. The concept of democracy, the rule of law, and the welfare state are the philosophies underlying the implementation of elections (Budiarti, 2013).

In this case, the Constitutional Court (MK), as a judicial institution authorized to review constitutional issues in Indonesia, has issued a decision regarding the Regional Elections stating that Article 40 paragraph (1) of the Regional Election Law does not have binding legal force unless interpreted to mean that political parties or coalitions of political parties participating in the election can register candidate pairs after meeting certain requirements. For provinces with a population of up to 2,000,000 people, political parties or coalitions of political parties must obtain at least 10% of valid votes in the province. Meanwhile, for provinces with a population of more than 2,000,000 to 6,000,000 people, the percentage required is 8.5%, and so on, with a threshold that decreases as the population increases. Likewise, for candidates for regent and mayor, a similar threshold is determined based on the population in the area. The MK stated that Article 40 paragraph (3) of Law Number 10 of 2016 is contrary to the 1945 Constitution and does not have binding legal force. In his considerations, the Constitutional Judge noted that the norm in Article 40 paragraph (1) of the Regional Election Law functions as a further elaboration of the provisions in Article 39 letter a of Law No. 8/2015. This is where the norm can be understood as a design for regulating the threshold required for the nomination of regional head candidate pairs by political parties or coalitions of political parties participating in the election.

In the process of nominating regional heads, there are two threshold options that must be met by political parties or coalitions of political parties, namely:

1. They must meet the minimum requirement of 20% of the total seats in the Regional People's Representative Council (DPRD).
2. Meet 25% of the accumulation of valid votes obtained in the general election of DPRD members in the region.

These two threshold options give political parties or coalitions of political parties the freedom to choose whichever is easier to achieve according to their conditions.

Regarding the first alternative, Article 40 paragraph (2) of the Regional Election Law stipulates further requirements to ensure the method of calculating the percentage of total DPRD seats. According to this provision, if the calculation of the number of DPRD seats produces a fractional number, then rounding up must be carried out to determine the number of seats required. Thus, this provision provides legal certainty for political parties in determining whether they meet the set threshold. Meanwhile, Article 40 Paragraph (3) of the Regional Election Law also explains the alternative of nominating regional heads using 25% of the total valid votes obtained in the DPRD general election. However, this norm does not explicitly explain the calculation procedure when the results of dividing valid votes produce a fractional number, as is done in Article 40 Paragraph (2). In this context, the norm provides additional provisions stating that the accumulation of valid votes only applies to political parties that have obtained seats in the DPRD. This raises constitutional issues because this provision appears to contradict the principle of democratic regional head elections as regulated in Article 18 paragraph (4) of the 1945 Constitution.

As a result, both the first and second alternatives require political parties to have seats in the DPRD to nominate regional heads. This provision has the potential to harm political parties that have registered as participants in the 2024 national simultaneous elections, but do not have seats in the DPRD, even though they have received valid votes. Thus, they cannot propose candidate pairs for the positions of regional head and deputy regional head. This situation shows that the existing regulatory system is not fully inclusive and can hinder political participation from various parties who should have the right to participate in the democratic process. This is an important concern in assessing whether the current regional head nomination system truly reflects the principles of fair and equitable democracy.

Constitutional Court Decision Number 60/PUU-XXII/2024 brings significant changes to the regulations related to the nomination threshold that must be met by political parties or coalitions of political parties in order to register regional head candidate pairs. Previously, the threshold that was set required political parties to obtain a minimum of 20% of DPRD seats or 25% of the total valid votes. With this decision, the threshold is lower, ranging from 6.5% to 10%, depending on the population in the area. This change has the potential to make the regional head nomination path more open to more political parties, including small parties that may have been marginalized by the high threshold requirements.

The legal impact of this ruling is clearly felt by both large and small parties. Large parties that have previously dominated the party-buying system may feel greater pressure to maintain their positions. With the lower threshold, small parties that were previously unable to run now have a greater chance to compete. However, for large parties, challenges arise in the form of increased competition and the possibility of losing power. Structurally, this ruling can be interpreted as a step to weaken the party-buying system that has been dominant. However, it is also possible that large parties will try to adapt to this new situation by carrying out more strategic collaborations or coalitions to maintain their influence.

In the 2024 Pilkada, the Constitutional Court's ruling will significantly affect the dynamics of political parties, especially in terms of nominating regional head candidates. With a lower threshold, there will likely be a diversity of candidates from various parties, including small parties that were previously hampered. This has the potential to open up opportunities for independent candidates who want to run without having to rely on large parties. Thus, the public will have more choices in regional head elections, which can encourage wider political participation. However, this ruling may also create resistance from large parties that may feel threatened by the emergence of new competition. In an effort to remain relevant and maintain their influence, large parties may adapt, such as changing their campaign strategies or forming coalitions with small parties. They may also focus on strengthening their support base among voters while developing a narrative that can attract votes from various levels of society. In the long term, although this ruling can be seen as an attempt to break the dominance of the party wholesale system, the results will depend greatly on how large and small parties respond to this change.

Dynamics of Legal Politics that Occurred After the Constitutional Court Decision Number 60/PUU-XXII/2024 Regarding the Party Contract System

Based on the legal considerations put forward by the Constitutional Court (MK), the review of Article 40 paragraph (3) of the Regional Election Law shows that Article 40 paragraph (1) of the Regional Election Law should provide an opportunity for political parties that do not have seats in the Regional People's Representative Council (DPRD) to nominate themselves, as long as the party has an accumulation of valid

votes, which in this case is set at 25%. However, with the norm in Article 40 paragraph (3) of the Regional Election Law, the opportunity for parties that do not have seats in the DPRD is lost because the norm ignores the alternatives regulated in Article 40 paragraph (1). The 25% provision in Article 40 paragraph (1) recognizes the existence of political parties that are still valid and exist under the Political Party Law and the Election Law until the next election, based on the threshold and requirements set by the legislators.

After stating that Article 40 paragraph (3) is contrary to the 1945 Constitution of the Republic of Indonesia, the Constitutional Court emphasized the importance of assessing the constitutionality of the norm of Article 40 paragraph (1) as a whole. This assessment is carried out to guarantee the constitutional rights of political parties that have obtained valid votes in the election and to respect the voice of the people. By opening up opportunities for individuals to nominate themselves with certain conditions, the regulation of the threshold for obtaining valid votes for political parties becomes irrational if the conditions are higher than those for nominating candidates through individual channels. This shows that the conditions for political parties must be comparable to the support needed by independent candidates to avoid intolerable injustice.

Previously, the applicants argued that the provisions of Article 40 paragraph (3) had created different treatment for political parties that did not have seats in the DPRD, even though they had obtained valid votes in the DPRD election. The inability to nominate regional head candidates contradicts the principle of electoral justice which is important for upholding the law and ensuring the implementation of free, fair, and honest democratic principles. In addition, the applicants also pointed out the difference between "obtaining valid votes" and "obtaining the number of seats" in the context of Article 40 of Law 10/2016. The provisions of Article 40 paragraph (3) are considered to ignore the legitimacy of the people's votes obtained in the general election, where the acquisition of the number of seats in the DPRD is the result of a certain mechanism that does not always reflect the legitimacy of the people's votes.

The Constitutional Court's decision has a significant impact on the mechanism for nominating regional heads, especially with the lower nomination threshold, namely 6.5% to 10% according to the number of residents on the permanent voter list. This provides a greater opportunity for small political parties to nominate regional head candidate pairs, which is expected to reduce the dominance of large parties in the nomination process. This threshold reduction is also expected to minimize the possibility of a single candidate emerging in a particular region, which was previously a concern due to the excessively high threshold provisions. The Constitutional Court's decision does not only impact political parties and regional head candidates, but also the wider community. With more parties having the opportunity to nominate candidates, competition in the regional elections will be more open, which in turn can improve the quality of local democracy. In addition, the Constitutional Court's decision can affect public trust in the constitutional and political justice system in Indonesia. Public trust in the Constitutional Court is highly dependent on how state institutions, including the DPR, respect and comply with the Constitutional Court's decisions. A good example in this regard is very important to maintain the sustainability of a healthy democracy in this country.

Following the lower threshold for nomination, there has been a significant paradigm shift in the regional head nomination system. The lowering of the threshold allows previously marginalized political parties, especially small parties, to be more active in nominating candidates. This marks a shift from a system dominated by large parties to a more inclusive system, where diverse voices from various parties can contribute to the selection of regional head candidates. The mechanism for nominating candidates has also transformed; parties are now more inclined to seek candidates who have local appeal and the ability to garner community support rather than relying solely on internal structures and support from established voter bases. This change has the potential to increase healthy competition at the regional level and provide space for innovation in nominations, along with the increasing need to align political visions with broader community aspirations.

The legal impact of the Constitutional Court's ruling is also very significant for the structure of political parties, where we can see a striking shift in political power. Large parties that previously dominated may face greater challenges in maintaining their positions, while smaller parties that previously had limited access to the nomination process now have the opportunity to compete more effectively. This can encourage the formation of new coalitions or alliances among political parties, where they may feel the need to join forces to strengthen their bargaining position. These coalitions will not only affect the nomination of candidates but also campaign strategies and vote mobilization. With the new consolidation of political power, the dynamics within the legislative and executive institutions will also potentially experience significant changes.

The resistance and adaptation of the major parties to this decision is an interesting aspect to observe. Many major parties will likely adopt a defensive strategy, seeking to maintain their power and influence by strengthening their existing base, or strengthening their campaigns by attracting more popular candidates. However, this potential resistance could also lead to innovation; some parties may choose to adapt more flexibly, proposing candidates from more diverse backgrounds to increase their appeal to voters. This suggests that, despite the perceived threat of more open competition, major parties must also be able to adapt to remain relevant and competitive amid changing political dynamics. On the other hand, new opportunities for small

parties and independent candidates to participate in local elections have become more apparent after the decision. With a lower threshold, small parties can more easily nominate candidates, which in turn enriches local democracy and increases political participation. This allows voters to have more choices, with candidates who may be closer to the aspirations and needs of local communities. The presence of independent candidates can also be a breath of fresh air, providing an alternative for voters who may feel alienated from the existing party system. Thus, this change is expected to encourage more active community participation in the political process, where they not only become voters, but also involved in the formation of a more representative local government.

The public response to these changes is crucial in determining their impact on voter participation in the 2024 Pilkada. The public may feel better represented by having more diverse candidates, reflecting diverse local aspirations and interests. The public's expectations for regional head candidates who are more diverse and responsive to local issues can increase their involvement in the election both through participation in the campaign, political discussions, and when voting. This indicates that the public is increasingly aware of the importance of their role in democracy, and that regional head elections are not just a formality, but an opportunity to elect leaders who truly represent their voices and hopes. Greater public involvement is expected to provide stronger legitimacy to the election results as well as support the creation of a government that is more accountable and responsive to the needs of the people.

Following the Constitutional Court ruling Number 60/PUU-XXII/2024, the dynamics of election policies and regulations in Indonesia are predicted to undergo significant changes. This ruling opens up opportunities for changes to a lower nomination threshold, providing greater access for small parties and independent candidates to be involved in the election process. However, to realize this potential there needs to be a comprehensive policy adjustment in the election system. Current regulations need to be evaluated to be more responsive to dynamic political conditions and pay attention to political diversity in society. New policies must be able to guarantee the sustainability of a more inclusive democratic system, where all parties, including small parties and independent candidates, can contribute fairly to the candidate nomination process.

The challenge in adjusting election regulations is one of the crucial aspects that must be faced after this decision, namely the challenge in harmonizing various existing regulations, including the Regional Election Law, the Election Law, and the Political Party Law. This harmonization is needed to ensure that all applicable norms support each other and do not conflict with each other so as not to confuse the field. In addition, there is also a challenge in educating political parties and the public about these new changes. An effective socialization process must be carried out to ensure that all parties understand the new rules of the game and can adapt quickly. This is important so that no party feels disadvantaged or marginalized due to ignorance about changes in regulations.

In addition, policy adjustments must also pay attention to technical and administrative aspects. For example, election organizing institutions such as the KPU and Bawaslu need to be equipped with adequate capacity to handle the increasing number of candidates and parties that will participate in the election. They must also be able to ensure that the nomination process is transparent and accountable and able to prevent potential fraud that may arise due to the increasing number of participants. This challenge requires cross-sector cooperation both from the government election institutions and civil society to create a healthy and fair election ecosystem. There are changes in policy after the Constitutional Court's decision, which will also have an impact on broader political dynamics. The emergence of more small parties and independent candidates can bring new perspectives to political debate and decision-making. However, this also has the potential to cause political uncertainty and instability, especially if it is not balanced with clear and firm regulations. Therefore, it is important for policy makers to not only focus on technical aspects, but also pay attention to the long-term impact of these regulatory changes on political and social stability. In this case, creating an inclusive and conducive political climate will require a commitment from all elements of the nation to respect, support, and work together in building a better democratic system for all Indonesian people.

CONCLUSION

The dynamics of election policies following Constitutional Court Decision Number 60/PUU-XXII/2024 indicate that lowering the nomination threshold could enhance democracy in Indonesia by providing greater opportunities for small parties and independent candidates, thus fostering a more inclusive and representative electoral system. However, this goal necessitates careful regulatory adjustments to prevent confusion among election participants, requiring effective collaboration among the government, election institutions, and civil society to create clear regulations. Challenges related to technical and administrative preparedness must also be addressed to accommodate an increased number of candidates and parties. Policymakers should consider the long-term effects of these changes on political and social stability. Future research could evaluate the impact of the lowered nomination threshold on electoral outcomes, inclusivity, and representation, while also exploring necessary regulatory adjustments and engaging stakeholders to identify practical challenges. This

research could ultimately contribute to a more effective electoral ecosystem that enhances local democracy and ensures that diverse public aspirations are represented in regional decision-making processes.

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