



Interim Election as a Transitional Electoral Design in Indonesia

Devi Yulida¹, Rini Anggreini²

^{1,2} Faculty of Law, University Sumatera Utara, Medan
Email: ¹ deviyulida@usu.ac.id, ² rinianggreini@usu.ac.id

Abstract

The General Election serves as the primary means for citizens to exercise their sovereignty within Indonesia's democratic framework. The Constitutional Court Decision Number 135/PUU-XXII/2024 introduced a major transformation by separating the National Election from the Regional Election, which had previously been conducted simultaneously. This separation aims to improve the quality of democracy and enhance electoral efficiency but simultaneously presents new challenges, notably the potential vacancy of Regional Representatives (DPRD) and regional heads during the 2029–2031 transition period due to differing electoral cycles. This study employs a normative juridical method with legislative and conceptual approaches to analyze the legal implications of the Court's decision and to propose a constitutional solution through the concept of an Interim Election. The findings indicate that the Interim Election offers a legitimate and democratic mechanism to preserve the authority of representative institutions without extending their terms unconstitutionally. It applies only to DPRD members at the provincial and local levels, while regional head vacancies may be filled by acting officials in accordance with existing regulations. Therefore, the Interim Election provides a constitutional pathway to maintain governmental continuity, uphold the principle of periodic power limitation, and reinforce popular sovereignty in the aftermath of Constitutional Court Decision Number 135/PUU-XXII/2024.

Keywords: Election; Interim Election; People's Sovereignty; Democratic Transition

Introduction

General Elections (*Pemilu*) serve as the primary means for the people to exercise their sovereignty in determining the direction of state governance.¹ In a democratic state, elections are regarded as the embodiment of popular sovereignty, allowing citizens to choose their representatives and leaders.² Through elections, the people lawfully confer a mandate upon representative and executive institutions to administer the government. This principle aligns with the legal maxim *vox populi, vox dei*, meaning "the voice of the people is the voice of God."³ Therefore, the legitimacy and validity of the people's voice must be safeguarded through fair and constitutional elections, ensuring that political decisions reflect the will of the people.

Theoretically, elections perform several functions within a modern democratic system, among others: *first*, elections establish the legitimacy of power through the mandate granted by the people. *Second*, elections serve as a means of political representation, as reflected in the fourth principle of Pancasila, which

¹ Putri Yunita and Siti Tiara Maulia, 'Pemilihan Umum Sebagai Bentuk Perwujudan Demokrasi Di Indonesia', *Journal of Practice Learning and Educational Development* 4, no. 2 (June 2024): 137–42, <https://doi.org/10.58737/jpled.v4i2.288>.

² Firdaus Arifin, 'Position and Authority of the Constitutional Court as a Guardian of the Constitution', *Journal of Law, Politic and Humanities* 4, no. 5 (July 2024): 1658–65, <https://doi.org/10.38035/jlph.v4i5.630>.

³ Pattharapong Rattanaseevee, Yared Akarapattananukul, and Yodsapon Chirawut, 'Direct Democracy in the Digital Age: Opportunities, Challenges, and New Approaches', *Humanities and Social Sciences Communications* 11, no. 1 (December 2024): 1681, <https://doi.org/10.1057/s41599-024-04245-1>.

emphasizes the values of deliberation and representation. Candidates elected through elections act as representatives of the people, entrusted with the mandate and responsibility to realize the aspirations of the citizens. *Third*, elections enable the periodic transfer of power, thereby preventing the emergence of political dynasties and maintaining a healthy and competitive democracy. *Fourth*, elections foster citizens' political participation as a form of civic engagement.⁴ Therefore, it can be concluded that elections are not merely an electoral process, but also a fundamental pillar of a democratic state.⁵

The written Constitution of Indonesia, namely the Constitution of the Republic of Indonesia (the 1945 Constitution), affirms that Indonesia adheres to the principle of popular sovereignty.⁶ As stated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Sovereignty is in the hands of the people and is exercised in accordance with the Constitution." The concrete implementation of this principle of popular sovereignty is embodied in Article 22E paragraphs (1) and (2) of the 1945 Constitution, which stipulate that general elections shall be conducted directly, publicly, freely, confidentially, honestly, and fairly every five years to elect members of the House of Representatives (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional House of Representatives (DPRD). In accordance with this constitutional mandate, Law Number 7 of 2017 on General Elections was enacted to comprehensively regulate the administration of elections in Indonesia.⁷

Furthermore, in order to ensure that every electoral regulation aligns with Pancasila and the 1945 Constitution of the Republic of Indonesia, the Constitutional Court (Mahkamah Konstitusi/MK), as *the interpreter of the Constitution*, plays a vital role in interpreting constitutional norms.⁸ When a legal vacuum or ambiguity exists within a statute, the Constitutional Court has the authority to annul such law.⁹ This includes laws concerning elections, which may be revoked by the Court if deemed inconsistent with the spirit and mandate of the 1945 Constitution. This is exemplified in Constitutional Court Decision No. 14/PUU-XI/2013 and Decision No. 135/PUU-XIII/2015, which affirmed that general elections must be conducted simultaneously using five ballot boxes, to elect the President and Vice President, the House of Representatives (DPR), the Regional Representative Council (DPD), the Provincial House of Representatives (DPRD Provinsi), and the Regency/Municipal House of Representatives (DPRD Kabupaten/Kota).¹⁰ The

⁴ Rafi Akhsanul Kholikin and Ernestus Holivil, 'The Role of Subdistrict Election Committees in Increasing Electoral Participation Among Generation Zillennials', *Jurnal Ilmu Administrasi Negara (JUAN)* 13, no. 1 (June 2025): 1–14, <https://doi.org/10.31629/juan.v13i1.6891>.

⁵ Arif Prasetyo Wibowo, Eka Wisnu Wardhana, and T Heru Nurgiansah, 'Pemilihan Umum Di Indonesia Dalam Perspektif Pancasila', *Jurnal Kewarganegaraan* 6, no. 2 (September 2022): 3127–225.

⁶ Eko Wibowo, Ismail, and Hartana, 'Pelaksanaan Pemilihan Presiden Yang Sesuai Dengan Prinsip Kedaulatan Rakyat Dalam Sistem Demokrasi Di Indonesia', *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 10, no. 2 (August 2024): 257–70, <https://doi.org/10.55809/tora.v10i2.371>.

⁷ Jufri Takatelide, Donald A. Rumokoy, and Donna Okthalia Setiabudhi, 'Kajian Terhadap Putusan Mahkamah Konstitusi No. 90/PUU XXI/2023 Dalam Pengujian Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum', *Lex Privatum* 15, no. 1 (January 2025): 1–11.

⁸ Firdaus Arifin et al., 'Open Legal Policy Criteria in the Constitutional Court Decision: An Evaluation and Recommendation', *Padjadjaran Jurnal Ilmu Hukum* 12, no. 2 (2025): 217–23.

⁹ Arifin, 'Position and Authority of the Constitutional Court as a Guardian of the Constitution'.

¹⁰ Bimo Fajar Hantoro, 'Originalisme Dan Syarat Keserentakan Pemilu Dalam Putusan Mahkamah Konstitusi', *Undang: Jurnal Hukum* 6, no. 1 (Mei 2023): 2598–7941.

legislative elections tend to become subordinated to the presidential election. Moreover, simultaneous elections impose a significant technical burden, which in turn affects the quality of public participation. Furthermore, such simultaneity is argued to have encouraged political fragmentation in the parliament, as electoral calculations tend to outweigh the substantive function of representation.¹¹

However, this new configuration gives rise to several issues. First, the terms of office for members of regional legislatures (DPRD) and regional heads elected in the 2024 elections will end in 2029. This is inconsistent with the national electoral cycle established by Constitutional Court Decision No. 135/PUU-XXII/2024, which mandates the separation of National Elections and Regional Elections. In its ruling, the Court determined that Regional Elections must be held after the National Elections, namely in 2031. Consequently, in 2029 there will be a vacancy in regional executive and legislative offices at both the provincial and district/municipal levels. While vacancies in regional executive positions can be temporarily resolved through the appointment of acting officials (*Pejabat/Pj*),¹² no equivalent mechanism exists for DPRD members, as regional legislatures are a direct representation of popular sovereignty and can only be constituted through elections. Second, from an administrative and fiscal standpoint, the separation of election cycles may increase the budgetary burden due to the higher frequency of electoral events.

Based on the foregoing, Constitutional Court Decision No. 135/PUU-XXII/2024 has altered the pattern of electoral administration in Indonesia. The separation between National Elections and Regional Elections creates opportunities to enhance the quality of democracy while simultaneously generating new challenges, ranging from misaligned terms of office to increased administrative and financial burdens. Accordingly, a constitutionally grounded transitional framework is required. One such approach is the concept of an Interim Election, proposed as a mechanism to preserve democratic legitimacy and maintain the effectiveness of Indonesia's electoral system.

Formulation of the problem

Based on the explanation above, the author believes it is important to conduct a deeper analysis of the role of interim elections as a transitional electoral design in ensuring democratic stability in Indonesia. The issues to be examined are as follows::

1. What are the constitutional implications for the constitutional design of National and Regional Elections under Constitutional Court Decision No. 135/PUU-XXII/2024?
2. How can the concept of an Interim Election serve as a transitional solution for restructuring National and Regional Elections following Constitutional Court Decision No. 135/PUU-XXII/2024?

¹¹ Achmad Fagil Abrori et al., 'Implementasi Teoritik Keberlakuan Hukum Internasional', *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 4 (August 2024): 386–406, <https://doi.org/10.15642/mal.v5i4.347>.

¹² Muhammad Syaiful Anwar, Rafiqah Sari, and Ndaru Satrio, 'Sistem Penunjukan Penjabat Kepala Daerah Dalam Perspektif Teori Pengisian Jabatan', *Jurnal Hukum In Concreto* 3, no. 1 (February 2024): 72–84, <https://doi.org/10.35960/inconcreto.v3i1.1362>.

Research Method

This study employs a qualitative research method, as conceptualized by Creswell, using statutory and conceptual approaches to examine the legal implications of Constitutional Court Decision Number 135/PUU-XXII/2024. Qualitative research relies on the examination of secondary data relevant to the subject matter. Secondary data consist of primary and secondary legal materials. Primary legal materials include authoritative legal sources that contain binding norms, such as laws, regulations, and Constitutional Court decisions. Secondary legal materials consist of books, scholarly articles, and expert writings that provide interpretation, context, and deeper analytical insight into primary legal materials. These materials help explain the broader legal framework and theoretical foundations related to the separation of National and Regional Elections and the potential vacancy of regional representative and executive offices during the 2029 to 2031 transition period. The data collected were analyzed qualitatively using prescriptive and analytical techniques to assess the consistency of the Constitutional Court's decision with constitutional principles and democratic theory. The results of the analysis are presented in a descriptive normative form to build an argument regarding the feasibility of an Interim Election as a constitutionally legitimate transitional mechanism to safeguard political legitimacy and ensure continuity of governance following Constitutional Court Decision Number 135/PUU-XXII/2024.

Results and Discussion

1) The Constitutional Implications for National and Regional Elections

Indonesia is a democratic state that places the people as the holders of the highest sovereignty.¹³ One of the most concrete manifestations of this principle is the conduct of general elections (*Pemilu*). Historically, the constitutional design of elections in Indonesia has undergone several changes, in line with societal developments and evolving political needs.¹⁴

One of the Constitutional Court decisions that reshaped Indonesia's electoral design was Constitutional Court Decision No. 14/PUU-XI/2013, which mandated the simultaneous conduct of the Legislative and Presidential Elections in 2019 and 2024. Subsequently, Indonesia's electoral design underwent another transformation following the issuance of Constitutional Court Decision No. 135/PUU-XXII/2024. In this decision, the Court held that Article 167(3) of Law No. 7 of 2017 concerning Elections is conditionally unconstitutional insofar as it is not interpreted to mean that voting must be conducted simultaneously for the election of members of the DPR, members of the DPD, and the President/Vice President.

¹³ Darto Wahidin et al., 'Opportunities and Challenges of Digital Democracy in Indonesia', *Pancasila: Jurnal Keindonesiaan* 5, no. 1 (April 2025): 20–34, <https://doi.org/10.52738/pjk.v5i1.723>.

¹⁴ Apri Rotin Djusfi et al., 'Participants' Reconceptualization of Asymmetric Legislative General Election in Indonesia', *Journal of Lifestyle and SDGs Review* 5, no. 2 (December 2024): e03476, <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03476>.

Accordingly, following this ruling, Indonesia's elections are divided into two distinct moments: *first*, the National Election, which elects members of the DPR, members of the DPD, and the President/Vice President; and *second*, the Regional Election, which elects members of provincial and district/municipal DPRD as well as Regional Heads. Decision No. 135/PUU-XXII/2024 also regulates the timeframe, stipulating that Regional Elections must be held no earlier than two years and no later than two years and six months after the inauguration of members of the DPR/DPD or after the Presidential/Vice Presidential vote count. The ruling applies *mutatis mutandis* to Article 374(1) of Law No. 7 of 2017 and Article 3(1) of Law No. 8 of 2015 concerning the ratification of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors.

The above elaboration demonstrates that the Constitutional Court's ruling has transformed the previous model of full simultaneity into a model of limited simultaneity by separating National Elections and Regional Elections. According to the Court, this separation is intended to enhance the quality of elections while upholding the principles of simplicity and convenience for voters.¹⁵ The ruling also affirms the Court's role as a constitutional engineer, which not only interprets the Constitution but also redesigns electoral arrangements to ensure alignment with the principles of popular sovereignty and legal certainty.

Nevertheless, the Court does not assume full responsibility for the technical design of elections. Instead, it delegates further regulation, particularly concerning transitional arrangements, office term adjustments, and other constitutional engineering measures to the legislature (the DPR) together with the President. Their task is to formulate a legal framework that prevents governance vacuums at regional levels during the 2029-2031 transitional period.

This demonstrates that the post-Decision No. 135/PUU-XXII/2024 electoral design is the product of collaboration between two constitutional institutions: the Constitutional Court, which acts as the constitutional designer through constitutional interpretation, and the DPR together with the President, who serve as constitutional engineers through statutory design.¹⁶ Thus, the design of National and Regional Elections reflects not only a juridical shift but also a deliberate constitutional reconfiguration aimed at safeguarding democratic continuity in Indonesia.

Implication of this new electoral construction is the emergence of a new political-legal configuration between National and Regional Elections. Holding two separate elections within a five-year cycle may make voting easier for the

¹⁵ Sinda Eria Ayuni and Rika Novitasari, 'Reformulation Design of the Constitutional Judge Code of Ethics Council: A Comparative Study for Strengthening the Constitutional Court', *International Journal of Scientific Multidisciplinary Research* 3, no. 6 (July 2025): 833–50, <https://doi.org/10.55927/ijsmr.v3i6.320>.

¹⁶ Andra Bani Sagalane and Subianta Mandala, 'The Strategic Role of the Constitutional Court of the Republic of Indonesia Has the Potential to Amend the 1945 Constitution of the Republic of Indonesia (Implications of the Constitutional Court Decision Number 116/PUU-XXI/2023)', *Asian Journal of Social and Humanities* 3, no. 10 (July 2025): 1728–40, <https://doi.org/10.59888/ajosh.v3i10.561>.

electorate, reduce administrative burden on election organizers, and allow more effective campaigning at both national and regional levels. National Election outcomes are expected to strengthen the presidential system, while Regional Election outcomes will reinforce local governance. Thus, the separation of elections is expected to maximize both the effectiveness and efficiency of electoral objectives.¹⁷

From a political perspective, National Elections function as the determinant of macro-level policy direction and central government stability through the election of the President/Vice President, DPR members, and DPD members.¹⁸ By contrast, Regional Elections operate as a more localized arena of democracy, determining the legitimacy of regional governance through the election of Regional Heads and DPRD members.¹⁹ This dual structure may enhance democratic quality by allowing voters to focus separately on national and regional issues.²⁰

However, on the other hand, differing periods of office may lead to political disharmony. The separation of National and Regional Elections requires legal certainty regarding transitional office periods and synchronization of terms, as mandated by Article 22E (1) of the 1945 Constitution, which stipulates that general elections must be conducted every five years. While the Constitutional Court has mandated that Regional Elections be held two to two-and-a-half years after National Elections, this will inevitably create vacancies for DPRD members and Regional Heads.²¹

While Regional Head vacancies may be filled by appointing acting officials (Pj), as these are administrative positions, the same does not apply to DPRD members. DPRD membership is a direct embodiment of popular sovereignty and therefore cannot be filled through appointment. Nor can the term of DPRD members simply be extended, as doing so would contradict the 1945 Constitution and violate the constitutional principle of fixed and definite terms of office.

Without clear constitutional engineering through legislation, there is therefore a risk of legal and governmental vacuum at the regional level during the 2029–2031 period. From a constitutional perspective, such a vacuum is incompatible with the principles of popular sovereignty and the continuity of government, as mandated by the principles of popular sovereignty enshrined in Article 1(2) and the

¹⁷ Melisa Nasir et al., ‘Kedudukan Hukum Dalam Mewujudkan Keadilan Dan Kesejahteraan Di Indonesia’, *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (February 2023): 241–54, <https://doi.org/10.37680/almanhaj.v5i1.2084>.

¹⁸ King Faisal Sulaiman and Zidan Risqy Fitrantyo, ‘The Complexities of Implementing Election Systems in Indonesia’, *Media of Law and Sharia* 6, no. 3 (June 2025): 208–27, <https://doi.org/10.18196/mls.v6i3.349>.

¹⁹ Arizka Warganegara and Paul Waley, ‘Do Ethnic Politics Matter? Reassessing the Role of Ethnicity in Local Elections in Indonesia’, *South East Asia Research* 32, no. 3 (July 2024): 245–62, <https://doi.org/10.1080/0967828X.2024.2406791>.

²⁰ Winny Savitri, Anisa Dwi Andiani, and Aden Fadli Mukhammad, ‘PEMAKNAAN REZIM PEMILU PASCA PUTUSAN MK NOMOR 55/PUUXVII/2019’, *Jurnal Jendela Hukum* 11, no. 1 (April 2024): 44–57, <https://doi.org/10.24929/jjh.v11i1.3497>.

²¹ Arif Sugitanata and Abdul Majid, ‘Sistem Pemilu Sebagai Wujud Demokrasi Di Indonesia: Antara Orde Lama, Orde Baru Dan Reformasi’, *Qaumiyyah: Jurnal Hukum Tata Negara* 2, no. 1 (2021): 1–21.

constitutional framework of regional governance under Article 18 of the 1945 Constitution. This situation requires careful attention from the DPR and the President, who bear responsibility for designing a transitional mechanism that ensures continuity of governance. Consequently, this new electoral configuration shows that the political-legal relationship between National and Regional Elections is not merely technical but is central to determining the quality of Indonesia's democracy and the effectiveness of its system of government moving forward.

2) **Interim Elections as a Transitional Solution in Structuring National and Regional Elections after Constitutional Court Decision No. 134/PUU-XXII/2024**

To address these challenges, this article proposes the concept of a Transitional Election or Interim Election. An Interim Election is conceptually distinct from ordinary elections, as it is not part of the regular electoral cycle but serves as a constitutionally temporary and structurally exceptional mechanism designed to preserve democratic legitimacy during institutional transitions. Its minimum constitutional characteristics include a limited temporal scope, a clear legal basis, direct popular participation, and a function aimed at preventing power vacuums and unjustified extensions of elected terms. Conceptually, an Interim Election refers to an electoral mechanism designed to bridge inconsistencies between the terms of office produced by previous elections and the newly established system resulting from constitutional reform.

From the perspective of Political Science, elections serve three primary functions: ensuring political representation, fostering political integration, and creating an effective government.²² In line with this, Constitutional Law doctrine also asserts that elections aim to form representative bodies, preserve national unity, and establish an effective government. Referring to these explanations, it can be concluded that elections constitute an essential prerequisite for ensuring popular sovereignty and achieving the objectives of the state as mandated by the 1945 Constitution of the Republic of Indonesia. Robert A. Dahl emphasizes that:²³ “elections are the primary mechanism by which citizens exercise control over their leaders.” This view underscores that elections are the principal means through which citizens control political power, rather than merely a constitutional formality. Without an effective electoral mechanism, the people's ability to exercise oversight would disappear, reducing popular sovereignty to nothing more than a hollow constitutional slogan.

However, following Constitutional Court Decision Number 135/PUU-XXII/2024, Indonesia has experienced a significant transformation in its electoral

²² Mateusz Łabuz and Christopher Nehring, ‘On the Way to Deep Fake Democracy? Deep Fakes in Election Campaigns in 2023’, *European Political Science* 23, no. 4 (December 2024): 454–73, <https://doi.org/10.1057/s41304-024-00482-9>.

²³ M Rijal Al'hadad Maulana, ‘Analisis Tantangan Konstitusional Dan Problematika Hukum Tata Negara Dalam Pelaksanaan Pilkada 2024’, *Constitution Journal* 3, no. 2 (December 2024): 211–32, <https://doi.org/10.35719/constitution.v3i2.114>.

design, particularly through the separation of National Elections and Regional Elections. The decision raises several issues requiring immediate attention. First, the ruling potentially creates inconsistency with the principle of electoral periodicity. If Regional Elections are postponed until 2031 without a transitional mechanism, the cycle of political accountability will be disrupted. Second, the decision may be interpreted as a form of judicial activism, in which the Constitutional Court not only reviews the constitutionality of legislation but also designs political institutions, an authority traditionally vested in the legislature. Third, in the absence of a transitional framework, the ruling risks creating a democratic deficit, as representatives would serve extended terms without renewed electoral legitimacy. Based on these considerations, although Constitutional Court decisions are final and binding, further legal elaboration remains necessary to ensure consistency with democratic principles.²⁴

Regarding potential vacancies in regional executive offices and provincial or regency/municipal legislative seats, the Court explicitly mandates the House of Representatives (DPR) and the President to undertake legal engineering as the constitutional solution. This mandate affirms that electoral design must not generate power vacuums or extend terms of office without democratic legitimacy. Extending terms without elections contradicts the principle of periodicity, one of the core pillars of democratic governance.²⁵ Periodicity can be understood as the requirement that political authority be bounded by time through regular elections. Moreover, periodicity ensures circulation of power, prevents the prolonged concentration of authority, and strengthens political accountability to the people as the holders of sovereignty.

This reasoning aligns with Samuel P. Huntington's argument that electoral periodicity is a key indicator of democratic consolidation. According to Huntington, democracy can only endure if regular, competitive, and fair elections take place. Extending an electoral cycle without voting risks political decay due to the interruption of accountability mechanisms.²⁶ Thus, a legally valid, politically accountable, and publicly acceptable transitional process is required.

Similarly, Montesquieu long ago warned that political liberty can be preserved only when power is limited, and such limitation is achieved through term boundaries. Montesquieu's assertion that "Political liberty is to be found only when there is no abuse of power, and to prevent this abuse, power must be checked by

²⁴ Fatriansyah Fatriansyah, 'Eksistensi Putusan Mahkamah Konstitusi', *Legalitas: Jurnal Hukum* 15, no. 2 (February 2024): 339, <https://doi.org/10.33087/legalitas.v15i2.537>.

²⁵ Syaiful Asmi Hasibuan, 'Sistem Pemilihan Umum Dalam Kaitan Dengan Negara Demokrasi', *Warta Dharmawangsa* 17, no. 2 (May 2023): 602–9, <https://doi.org/10.46576/wdw.v17i2.3174>.

²⁶ Abdullahi Mohamed Hersi, 'Democracy in Decline: Institutional Disruption, Civic Collapse, and the Crisis of Global Legitimacy', *SSRN Electronic Journal*, ahead of print, 2025, <https://doi.org/10.2139/ssrn.5421114>.

power,” provides a philosophical foundation that without clear time limits, power is prone to abuse.²⁷

To address these challenges, this article proposes the concept of a Transitional Election or Interim Election. Conceptually, an Interim Election refers to an electoral mechanism designed to bridge inconsistencies between the terms of office produced by previous elections and the newly established system resulting from constitutional reform. The introduction of an Interim Election ensures that institutional transitions remain grounded in the principle of popular sovereignty. In other words, it prevents a power vacuum and avoids term extensions that may conflict with democratic norms.²⁸

Historically, Interim Elections are not unprecedented in modern democracies. The United States implements special elections to fill Congressional vacancies outside regular cycles. The United Kingdom employs by-elections for the House of Commons. India also utilizes similar mechanisms in response to political instability that leads to premature parliamentary dissolution. These practices demonstrate that Interim Elections are a common feature of democratic governance, designed to safeguard political legitimacy through constitutional means rather than through term manipulation that violates electoral periodicity.

Indonesia itself is no stranger to transitional elections. The 1955 Election served as a transitional mechanism to fill political offices following independence. The 1999 Election functioned as an Interim Election after the fall of the New Orde Baru, restoring democratic governance. The 2015 simultaneous regional elections also employed the appointment of interim regional heads to fill vacancies until elections could be held.²⁹ These historical experiences demonstrate Indonesia’s constitutional capacity to manage democratic transitions, even though each era presents distinct circumstances. Accordingly, the 2029-2031 Interim Election can be seen as a continuation of Indonesia’s democratic transition practices.

It must be emphasized that the Interim Election should apply only to the election of Provincial and Regency/Municipal DPRD members. This is due to the nature of DPRD as a representative institution that receives its mandate directly from the people through elections. Therefore, extending DPRD terms without elections would violate the principle of popular sovereignty and the spirit of representative democracy. In contrast, regional executive positions may be filled through interim appointments. The legal basis for this is found in Article 201(9) of Law Number 10 of 2016 on the Election of Governors, Regents, and Mayors, which allows for the appointment of acting officials until definitive officials elected

²⁷ Raden Siti Rachmah Wardani, ‘Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System’, *SIGn Jurnal Hukum* 5, no. 1 (April 2023): 1–16, <https://doi.org/10.37276/sjh.v5i1.228>.

²⁸ Riastri Haryani, ‘The Implementation of Simultaneous Local Elections: An Overview of Constitutional Law and Its Impact on Democracy in Indonesia’, *SIGn Jurnal Hukum* 5, no. 1 (May 2023): 102–13, <https://doi.org/10.37276/sjh.v5i1.262>.

²⁹ Ade Mulya, ‘Prediksi Ancaman Keamanan Dan Antisipasinya Pada Pemilu Serentak 2024’, *Journal of Research and Development on Public Policy* 2, no. 4 (October 2023): 55–66, <https://doi.org/10.58684/jarvic.v2i4.100>.

through elections assume office. This framework enables temporary appointments for executive positions but cannot be applied to legislative seats, which can only be filled through direct elections.

Furthermore, the implementation of an Interim Election must possess clear legal legitimacy, consistent with the rule of law principle whereby state actions must be grounded in law. Therefore, electoral legislation must be amended to explicitly regulate the 2029 Interim Election. Alternatively, the legal framework may be established through a Government Regulation in Lieu of Law (Perpu), as permitted under Law Number 12 of 2011 on Lawmaking, when urgent conditions require immediate regulation. However, the political contestation surrounding the issuance of a Perpu makes this pathway potentially contentious. Regardless of the chosen legal instrument, the DPR and the President, as agents of law as social engineering, must uphold the principles emphasized by the Constitutional Court: constitutionality, accountability, and clarity of norms.³⁰

Beyond ensuring legal certainty, the General Elections Commission (KPU) also faces technical, logistical, and time-management challenges following the introduction of a new electoral type. For budgetary efficiency, the 2029 Interim Election could be conducted concurrently with the 2029 National Election, as it only requires the addition of ballots for the election of Provincial and Regency/Municipal DPRD members. The Interim Election also has political and social implications. Political parties may resist, as the DPRD elected in 2029 would serve only a two-year term (2029–2031), and parties must soon after prepare for the 2031 Regional Elections. Such conditions may trigger political tension. Nonetheless, short-term political interests must not undermine long-term democratic legitimacy. Therefore, constitutional statesmanship is required from the DPR and the President to prioritize national interests above electoral calculations.

The presence of an Interim Election can be viewed as a manifestation of good governance principles. This is because it strengthens the legitimacy of representative institutions and prevents term extensions without constitutional mandate. Such a mechanism enhances public trust in democracy, enabling political and governmental stability, both crucial preconditions for development. The core aim of good governance is to ensure that the government serves public interests fairly and with integrity, rather than favoring specific groups. Accordingly, the implementation of an Interim Election is expected not only to reinforce public trust in representative institutions, but also to demonstrate that the governmental system operates in accordance with the principles of good governance, ensuring order, justice, and political stability for national development.

Based on the comprehensive analysis above, it can be concluded that the Interim Election constitutes a constitutional and democratic middle path for maintaining the continuity of Indonesia's electoral system following Constitutional Court Decision Number 135/PUU-XXII/2024. The Interim Election aligns with the

³⁰ Christine ST Kansil and Putri Meilika Nadilatasya, 'Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik Dan Kepercayaan Publik Di Indonesia: Analisis Implikasi Hukum Dan Etika', *UNES Law Review* 6, no. 4 (2024): 10753–60.

principle of popular sovereignty and reflects the legal system's capacity to adapt to political change. In essence, the Interim Election serves as a bridge that preserves legislative legitimacy, reinforces the principle of periodicity, and ensures that Indonesia remains on a healthy path of democratic consolidation.

Conclusion

Indonesia is a democratic state that places elections as the concrete embodiment of popular sovereignty. Constitutional Court Decision Number 135/PUU-XXII/2024 introduces a significant transformation to Indonesia's electoral system by separating National Elections and Regional Elections, which were previously held simultaneously. This separation is intended to enhance electoral efficiency, improve voter focus, and strengthen governance at both national and regional levels. However, the new arrangement also generates challenges, particularly concerning the terms of office of regional legislative members (DPRD), which will expire before the Regional Elections are conducted. This situation creates a potential vacancy within regional representative institutions. Therefore, the House of Representatives (DPR) and the President must promptly enact new legislation as a follow-up to the Court's ruling to prevent governance vacuums and safeguard the principle of popular sovereignty.

a viable solution to address this transitional period is the implementation of a Transitional Election or Interim Election. This mechanism applies solely to the election of Provincial and Regency/Municipal DPRD members, as these bodies represent the people and thus must derive their mandate directly from voters. Their terms cannot be extended without elections. For efficiency, the Interim Election may be conducted concurrently with the 2029 National Election by adding separate ballots for DPRD candidates. Meanwhile, regional executive positions (governors, regents, and mayors) whose terms end before the Regional Elections may be filled by appointed acting officials (Pj) in accordance with existing regulations, given that regional executive posts are administrative in nature.

To implement this mechanism, a clear legal foundation is required through new legislation or amendments to Law Number 7 of 2017 on Elections. Such regulation is essential to ensure legal certainty, maintain the legitimacy of electoral outcomes, and guarantee continuity in public administration. Through the adoption of an Interim Election and the appointment of acting regional executives, the transition toward the new electoral design can proceed smoothly without undermining democratic principles or the sovereignty of the people.

Reference

- Abrori, Achmad Fagil, Mei Ayu Zulfikriyah, Irfan Ma'ruf, and Ahmad Fajruddin Fatwa. 'Implementasi Teoritik Keberlakuan Hukum Internasional'. *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 4 (August 2024): 386–406. <https://doi.org/10.15642/mal.v5i4.347>.
- Ade Mulya. 'Prediksi Ancaman Keamanan Dan Antisipasinya Pada Pemilu Serentak 2024'. *Journal of Research and Development on Public Policy* 2, no. 4 (October 2023): 55–66. <https://doi.org/10.58684/jarvic.v2i4.100>.

- Arifin, Firdaus. 'Position and Authority of the Constitutional Court as a Guardian of the Constitution'. *Journal of Law, Politic and Humanities* 4, no. 5 (July 2024): 1658–65. <https://doi.org/10.38035/jlph.v4i5.630>.
- Arifin, Firdaus, Ihsanul Maarif, I Gde Panja Astawa, Mohd Kamarulnizam Abdullah, and Robi Asadul Bahri. 'Open Legal Policy Criteria in the Constitutional Court Decision: An Evaluation and Recommendation'. *Padjadjaran Jurnal Ilmu Hukum* 12, no. 2 (2025): 217–23.
- Djusfi, Apri Rotin, Eddy Purnama, M. Gaussyah, and Mahdi Syahbandir. 'Participants' Reconceptualization of Asymmetric Legislative General Election in Indonesia'. *Journal of Lifestyle and SDGs Review* 5, no. 2 (December 2024): e03476. <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03476>.
- Eko Wibowo, Ismail, and Hartana. 'Pelaksanaan Pemilihan Presiden Yang Sesuai Dengan Prinsip Kedaulatan Rakyat Dalam Sistem Demokrasi Di Indonesia'. *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 10, no. 2 (August 2024): 257–70. <https://doi.org/10.55809/tora.v10i2.371>.
- Fatriansyah, Fatriansyah. 'Eksistensi Putusan Mahkamah Konstitusi'. *Legalitas: Jurnal Hukum* 15, no. 2 (February 2024): 339. <https://doi.org/10.33087/legalitas.v15i2.537>.
- Hantoro, Bimo Fajar. 'Originalisme Dan Syarat Kesenjangan Pemilu Dalam Putusan Mahkamah Konstitusi'. *Undang: Jurnal Hukum* 6, no. 1 (Mei 2023): 2598–7941.
- Hasibuan, Syaiful Asmi. 'Sistem Pemilihan Umum Dalam Kaitan Dengan Negara Demokrasi'. *Warta Dharmawangsa* 17, no. 2 (May 2023): 602–9. <https://doi.org/10.46576/wdw.v17i2.3174>.
- Hersi, Abdullahi Mohamed. 'Democracy in Decline: Institutional Disruption, Civic Collapse, and the Crisis of Global Legitimacy'. *SSRN Electronic Journal*, ahead of print, 2025. <https://doi.org/10.2139/ssrn.5421114>.
- Kansil, Christine ST, and Putri Meilika Nadilatasya. 'Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik Dan Kepercayaan Publik Di Indonesia: Analisis Implikasi Hukum Dan Etika'. *UNES Law Review* 6, no. 4 (2024): 10753–60.
- Kholikin, Rafi Akhsanul, and Ernestus Holivil. 'The Role of Subdistrict Election Committees in Increasing Electoral Participation Among Generation Zillennials'. *Jurnal Ilmu Administrasi Negara (JUAN)* 13, no. 1 (June 2025): 1–14. <https://doi.org/10.31629/juan.v13i1.6891>.
- Łabuz, Mateusz, and Christopher Nehring. 'On the Way to Deep Fake Democracy? Deep Fakes in Election Campaigns in 2023'. *European Political Science* 23, no. 4 (December 2024): 454–73. <https://doi.org/10.1057/s41304-024-00482-9>.
- Maulana, M Rijal Al'hadad. 'Analisis Tantangan Konstitusional Dan Problematika Hukum Tata Negara Dalam Pelaksanaan Pilkada 2024'. *Constitution Journal* 3, no. 2 (December 2024): 211–32. <https://doi.org/10.35719/constitution.v3i2.114>.
- Nasir, Melisa, Elmi Khoiriyah, Bagus Priyono Pamungkas, Inas Hardianti, and Raesitha Zildjianda. 'Kedudukan Hukum Dalam Mewujudkan Keadilan Dan Kesejahteraan Di Indonesia'. *AL-MANHAI: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (February 2023): 241–54. <https://doi.org/10.37680/almanhaj.v5i1.2084>.
- Rattanasevee, Pattharapong, Yared Akarapattananukul, and Yodsapon Chirawut. 'Direct Democracy in the Digital Age: Opportunities, Challenges, and New Approaches'. *Humanities and Social Sciences Communications* 11, no. 1 (December 2024): 1681. <https://doi.org/10.1057/s41599-024-04245-1>.
- Riastri Haryani. 'The Implementation of Simultaneous Local Elections: An Overview of Constitutional Law and Its Impact on Democracy in Indonesia'. *SIGn Jurnal Hukum* 5, no. 1 (May 2023): 102–13. <https://doi.org/10.37276/sjh.v5i1.262>.
- Sagalane, Andra Bani, and Subianta Mandala. 'The Strategic Role of the Constitutional Court of the Republic of Indonesia Has the Potential to Amend the 1945 Constitution of the Republic of Indonesia (Implications of the Constitutional Court

- Decision Number 116/PUU-XXI/2023)'. *Asian Journal of Social and Humanities* 3, no. 10 (July 2025): 1728–40. <https://doi.org/10.59888/ajosh.v3i10.561>.
- Savitri, Winny, Anisa Dwi Andiani, and Aden Fadli Mukhammad. 'PEMAKNAAN REZIM PEMILU PASCA PUTUSAN MK NOMOR 55/PUUXVII/2019'. *Jurnal Jendela Hukum* 11, no. 1 (April 2024): 44–57. <https://doi.org/10.24929/jjh.v11i1.3497>.
- Sinda Eria Ayuni and Rika Novitasari. 'Reformulation Design of the Constitutional Judge Code of Ethics Council: A Comparative Study for Strengthening the Constitutional Court'. *International Journal of Scientific Multidisciplinary Research* 3, no. 6 (July 2025): 833–50. <https://doi.org/10.55927/ijsmr.v3i6.320>.
- Sugitanata, Arif, and Abdul Majid. 'Sistem Pemilu Sebagai Wujud Demokrasi Di Indonesia: Antara Orde Lama, Orde Baru Dan Reformasi'. *Qaumiyyah: Jurnal Hukum Tata Negara* 2, no. 1 (2021): 1–21.
- Sulaiman, King Faisal, and Zidan Risqy Fitrantyo. 'The Complexities of Implementing Election Systems in Indonesia'. *Media of Law and Sharia* 6, no. 3 (June 2025): 208–27. <https://doi.org/10.18196/mls.v6i3.349>.
- Syaiful Anwar, Muhammad, Rafiqah Sari, and Ndaru Satrio. 'Sistem Penunjukan Penjabat Kepala Daerah Dalam Perspektif Teori Pengisian Jabatan'. *Jurnal Hukum In Concreto* 3, no. 1 (February 2024): 72–84. <https://doi.org/10.35960/inconcreto.v3i1.1362>.
- Takatelide, Jufri, Donald A. Rumokoy, and Donna Okthalia Setiabudhi. 'Kajian Terhadap Putusan Mahkamah Konstitusi No. 90/PUU XXI/2023 Dalam Pengujian Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum'. *Lex Privatum* 15, no. 1 (January 2025): 1–11.
- Wahidin, Darto, Ichwani Siti Utami, Aida Restu Amalia, Alifia Aqida, and Salwa Aidah. 'Opportunities and Challenges of Digital Democracy in Indonesia'. *Pancasila: Jurnal Keindonesiaan* 5, no. 1 (April 2025): 20–34. <https://doi.org/10.52738/pjk.v5i1.723>.
- Wardani, Raden Siti Rachmah. 'Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System'. *SIGn Jurnal Hukum* 5, no. 1 (April 2023): 1–16. <https://doi.org/10.37276/sjh.v5i1.228>.
- Warganegara, Arizka, and Paul Waley. 'Do Ethnic Politics Matter? Reassessing the Role of Ethnicity in Local Elections in Indonesia'. *South East Asia Research* 32, no. 3 (July 2024): 245–62. <https://doi.org/10.1080/0967828X.2024.2406791>.
- Wibowo, Arif Prasetyo, Eka Wisnu Wardhana, and T Heru Nurgiansah. 'Pemilihan Umum Di Indonesia Dalam Perspektif Pancasila'. *Jurnal Kewarganegaraan* 6, no. 2 (September 2022): 3127–225.
- Yunita, Putri, and Siti Tiara Maulia. 'Pemilihan Umum Sebagai Bentuk Perwujudan Demokrasi Di Indonesia'. *Journal of Practice Learning and Educational Development* 4, no. 2 (June 2024): 137–42. <https://doi.org/10.58737/jpled.v4i2.288>.