

# Comparison of Supreme Court and Constitutional Court Decisions Based on Legal Standing in Open Legal Policy Pilkada 2024

Dedi Mulyadi\*, Ajeng Permana, Salsa Octaviani Suryanto, Fina Asriani, M.Dika Salman Fikry, Zukfekar Nugraha Hidayat

Faculty Of Law, Suryakancana University

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\*Correspondence:

Salsa Octaviani Suryanto

Email: [salsaoctaviani19@gmail.com](mailto:salsaoctaviani19@gmail.com)

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**Abstract:** This journal abstract focuses on a comparative analysis between the decisions of the Supreme Court (MA) and the Constitutional Court (MK) in the context of legal standing in the 2024 Pilkada open legal policy. This research aims to identify differences in the interpretation and application of the law by the two institutions regarding the legal standing of the applicant. The research method used is a mixed method of quantitative and qualitative. The quantitative approach is used to collect numerical data on the number and characteristics of cases, while the qualitative approach is applied to analyse the legal context and arguments used by the Supreme Court and Constitutional Court in deciding cases. The results show that the Supreme Court has a tendency to tighten legal access by focusing on procedural aspects, while the Constitutional Court provides wider space for public participation in assessing regulatory justice. This difference in approach results in potential conflicts that can affect the stability of Pilkada regulations. This research is expected to provide a new perspective for policymakers in formulating clearer and more consistent regulations, while increasing the transparency of decision-making in the judiciary.

**Keywords:** Comparison; Constitutional Court; Decision; Pilkada; Supreme Court .

## Introduction

Many countries in the world implement a democratic system in running their government, Indonesia itself is one of the countries that adheres to the democratic government system.(Dedi 2021)As a country that adheres to a democratic system of government, where the supreme power is in the hands of the people. Abraham Lincoln also defines the democratic system, which is a government that comes from the people, by the people, for the people. (Sarira and Najicha 2022).. In a democracy, people have the right to participate in decision-making, either directly or through elected representatives. This democratic system emphasises the principles of freedom, equal rights, and active involvement of the people in the political process.

In Indonesia itself, there are several democratic systems that have been implemented, namely parliamentary democracy which was implemented in 1950-1959, guided democracy in 1959-1965, new order pancasila democracy in 1966-1998, and reform pancasila democracy which was implemented in 1998-present. (Adryamarthanio and Indirawati 2023).. One form of democracy implemented in the regions is the implementation of Pilkada in 2024.

Regional Head Elections (Pilkada) are an important momentum for Indonesian democracy that takes centre stage in legal and political studies, especially the Pilkada that will be held in 2024. The Constitution provides a foundation that elections for regional heads are conducted in a democratic manner. Article 18 paragraph (4) of the 1945 Constitution states that Governors, Regents, and Mayors as Heads of Provincial, Regency, and City Regional Governments are democratically elected through a direct election mechanism by the people. The meaning of the term "democratic" in this provision refers to elections conducted directly, as stipulated in Law Number 32/2004 on Regional Government (Pilkada), in Article 24 paragraph (5) which states that the regional head and deputy regional head are elected in one pair directly by the people in their respective regions. (Hartono 2024)

However, lately there has been uproar and opposition to the Pilkada mechanism in 2024, many from the community and students have come down to demonstrate because in this year's Pilkada there is a request related to age changes in one of the regional head candidates submitted by the Chairman of the Garuda Republik Indonesia Party (Garuda Party). The Chairman of the party filed a judicial review of Article 4 paragraph (1) letter d of KPU Regulation (PKPU) Number 9 of 2020 concerning the nomination for the elections of governors and deputy governors, regents and deputy regents, and mayors and deputy mayors because it was considered contrary to higher regulations, namely Law (UU) Number 10 of 2016. (Rahmani 2024). Thus, the Supreme Court Decision number 23 P / HUM / 2024 which granted the application of Ahmad Ridha Sabanai, the chairman of the Garuda party, the decision is considered to be contrary to the Constitutional Court Decision No.70 / PUU-XXII / 2024 which rejects all applications submitted by the applicant.

The Supreme Court's decision received a lot of opposition from the public, because basically material testing does not only risk cancelling part of the content of the law, but can also lead to the cancellation of the entire law. This happens when the articles deemed incompatible with the Constitution are core or essential parts of the law. As a result, if the articles are deemed incompatible, the entire framework or principles underlying the law are disrupted. Even if only a few articles are struck down as inconsistent, the law remains unenforceable. (Amran Anshary Kelilauw 2024).

In the context of constitutionality testing through the Constitutional Court (MK) and the Supreme Court (MA). These two institutions have different authorities, but often intersect with each other on the issue of legal standing, namely who has the right to file a dispute or lawsuit related to Pilkada and open legal policies that determine the scope of policies that can be tested. The Constitutional Court acts as the guardian of the constitution, while the Supreme Court is authorised in the realm of administrative law. The difference in

decisions between the Constitutional Court and the Supreme Court in determining legal standing is in the spotlight in the 2024 elections because it can affect the process and the final results of the election. (Kennedy et al. 2024). It is therefore very important to look at the different decisions made by these two institutions to assess how the law can be applied clearly, fairly and consistently in this highly volatile political contestation.

According to previous research conducted by Zahra, a deep understanding of the concept of legal standing is important to ensure that the process of judicial review of the law is carried out by parties who do have the legal legitimacy to do so. With clear legal standing, the Court can ensure that only parties with a real interest can submit a petition to test the constitutionality of a law. This not only protects the Court from abuse of the legal process, but also strengthens its integrity and authority as an independent constitutional court. By doing so, the Court can deliver fair and balanced decisions, and uphold the rule of law for the benefit of all Indonesian citizens. Through a good understanding of legal standing, the Court can ensure that each of its decisions has a positive impact on justice and legal sovereignty in Indonesia. (Amran Anshary Kelilauw 2024).

In addition, various important elements have been discussed in previous studies on the legal standing of the Constitutional Court. For example, Muhammad Abdi Sabri I Budahu provides an explanation of the aspects of constitutionality and legal standing requirements in testing laws against the constitution. In some cases, such as Case Number 36/PUU-X/2012 and Case Number 7/PUU-XI/2013, Ajie Ramdan emphasises the issue of legal status. Overall, this research emphasises the importance of meeting the requirements of legal standing in relation to the applicant's loss of constitutional rights; these requirements must be specific, tangible, and related to the reason for the petition. (Ibrahim 2024).

Basically, these two studies have their advantages and disadvantages. The first journal research has shortcomings because its normative method is limited to analysing regulations without using an empirical approach, so it does not illustrate how legal standing is applied in practice. However, this journal has the advantage of providing an in-depth analysis of the concept of legal standing and its role in constitutional review. In addition, it clearly explains the requirements of legal status and its relationship with the legitimacy of judicial review.

While research in the second journal also highlights aspects of legal standing in the context of judicial review in the Constitutional Court, its shortcomings lie in the scope of specific cases and theoretical approaches that do not mention the practical impact. Nevertheless, this study provides a systematic analysis of legal norms related to legal standing, and is able to explain the important role of the Constitutional Court in maintaining the conformity of laws with the constitution.

This research highlights the comparison of the Supreme Court Decision with the Constitutional Court Decision based on Legal Standing in testing open legal policy in the 2024 Pilkada. Comparative studies between these two judicial institutions have rarely been conducted, especially in the context of regional elections and legal standing aspects. This

provides a new perspective on how the two institutions interpret and decide cases related to legal standing in Pilkada disputes. The main objective of this research is to analyse and compare the decisions of the Supreme Court (MA) and the Constitutional Court (MK) related to legal standing in the open legal policy test in the 2024 regional elections, as well as identify differences in the interpretation and application of the law by the two institutions. This research provides insight into the different approaches between the Supreme Court and the Constitutional Court in handling legal standing cases. In addition, the results of this study can serve as a reference for policy makers in formulating clearer and more consistent regulations, as well as increasing transparency in the decision-making process in the judiciary.

## Methodology

This research combines quantitative and qualitative approaches to provide a more comprehensive picture of legal standing in the Supreme Court (MA) and Constitutional Court (MK) decisions related to the 2024 elections. This approach integrates numerical data that can be measured with in-depth insights that can be obtained from qualitative analysis, so that researchers can understand legal phenomena more holistically.

In the first stage, this research uses quantitative methods to collect numerical data on Supreme Court and Constitutional Court decisions, such as the number of cases decided, the outcome of the decision (whether in favour or against), and case characteristics, such as the type of dispute filed. This data will provide a clear and objective picture of how often the decisions are in favour of or against legal standing claims and the trends emerging in Pilkada cases. Once the quantitative data has been collected, statistical analyses are conducted to identify patterns in the decisions, such as the relationship between the type of claim, the legal context, or favouritism towards certain parties in the decision-making process.

However, quantitative methods alone are not sufficient to provide an in-depth understanding of the processes and dynamics behind legal judgements. Therefore, a qualitative approach was also applied. At this stage, researchers further explore the legal context and arguments used by the Supreme Court and the Constitutional Court in deciding legal standing and open legal policy in Pilkada cases with literature studies that take various references, both from journals, web or books related to the discussion and identification of the problems taken.

Overall, this mixed method provides a more holistic approach, allowing researchers to combine the advantages of quantifiable numerical analysis with the depth of qualitative insights that can explain legal processes and dynamics more thoroughly. The combination of these two methods is expected to provide a more complete picture of the role of legal decisions in the 2024 elections, as well as the factors that influence legal standing and open legal policy in the Indonesian judicial system.

## Result and Discussion

### The effect of the verdict on the stability of the 2024 election regulation

In the context of the 2024 elections, a comparison between the decisions of the Supreme Court (MA) and the Constitutional Court (MK) regarding legal standing plays a different but influential role in maintaining regulatory stability. Each of these institutions has characteristics and scope of authority that have a direct impact on the regulation and running process of Pilkada.(Bawaslu 2023)

Legal standing in the perspective of the Supreme Court (MA) is often focused on Pilkada participants, namely regional head candidates or campaign teams who are directly harmed by the results of vote counting or certain violations.(Siboy 2022) This means that only those who participate and feel their rights have been concretely violated can file a lawsuit. This reflects a more restrictive approach to who can access justice at the election process level. The Supreme Court should not have a role in adjudicating disputes arising from local election results through cassation and judicial review processes, which often focus on procedural and administrative issues related to the election results.

On the other hand, the Constitutional Court (MK) has a broader mandate, especially in relation to testing the norms and constitutionality of Pilkada regulations. In the context of legal standing, the Constitutional Court (MK) does not only involve election participants but also individuals or community groups who feel their rights as citizens or voters are violated due to certain rules or policies.(Sundari Rizka Aditya, Lendy Siar 2024) The Constitutional Court (MK) provides a looser space for public participation in challenging regulations, especially if the rules are deemed contrary to the 1945 Constitution or threaten the constitutional rights of citizens. For example, the Constitutional Court can cancel or revise provisions in Pilkada laws that are deemed unfair or discriminatory.(Rishan 2024)

The effect of the differences between the Supreme Court and Constitutional Court decisions on the stability of the 2024 Pilkada regulations is very significant. On the one hand, the strict application of legal standing at the Supreme Court helps narrow the space for disputes so that the Pilkada process can take place more efficiently and quickly. The Supreme Court's focus on procedural aspects also prevents the emergence of disputes that are protracted and have the potential to hamper the election stages. However, this approach is sometimes considered too formalistic and does not always make room for principle issues that may be more substantive.

On the other hand, the Court's decisions often bring about regulatory changes that can significantly affect the rules of the election game, even in the midst of the election preparation process. For example, if the Constitutional Court decides that an article in the election law is unconstitutional, then this can force policymakers to make immediate revisions. This can create uncertainty in the short term but at the same time ensure that regulations remain in line with constitutional principles and citizens' human rights.

Thus, the regulatory stability of the 2024 elections lies between two poles: procedural certainty guarded by the Supreme Court and normative flexibility opened by the



Constitutional Court. The Supreme Court's decision guarantees that the elections can run on schedule and not be disrupted by many disputes, while the Constitutional Court's decision guarantees that the process takes place in accordance with constitutional values. These two approaches are actually complementary, because regulatory stability is not only determined by legal certainty but also by the fairness and legitimacy of the applicable rules. However, potential conflicts can arise if there are inconsistencies between the Supreme Court and Constitutional Court decisions on the same issue. This can cause confusion for stakeholders, especially election organisers such as the KPU and Bawaslu, in determining which regulations to follow. Therefore, coordination and harmonisation between the two institutions are needed so that the 2024 elections can take place smoothly and the regulations remain stable, both procedurally and substantively. (Muh Afit Khomsani, M. Adnan Maghribi, Denny Siallagan 2024).

### **Differences in judicial authority between the Supreme Court and the Constitutional Court in the perspective of Legal Standing regarding Open Legal Policy Decisions in the 2024 Pilkada**

An in-depth understanding of the concept of legal standing is very important in ensuring that the process of judicial review of laws is carried out by parties who indeed have the legal eligibility to carry out such actions. With clear legal standing, the Court can ensure that only parties who have a real interest can file a petition to test the constitutionality of a legal decision. This not only protects the Court from abuse of the legal process, but also strengthens its integrity and authority as an independent constitutional court (Zahra et al., 2023).

The Court can provide fair and just decisions, and uphold the rule of law for the benefit of all Indonesian citizens. Through a careful understanding of legal standing, the Court can ensure that every decision it makes will have a positive impact on justice and legal sovereignty in Indonesia. (Amran Anshary Kelilauw 2024) Having realised the serious potential of a judicial review of a law by the Constitutional Court, which could result in the partial or complete invalidation of the law, it is important to carefully consider the legal standing aspect of the review process. Legal standing is an important element in ensuring that judicial review is conducted by parties who have a legitimate interest in the outcome of the legal process. Legal standing refers to the right of an individual, group or organisation to appear in court as a litigant in a civil proceeding (Fikriya, Jaelani, & Rosidin, 2023).

One of the institutions that has been given authority up to 2 times by the legislator is the Supreme Court. In the context of open legal policy, the legislators legitimately and constitutionally interpreted Article 24A paragraph (1) that the Supreme Court has the authority to hear cases at the cassation level, to examine laws and regulations under the law against the law, and has other powers granted by law. The meaning of the Supreme Court's authority in the phrase: "has other powers granted by law" has a very broad scope as long as it has relevance to the authority of dispute resolution which is the authority of the Supreme Court. (Satriawan and Lailam 2019)

The difference in judicial authority between the Supreme Court (MA) and the Constitutional Court (MK) in the context of legal standing decisions is very important to understand, especially in terms of assessing the legal standing of applicants in judicial review.

### **Authority of the Supreme Court**

The Supreme Court functions as the highest court in the Indonesian judicial system overseeing and deciding cassation and appeal cases. The Supreme Court's authority includes:

1. **Adjudicating Civil and Criminal Cases:** The Supreme Court has the authority to hear cases that have been processed by lower courts, including cases related to criminal and civil law.
2. **Interpreting the Law:** The Supreme Court plays a role in providing legal interpretations that can be referred to by the lower courts.
3. **Overseeing the Judicial Process:** The Supreme Court is tasked with ensuring that the judicial process at the lower level is conducted in accordance with the law.

In the context of legal standing, the Supreme Court is not directly involved in assessing whether a statutory norm is constitutional or not. Instead, the Supreme Court focuses more on the application of the law in existing cases.

### **Authority of the Constitutional Court (MK)**

The Constitutional Court, on the other hand, has special powers relating to the constitutionality of laws. The authority of the Constitutional Court includes:

1. **Examination of Laws against the 1945 Constitution:** The Constitutional Court is authorised to examine whether laws made by the DPR are unconstitutional.
2. **Determining Legal Standing:** The Constitutional Court has the authority to assess whether the applicant has sufficient legal interest to file a judicial review petition. This includes an assessment of open legal standing, whereby the Court may accept applications from parties who have a real interest although not necessarily directly affected by the norm under review.

**Applying the Open Legal Policy Principle:** The Constitutional Court often states that some legal norms are open legal policy, meaning that the legislator has discretion in formulating the policy. This can be seen in decisions related to the presidential nomination threshold, where the Court considers that the provision is the domain of the legislators. (Sihaloho 2023)

The principle of open legal policy provides space for lawmakers to adjust regulations to the evolving needs of society. However, this principle also creates challenges in upholding justice and legal certainty, especially in the context of the authority of the Supreme Court (MA). In certain cases, if a norm is categorised as part of an open legal policy, then the issue is more the responsibility of the legislators (Parliament and government) rather than the Supreme Court.

The Supreme Court, although it has the authority to test and supervise the application of the law, does not have the authority to determine or make open legal policy. The Supreme Court's responsibility is to maintain consistency and legal certainty based on the laws that have been enacted, not to formulate flexible and open legal policies. Therefore, the Supreme Court must be careful not to exceed the limits of its authority by getting involved in policy making that should be the authority of the Parliament and the government.

Thus, although the Supreme Court has an important role in enforcing the law, its authority under the principle of open legal policy should be limited to ensure that the balance between legal flexibility and legal certainty is maintained. The Supreme Court should respect the role of lawmakers and not take over their responsibilities in terms of open legal policy.

### **Problems and Efforts on the excesses arising from the open legal policy decision in the 2024 elections**

In Indonesia, each stage of election implementation is regulated by the Election Law and technical regulations such as KPU Regulations and Bawaslu Regulations. The Pilkada Law and KPU Regulations are continuously tested for constitutionality at the Constitutional Court (MK), and KPU Regulations are tested for compliance with higher laws at the Supreme Court (MA). Thus, the process of testing the Pilkada Law and KPU Regulations is unavoidable during the election stage. (Perludem Team 2024).

In Indonesia's regional elections in 2024, there are various challenges and problems that arise due to open legal policy decisions, especially those related to the testing of laws. According to Hadar Nafis Gumay, the problems that occurred in the General Election will likely occur again in the 2024 Regional Elections. (Sari 2024). So that this creates uncertainty in the application of the law which can potentially lead to conflict which will also affect public confidence in related institutions such as the Supreme Court and the Constitutional Court.

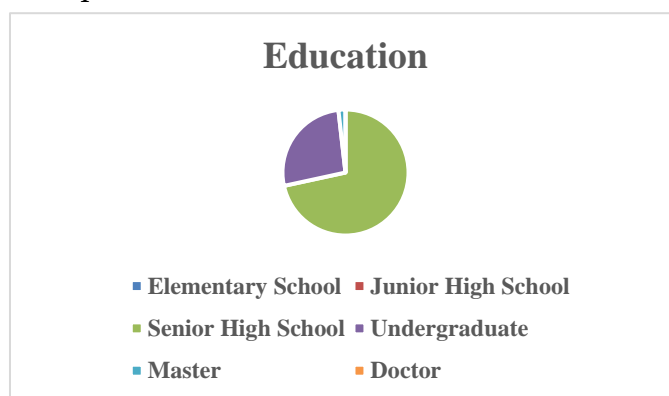
Over the years, the Constitutional Court has exercised its authority to examine and resolve cases relating to disputes over regional head election results. The Constitutional Court has often withdrawn and cancelled its authority in disputes over regional head election results, causing legal uncertainty regarding election issues. But this time the problem is that the Supreme Court's decision contradicts the Constitutional Court's decision. (Alfret Ananias, Nurianto Rahmat Soepadmo 2024).

Basically, the concept of legal standing in the context of Pilkada can indeed be submitted by individual citizens, customary law communities, public or private legal entities, and state institutions. (Henny Andriani 2024) However, in the case of Supreme Court Decision number 23 P/HUM/2024 related to Pilkada, it can be said that the Supreme Court does not have the authority to implement open legal policy because open legal policy is a concept that is more closely related to the Constitutional Court because the Constitutional Court has a role in examining the materiality of the Law.



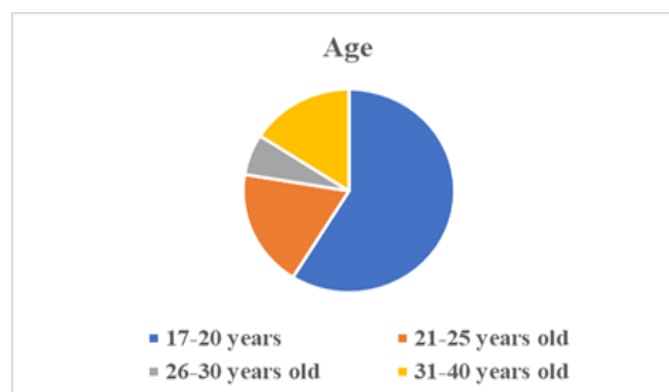
Open legal policy, however, is defined as a condition where the norm being challenged before the Constitutional Court is actually under the authority of the legislator, i.e. not the Constitutional Court. In other words, the Constitutional Court "returns" the norm in question to the legislature. In this legal policy context, the Constitutional Court, as the guardian of the Constitution, is not authorised to invalidate a law or part of its provisions if it is related to a delegation of power that is clearly given to the legislator. Unless the legal system is shown to be in clear violation of the law, demonstrates moral dishonesty, irrationality, or exceeds the limits of tolerance.(Fayza Ayu Wulandari, Yufi Wiyos Rini Masykuroh 2024) However, this time the community agrees with the Constitutional Court's decision to reject all requests from petitioners proposing conditions and age limits for Regional Head candidates compared to the Supreme Court's decision to approve all requests, which resulted in the community, especially students, holding demonstrations regarding the revision of the Pilkada Law.

Based on the data from the survey results that have been conducted to find out public opinion related to the problems arising from the eskes of the open legal policy decision for the 2024 Pilkada, 109 respondents have answered the research survey.



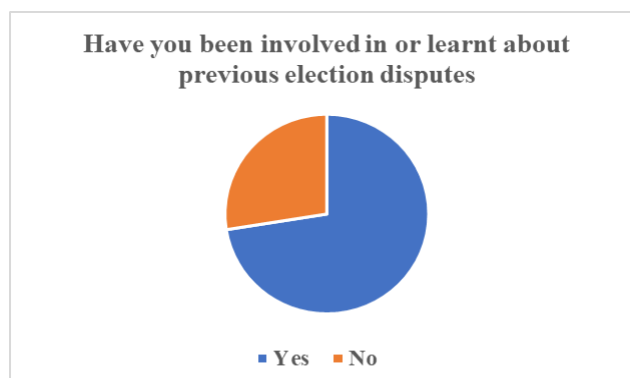
(Source: Research conducted personally through google form with 109 respondents)

The education level of respondents in this study was 71.6% of high school level, 26.6% of bachelor graduates, 1.8% of master graduates.



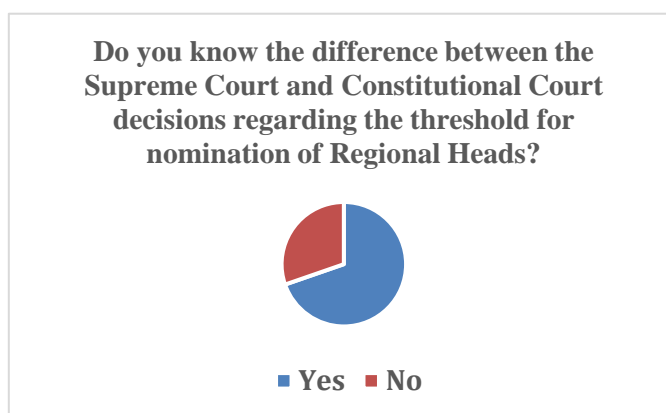
(Source: Research conducted personally through google form with 109 respondents)

“The age range of respondents is dominated by 17-20 years old, which is 58.9% (Fifty Eight Point Nine Percent), then 21-25 years is 18.7% (Eighteen Point Seven Percent), 26-30 years old only reaches 6.5% (Six Point Five Percent) and 31-40 years old shows a figure of 15.9% (Fifteen Point Nine Percent).



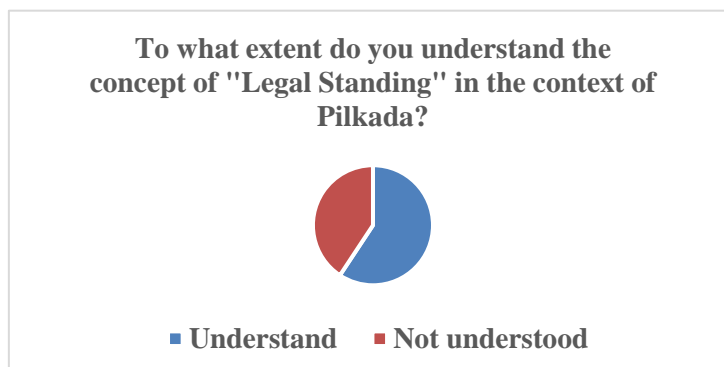
(Source: Research conducted personally through google form with 109 respondents)

Respondents answered that they had previously been involved and studied Pilkada disputes, namely 72.5% (Seventy Two Point Five Percent), while the remaining 27.5% (Twenty Seven Point Five Percent) had never been involved or studied Pilkada disputes.



(Source: Research conducted personally through google form with 109 respondents)

A total of 69.7% (Sixty Nine Point Seven Percent) of respondents answered that they knew the difference between the Supreme Court and Constitutional Court decisions related to the age threshold for nominating regional heads, while 30.3% (Thirty Point Three Percent) of respondents did not know about the difference in these decisions.



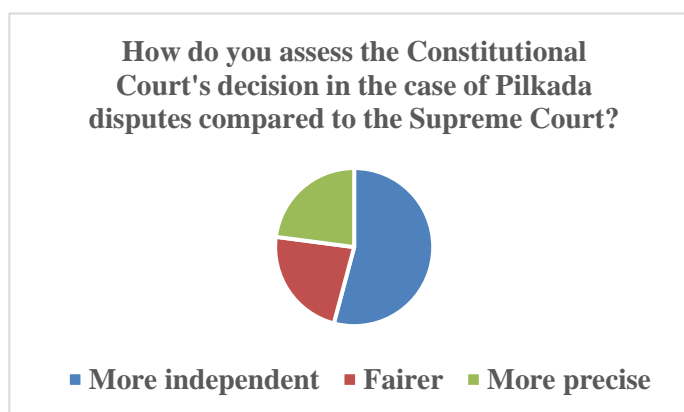
(Source: Research conducted personally through google form with 109 respondents)

Respondents in this study answered that respondents who understood the concept of Legal Standing in the context of Pilkada were 59.3% (Fifty Nine Point Three Percent) and as many as 40.7% (Forty Point Seven Percent) answered that they did not understand the concept of Legal Standing.



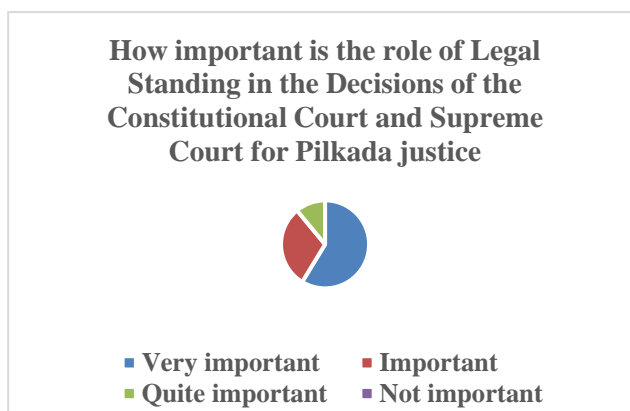
(Source: Research conducted personally through google form with 109 respondents)

Of the 109 respondents, 67% (Sixty Seven Percent) agreed that there was a discrepancy between the Supreme Court Decision and the Constitutional Court Decision related to the 2024 Pilkada, but as many as 33% (Thirty Three Percent) agreed that there was conformity between the Supreme Court Decision and the Constitutional Court related to the 2024 Pilkada.



(Source: Research conducted personally through google form with 109 respondents)

Respondents answered that the Constitutional Court's decision in the context of the 2024 Pilkada was more independent as much as 54.1% (Fifty Four Point One Percent), more fair as much as 22.9% (Twenty Two Point Nine Percent) and more appropriate as much as 22.9% (Twenty Two Point Nine Percent).



(Source: Research conducted personally through google form with 109 respondents)

According to the respondents' opinions, the role of legal standing in the decisions of the Constitutional Court and the Supreme Court if it is related to the Pilkada situation, the respondents who answered Very important as much as 58.7% (Fifty Eight Point Seven Percent), Important as much as 30.3% (Thirty Point Three Percent) and Quite important as much as 11% (Eleven Percent).

In the research survey, it can be concluded that respondents previously understood and had studied the differences between the Supreme Court and Constitutional Court decisions in the 2024 Pilkada, and respondents considered that the Constitutional Court's decision was more approved by most than the Supreme Court's decision. Of course, these problems must be resolved so as not to cause a number of impacts that require special handling efforts and do not cause wider negative excesses, even though the Supreme Court's decision was cancelled and did not become hammered, the public was still disappointed with the relevant institutions.

Efforts that can be raised in this problem can be held clear and thorough socialisation from the authorities, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), so that the public and Pilkada participants understand the applicable regulations and the limits of open legal policy. In addition, intensive supervision and regular evaluations from relevant institutions are essential to ensure that any decisions taken under the Open Legal Policy remain in accordance with the principles of fairness and transparency. (Draft 2024). The government and legislature should also consider drafting technical rules or revising relevant laws to clarify important points that could potentially lead to conflicts of interpretation. On the other hand, strengthening the role of judicial institutions, especially the Supreme Court and the Constitutional Court, in handling Pilkada disputes is an equally important step to ensure legal certainty. Thus, the excesses arising from the open legal policy decision can be minimised, and the implementation of the 2024 elections can be guaranteed in terms of law, justice, and social stability.

Furthermore, the steps that can be taken are to restore authority to each institution in accordance with the functions and roles that have been stipulated in the law to overcome the impact of the open legal policy decision in the 2024 elections. To maintain clarity and consistency in the electoral process, each institution, including the General Election Commission (KPU), Election Supervisory Body (Bawaslu), Constitutional Court (MK), and

Supreme Court (MA), must carry out their duties firmly and without overlapping. The KPU, as the main election organiser, should focus on the technical and administrative implementation of transparent and accountable elections, while Bawaslu is responsible for improving supervision and strictly prosecuting violations in accordance with the regulations. (Rohmah and Ilmiyah 2024) In the judicial realm, the Supreme Court is responsible for resolving cases related to administrative processes, while the Constitutional Court has absolute authority to handle disputes over election results and interpret the constitution as a whole. This division of labour prevents inter-agency conflict and ensures that any consequences of open legal policy decisions can be dealt with in their respective fields. By returning the authority to each party to carry out their primary duties, the election process can take place in a more orderly manner and away from legal ambiguity. In addition, it will also increase public confidence in the implementation of fair and honest elections. (Siahaan 2011).

## Conclusion

Summarize Decisions by the Supreme Court (MA) and the Constitutional Court (MK) on legal standing have a significant impact on the stability of the 2024 elections regulations. The Supreme Court tends to tighten access to legal challenges, thereby reducing disputes that disrupt the electoral process. However, this approach can be considered too formalistic. In contrast, the Constitutional Court offers flexibility that allows people to challenge regulations that are deemed unfair.

The discrepancy between the Supreme Court and Constitutional Court decisions creates potential conflict and confusion for election organisers, so coordination between institutions is necessary to maintain stability. The fundamental difference between the Supreme Court and the Constitutional Court in terms of legal standing is very important. The Supreme Court focuses on law enforcement and oversight of existing legal processes, without getting involved in assessing the constitutionality of laws. In contrast, the Constitutional Court has the authority to assess legal standing and judicial review of laws, including those related to open legal policy. The Supreme Court must pay attention to the limits of its authority so as not to interfere with lawmakers in formulating policies. The open legal policy decision poses challenges in the application of the law during the 2024 elections, creating uncertainty and potential conflicts among relevant institutions. Although the public supports the Constitutional Court's decision, there is dissatisfaction with the institutions involved. To overcome this problem, there is a need for socialisation of Pilkada regulations and periodic evaluations from relevant institutions. Strengthening the role of the Supreme Court and Constitutional Court in resolving disputes and separating responsibilities between institutions can reduce legal uncertainty and increase public confidence in the electoral process.

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