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A Juridical Analysis of the Implications of Constitutional Court Decision No. 60/PUU/XXII/2024 Paving the Way for Political Parties Without Regional Representative Council Seats in Nominating Regional Heads

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Abstract: The Constitutional Court's Decision No. 60/PUU/XXII/2024 has altered the nomination requirements for regional head elections, allowing political parties without seats in the Regional Representative Council to nominate candidates. This change is seen as a progressive step in strengthening democracy by broadening opportunities for small and emerging parties. However, it also introduces risks and challenges, such as the potential reinforcement of political dynasties, increased money politics, and political fragmentation at the local level. This study aims to analyze the juridical implications of the decision on Indonesia's regional head election system. The research method employed is normative legal method with a juridical analysis approach to relevant legislation, including the 1945 Constitution, the Regional Head Election Law, and Decision No. 60/PUU/XXII/2024. The study's data sources are secondary, comprising legal documents, academic literature, and news articles discussing related issues. The findings indicate that while the decision has the potential to expand political participation and strengthen democracy, significant risks related to political stability and the integrity of the election process remain. Therefore, strict oversight and effective law enforcement are necessary to ensure that these changes positively impact Indonesia's democracy.

Keyword: Constitutional Court, Regional Head Nominations, Political Parties, Democracy.

INTRODUCTION

Regional head elections (Pilkada) are one of the important pillars in the democratic process in Indonesia, which provides space for direct political participation from the community in determining their regional leaders (Rizal et al., 2023). In this context, the legal regulations governing the regional head nomination process play a crucial role in ensuring that the Pilkada is fair, democratic, and inclusive. One of the regulations that has been in the spotlight is the threshold requirements for regional head nominations by political parties, especially regarding the acquisition of seats in the Regional People's Representative Council (DPRD) (Sentosa, 2023). Prior to the Constitutional Court (MK) Decision No.

60/PUU/XXII/2024, political parties or coalitions of political parties that did not have seats in the DPRD often had difficulty in nominating regional head candidates, even though they had obtained significant votes in the general election.

The Constitutional Court Decision No. 60/PUU/XXII/2024 was a turning point in the dynamics of Indonesian politics. This decision changed the requirements for regional head nominations by opening up opportunities for political parties that did not have seats in the DPRD to still be able to nominate regional head candidate pairs (Yusril Mahendra, 2022). Prior to this ruling, Article 40 paragraph (3) of Law No. 10 of 2016 concerning Regional Elections required political parties wishing to propose regional head candidates to have seats in the DPRD. This requirement was considered an obstacle for new parties or parties that had not yet succeeded in obtaining seats in the DPRD, even though they had significant support from voters (Yanto & Bariki, 2024).

In its consideration, the Constitutional Court considered that the requirement for seats in the DPRD was not in line with the spirit of democracy which should provide political parties with wider opportunities to participate in the political process (Oktapiani, Arni, 2024). The Constitutional Court also emphasized that the acquisition of votes in the general election should be the main indicator that determines the ability of political parties to nominate regional head candidates. This decision is also considered a step forward in maintaining justice and equality in the election process, where every voter's voice must be valued and recognized in determining regional head candidates (Timothy et al., 2022).

This decision also provides more space for new parties such as the Labor Party and the Gelora Party, which although they have not succeeded in gaining seats in the DPRD, have succeeded in collecting significant votes in previous elections. In this context, Constitutional Court Decision No. 60/PUU/XXII/2024 not only expands political opportunities for previously marginalized parties, but also strengthens the legitimacy of the election process by ensuring that people's votes are not wasted just because the party they choose does not win seats in the DPRD (Dewi, 2021).

This change certainly has complex legal and political implications. On the one hand, this decision can be seen as a step to strengthen democracy at the local level by providing voters with more choices (Umami, 2023). On the other hand, this change can also create new challenges, such as the potential for political fragmentation at the regional level and increased competition between political parties. Therefore, it is important to analyze more deeply how the Constitutional Court Decision No. 60/PUU/XXII/2024 affects the political system in Indonesia, especially in the context of regional head nominations (Febriani, 2023).

In the context of the Constitutional Court Decision No. 60/PUU/XXII/2024, there are concerns that changes to the requirements for regional head nominations could pave the way for the emergence of stronger political dynasties at the local level (Muhammad Ragil Arighi Shunas & Hj. Siti Fatimah, 2022). By allowing political parties without seats in the DPRD to nominate regional head candidates, parties dominated by family figures or certain groups can more freely nominate their family members as regional head candidates (Mahendra, 2020). This situation has the potential to strengthen the pattern of political dynasties, where political power is concentrated in certain groups or families that have great influence, both financially and socially, in the region. These political dynasties can often exploit weaknesses in political and electoral regulations to extend their dominance, and with looser nomination requirements, the opportunity to maintain or expand this power becomes even greater (Erlina, 2023).

Political dynasties that have taken root in various regions in Indonesia can take advantage of this decision to consolidate their power in a more strategic way. With the DPRD seat requirements no longer limited, small or new parties managed by influential families can still compete in the Pilkada without having to meet the requirements for representation in the DPRD, which previously was an obstacle for them. This is feared to reduce healthy and fair

competition in the regional head election process, because the financial power and political networks owned by political dynasties can be the main determining factors in winning elections. As a result, there is a risk that local democracy in Indonesia will not only become increasingly concentrated in certain groups, but also that it will be increasingly difficult for new, independent and integrity-based candidates to compete in a system dominated by strong political dynasties. In this legal analysis, the research will focus on various legal aspects related to the implementation of this ruling, including how this new rule is integrated into the Indonesian legal system, its impact on political practices at the regional level, and its potential long-term implications for the democratic system in Indonesia. Thus, this research aims to provide a comprehensive overview of the legal and political implications of the Constitutional Court Decision No. 60/PUU/XXII/2024, and how these changes may affect the direction of local democracy development in Indonesia..

METHOD

The research method used in this study is the normative legal research method. This method is often referred to as doctrinal research, which focuses on legal norms written in laws and regulations and binding court decisions (Sugiyono, 2017). Normative legal research aims to analyze and interpret the law as written in various legal documents, by examining legal theories, legal principles, and related legal expert opinions (doctrines). This approach is very relevant for research that analyzes the legal implications of a court decision, such as the Constitutional Court Decision No. 60/PUU/XXII/2024, because this method allows researchers to dig deeper into the legal interpretation produced by the judiciary, and how the decision affects the development of law and the political system in Indonesia (Sugiyono, 2021).

The data sources used in this study are secondary data sourced from various relevant legal materials. This secondary data includes various legal documents such as the 1945 Constitution of the Republic of Indonesia (UUD 1945), Law No. 10 of 2016 concerning Regional Elections, as well as other legal documents relevant to this study. In addition, this study also utilizes Constitutional Court decisions, especially Constitutional Court Decision No. 60/PUU/XXII/2024, as the main source in analyzing the legal implications of changes in regional head nomination requirements. News articles that examine public responses and the socio-political impacts of this decision are also used as additional data sources to provide a broader perspective (Creswell & Creswell, 2018). In addition, academic literature such as law books and scientific journals that discuss legal theory, local political dynamics, and the phenomenon of political dynasties in Indonesia are also used as references to enrich the analysis in this study. By using various secondary data sources, this study is expected to provide a comprehensive analysis of the legal implications of Constitutional Court Decision No. 60/PUU/XXII/2024.

The data collection technique in this study was carried out through library research, where researchers collected secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations such as the 1945 Constitution and Law No. 10 of 2016 concerning Regional Elections, as well as the Constitutional Court Decision No. 60/PUU/XXII/2024. Secondary legal materials include academic literature, law books, journal articles, and related documents that discuss legal theories and local political phenomena in Indonesia. Meanwhile, tertiary legal materials include encyclopedias, legal dictionaries, and other reference materials that support understanding of the legal and political context. The data analysis technique used is descriptive-qualitative analysis, where the collected data is analyzed in depth to interpret and explain the legal implications of the decision. This analysis is carried out by linking laws and regulations, court decisions, and academic literature, as well as considering various theoretical perspectives to understand the impact and consequences of the Constitutional

Court Decision No. 60/PUU/XXII/2024 on the regional head nomination system in Indonesia.

RESULTS AND DISCUSSION

The Constitutional Court (MK) Decision No. 60/PUU/XXII/2024 is one of the important decisions that has the potential to change the local political landscape in Indonesia. This decision specifically changes the requirements for regional head nominations, which previously required political parties or coalitions of political parties to have seats in the DPRD if they wanted to propose a regional head candidate pair (Erlina, 2023). With this decision, political parties that do not have seats in the DPRD, but have accumulated valid votes of 25% from the general election for DPRD members, can still nominate regional head candidates. This change opens up wider space for new political parties and parties that have so far failed to obtain seats in the DPRD, thus strengthening the principle of democracy by providing a fairer opportunity for all political parties participating in the election (Yanto & Bariki, 2024).

A legal analysis of the Constitutional Court Decision No. 60/PUU/XXII/2024 shows that this decision has a strong legal basis in upholding the principles of democracy and justice. The Constitutional Court, in its considerations, emphasized that the requirement for seats in the DPRD as a prerequisite for regional head nominations has the potential to ignore the aspirations of the people who have chosen a particular political party. In many cases, small or new parties that gain significant votes but fail to win seats in the DPRD do not have the opportunity to nominate regional head candidates, despite real support from voters. With this ruling, the Constitutional Court strengthens the position of the people's voice as a determinant in democracy, where every vote has equal value in the nomination process, regardless of the results of the conversion of votes into seats in the legislative institution.

This ruling also highlights the dynamics between the political rights of political parties and the public interest in the regional head election system. Prior to the Constitutional Court Decision No. 60/PUU/XXII/2024, the regional head nomination system tended to benefit political parties that had power in the DPRD, thus creating a barrier to entry for new parties or parties that failed to win legislative seats. This is contrary to the principle of equality in democracy, where every legitimate political party must have the same rights to participate in general elections. By eliminating the DPRD seat requirement, the Constitutional Court provides a greater opportunity for political parties that have significant support from the people to contribute to the political process, thereby enriching alternative choices for voters.

Although this ruling brings a breath of fresh air for small and new parties, there are concerns about its impact on political stability in the regions. With more political parties potentially nominating regional head candidates, competition in regional elections could become tighter and political fragmentation could increase. This situation has the potential to create political instability, especially in regions with complex political dynamics. In addition, without the requirement for DPRD seats, parties with large financial resources but minimal representation support can still nominate candidate pairs, which could trigger money politics or other unhealthy practices in the election process (Farika et al., 2023).

This discussion also cannot be separated from the potential for strengthening political dynasties in certain regions. With the relaxation of regional head nomination requirements, figures from certain families or groups who have significant political and financial power can more easily nominate their family members or cronies as regional head candidates, even without strong legislative support. This phenomenon can strengthen the pattern of political dynasties, which are often considered a threat to democracy because they tend to ignore the competence and accountability of candidates. Therefore, although the Constitutional Court Decision No. 60/PUU/XXII/2024 provides greater opportunities for more inclusive political

participation, the risk of the emergence of stronger and more consolidated political dynasties at the local level is a challenge that needs to be watched out for.

The implementation of this decision requires more attention in terms of technical regulations and supervision of the implementation of the Pilkada. The government and election organizing institutions need to ensure that changes in the nomination requirements are not misused by political actors who want to maintain or expand their power in undemocratic ways. Tighter supervision of the candidate verification process, as well as transparency in the management of campaign funds, are crucial aspects to ensure that this decision truly strengthens democracy and not the other way around.

Overall, the Constitutional Court Decision No. 60/PUU/XXII/2024 opens up opportunities for reform in the regional head nomination system in Indonesia, by strengthening the voice of the people as the main determinant in the election process. However, to ensure that this decision has a positive impact on local democracy, collaborative efforts are needed from various parties to manage the potential risks that arise, such as the strengthening of political dynasties and political instability. With the right approach, this ruling could be a milestone for improving the quality of democracy in Indonesia, especially at the local level, where inclusive and fair political participation should be a top priority.

The Constitutional Court (MK) ruling No. 60/PUU/XXII/2024, which allows political parties without seats in the DPRD to nominate regional head candidates, has drawn various reactions from the public. The positive impact of this ruling can be seen from the perspective of strengthening democracy, especially in terms of expanding political participation. By eliminating the DPRD seat requirement, small or new political parties that have significant support from voters can participate in the Pilkada contest. This is in line with the principles of democracy stipulated in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution, which guarantee the right of every citizen to participate in government and fair legal protection. This ruling also promotes political pluralism by providing greater opportunities for various parties to compete, which can ultimately improve the quality of choices available to voters (Timothy et al., 2022).

On the other hand, the negative impacts of this decision cannot be ignored. One major concern is the potential for increased political fragmentation at the regional level. With more parties able to nominate candidates, regional elections may become more competitive, but it could also trigger political instability if the coalition formed is not solid or if there is too much competition between political parties. This could impact the effectiveness of regional government and potentially prolong the decision-making process, which ultimately harms the community. In addition, without the requirement for DPRD seats, parties that rely more on financial strength than representative support could dominate the nominations, opening up opportunities for money politics practices, which are contrary to the spirit of Article 28H paragraph (2) of the 1945 Constitution which outlines the protection of community rights from discriminatory and arbitrary actions.

Public reaction to this decision reflects the tension between aspirations for a more inclusive democracy and concerns about the negative impacts that may arise. Demonstrations carried out by students in various regions indicate that there are concerns among academics and young activists about the direction of local democracy in Indonesia after this decision. Students, as a group known to be vocal in their advocacy for democracy and justice, see that this ruling could open the door to political dynasties and greater corruption, especially in regions that already have a history of unstable politics. Major influencers in Indonesia have also joined in voicing their concerns through social media, reinforcing public opinion that while this ruling brings some benefits, the risks it poses are also very significant. This shows that Indonesian society, especially the younger generation, is increasingly critical of policies that could have a direct impact on the quality of democracy and governance in the regions.

Further analysis of the relevant laws and regulations shows that although this ruling is based on democratic principles, its implementation needs to be closely monitored to ensure that no party exploits it for narrow interests. For example, Article 18 paragraph (4) of the 1945 Constitution states that regional heads are elected democratically, which means that any changes to the election rules should strengthen, not weaken, the democratic process. However, with the looser nomination requirements, there is a risk that this process could be manipulated by certain groups to maintain or expand their power, especially in areas where the political structure is already dominated by political dynasties. Therefore, although the Constitutional Court Decision No. 60/PUU/XXII/2024 has the potential to strengthen democracy by opening up wider political participation, there needs to be strict preventive measures and supervision to ensure that these changes are not misused. Considering the positive and negative impacts of this ruling, as well as the public reaction that has occurred, it is clear that the Constitutional Court Decision No. 60/PUU/XXII/2024 must be viewed with caution. The government, election management bodies, and civil society need to work together to ensure that this ruling is implemented in a manner that supports a healthy and fair democracy. In addition, strict supervision is needed to avoid potential abuse of this new rule, such as strengthening political dynasties or the practice of money politics. Thus, although this ruling is a step forward in expanding political participation, the challenges that arise must also be addressed to maintain the integrity of democracy in Indonesia.

Legal Implications of Constitutional Court Decision No. 60/PUU/XXII/2024 on the Regional Head Election System

The Constitutional Court (MK) Decision No. 60/PUU/XXII/2024 is one of the important decisions that influences political dynamics in Indonesia, especially related to the regional head election (Pilkada) system. Prior to this decision, Article 40 paragraph (3) of Law No. 10 of 2016 concerning Pilkada required political parties or coalitions of political parties to have seats in the Regional People's Representative Council (DPRD) as a requirement to be able to propose regional head candidate pairs (Heriyanto, 2022). This requirement is considered by many parties as an obstacle for new or small political parties that do not succeed in getting seats in the DPRD, even though they get significant votes in the general election. The Constitutional Court Decision No. 60/PUU/XXII/2024 changes this provision by opening up opportunities for political parties that do not have seats in the DPRD, but have sufficient accumulation of valid votes, to still be able to nominate regional head candidate pairs. This change has significant legal implications for the Pilkada system in Indonesia, both in terms of strengthening democratic principles and new challenges that may arise from its implementation.

One of the main legal implications of the Constitutional Court Decision No. 60/PUU/XXII/2024 is a strengthening of the principles of democracy and equality in the process of nominating regional heads. Prior to this ruling, the requirement for seats in the DPRD was a barrier for small or new parties that wanted to participate in the Pilkada. Even though these parties had gained significant support from voters, they could not propose regional head candidate pairs if they did not have seats in the DPRD. This situation created inequality in political competition and reduced choices for voters. By eliminating the requirement for seats in the DPRD, the Constitutional Court expanded the space for political participation for all parties that had received valid votes, without exception. This is in line with the principles of democracy stipulated in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution, which guarantee the right of every citizen to participate in government and receive fair legal treatment (Erlina, 2023).

This ruling also strengthens political pluralism in Indonesia. Political pluralism is one of the important characteristics of democracy, where various groups and political parties have equal opportunities to compete and participate in the political process. By opening up

opportunities for small and new parties to nominate regional head candidate pairs, Constitutional Court Decision No. 60/PUU/XXII/2024 increases the variety of political choices available to voters. This not only improves the quality of democracy, but also allows for the emergence of new ideas that can enrich political discourse at the regional level. Thus, this decision contributes to improving the quality of democracy in Indonesia by strengthening the principles of equality and broader participation.

Constitutional Court Decision No. 60/PUU/XXII/2024 also has an impact on changes in the structure of political power in the regions. Before this decision, large parties that had many seats in the DPRD tended to dominate the regional head nomination process. This condition resulted in an imbalance in the distribution of political power, where large parties had a greater influence in determining who would become leaders at the regional level. With this decision, small and new parties that do not have seats in the DPRD but have significant support from voters can now participate in the Pilkada. This has the potential to reduce the dominance of large parties and create a more even distribution of political power in the regions (Nurhasanah, 2023).

This change can also pose new challenges. With more parties able to nominate regional head candidate pairs, competition in regional elections becomes tighter. This situation has the potential to cause political fragmentation in the regions, where no single party or coalition has a clear majority. This political fragmentation can result in the formation of unstable regional governments, because the parties in the coalition may have different interests and find it difficult to reach agreement in decision-making. Therefore, although this decision increases equality in political participation, challenges related to political stability in the regions also need to be anticipated.

One of the main concerns that emerged after the Constitutional Court Decision No. 60/PUU/XXII/2024 was the potential for strengthening political dynasties in the regions. Political dynasties refer to a phenomenon in which political power is concentrated in one family or certain group that has great influence, both financially and socially. Before this decision, the DPRD seat requirements were one of the obstacles for figures from political dynasties who wanted to nominate their family members as regional heads. With the relaxation of the nomination requirements, these figures now have a greater opportunity to nominate their family members, even without strong representation in the DPRD. This has the potential to strengthen the power of political dynasties in certain regions, which could ultimately reduce healthy political competition and harm democracy. The Constitutional Court Decision No. 60/PUU/XXII/2024 also opens up opportunities for money politics practices. In the context of the Pilkada, parties that do not have seats in the DPRD but have large financial resources can use the power of money to support the nomination of regional head candidate pairs. This situation could worsen the practice of money politics, where money becomes the main determining factor in nominations and not real support from voters. This practice of money politics is contrary to the spirit of democracy as stipulated in Article 28H paragraph (2) of the 1945 Constitution, which emphasizes the importance of social justice and the protection of people's rights from discriminatory and arbitrary actions. Therefore, although the Constitutional Court Decision No. 60/PUU/XXII/2024 provides opportunities for broader political participation, the risk of increasing political dynasties and the practice of money politics is also a challenge that needs to be overcome.

Public reaction to the Constitutional Court Decision No. 60/PUU/XXII/2024 reflects deep concerns about the negative impacts that may arise from this change. Demonstrations carried out by students in various regions show that there are concerns among academics and young activists about the direction of local democracy in Indonesia after this decision. Students, as a group known to be vocal in fighting for democracy and justice, see that this decision could open the door to political dynasties and greater corruption practices, especially in areas that already have a history of unstable politics. In addition, major influencers in

Indonesia have also voiced their concerns through social media, reinforcing public opinion that while this ruling brings some benefits, the risks it poses are also very significant.

This reaction shows that Indonesian society, especially the younger generation, is increasingly critical of policies that can have a direct impact on the quality of democracy and governance in the regions. Demands for strict supervision of the implementation of this ruling have become one of the main focuses of public discussion. This supervision is not only needed to ensure that new political parties can participate fairly in the regional elections, but also to prevent abuse of power by political actors who want to use this ruling for personal or group interests. The government and election organizing institutions need to work together with civil society to ensure that these changes are not misused and that the regional election process continues to be fair, transparent, and accountable.

The legal implications of the Constitutional Court Decision No. 60/PUU/XXII/2024 also raise the need for adjustments in regulations and policies related to the regional elections. Technical regulations governing the nomination of regional heads need to be updated to accommodate the changes resulting from this ruling. For example, the Ministry of Home Affairs and the General Elections Commission (KPU) need to issue clear guidelines on how parties without seats in the DPRD can nominate regional head candidate pairs. These guidelines should include candidate verification procedures, provisions regarding the accumulation of valid votes, and oversight mechanisms to prevent fraud or abuse of power. Policies related to campaign fund supervision also need to be strengthened. With the relaxation of nomination requirements, there are concerns that financial resources will become a major determining factor in regional head nominations. Therefore, oversight of campaign funds must be increased to ensure that funds used in campaigns come from legitimate sources and are used in accordance with applicable regulations. Institutions such as the Election Supervisory Agency (Bawaslu) need to be actively involved in overseeing the implementation of regional elections, including in terms of monitoring campaign funds and preventing money politics practices.

Constitutional Court Decision No. 60/PUU/XXII/2024 brings significant changes to the regional head election system in Indonesia by opening up opportunities for political parties without seats in the DPRD to nominate regional head candidate pairs. This change has broad legal implications, including strengthening the principles of democracy and equality, changes in the structure of political power in the regions, and the potential for an increase in political dynasties and the practice of money politics. Although this decision increases more inclusive political participation, the challenges that arise cannot be ignored. The reaction of the public, especially students and influencers, shows deep concern about the negative impacts of this decision. Therefore, strict supervision and adjustment of regulations are very important to ensure that this change does not damage the quality of local democracy in Indonesia. With the right approach, Constitutional Court Decision No. 60/PUU/XXII/2024 can be a step forward in strengthening democracy, as long as the challenges that arise can be addressed properly through effective regulation and supervision.

Potential Risks and Challenges in Implementing Constitutional Court Decision No. 60/PUU/XXII/2024

The Constitutional Court (MK) Decision No. 60/PUU/XXII/2024, which changed the requirements for nominating regional heads by opening the way for political parties without seats in the DPRD to nominate regional head candidate pairs, is a significant step in the Indonesian political system. On the one hand, this decision is considered a victory for democratic principles, where every political party that has received valid votes in the general election is given the right to nominate regional heads, without having to be burdened by the requirement to have seats in the DPRD. However, like any major policy change, the implementation of this decision also brings with it potential risks and challenges that need to

be carefully anticipated. These potential risks include the emergence of stronger political dynasties, increased money politics practices, political fragmentation at the regional level, and challenges in supervision and law enforcement. The following discussion will explore these risks and challenges in detail.

One of the most significant risks of the implementation of the Constitutional Court Decision No. 60/PUU/XXII/2024 is the potential strengthening of political dynasties at the local level. Political dynasties, which refer to the concentration of political power in one family or particular group, have become a familiar phenomenon in Indonesia. Prior to this ruling, the requirement for seats in the DPRD was one of the obstacles for families who wanted to maintain or expand their political power by nominating other family members as regional heads. With the elimination of the requirement for seats in the DPRD, families with great financial power and social influence can now more easily nominate their family members, even without strong legislative support.

This phenomenon can result in the increasing consolidation of political power in certain groups, which ultimately reduces healthy political competition. Political dynasties tend to perpetuate leadership based on family loyalty rather than competence or integrity. This has the potential to ignore the needs and aspirations of the wider community, because the main focus of political dynasties is to maintain power within their own family or group. Moreover, political dynasties often use state resources to strengthen their positions, which can result in wider corruption practices and abuse of authority (Mahendra, 2020).

The strengthening of political dynasties can also hinder political regeneration in the regions. The young generation or new leaders who have a fresh vision and mission may have difficulty competing with candidates from political dynasties who already have strong networks and resources. This will be detrimental to the development of democracy at the local level, because a healthy political regeneration process is an important indicator of a dynamic and sustainable democracy. Thus, although the Constitutional Court Decision No. 60/PUU/XXII/2024 provides wider opportunities for political participation, the risk of strengthening political dynasties is one of the main challenges that must be watched out for (Tasia et al., 2024).

Another risk that arises from the implementation of the Constitutional Court Decision No. 60/PUU/XXII/2024 is the potential for increased money politics practices in the Pilkada process. With looser nomination requirements, political parties that do not have seats in the DPRD but have large financial resources can use the power of money to support the nomination of regional head candidate pairs. This money politics practice can occur in various forms, ranging from vote buying, providing incentives to voters, to bribing election officials to ensure the victory of the supported candidate.

This practice of money politics is contrary to the principles of democracy that uphold justice, transparency, and accountability. When money becomes the main determining factor in the nomination of regional heads, the election process no longer reflects the aspirations of the people, but rather who has the greater financial ability to buy support. This situation not only damages the integrity of the election, but also reduces public trust in the political system. People who feel that elections are only won by those who can pay tend to become apathetic and lose trust in democratic institutions.

Money politics also has the potential to exacerbate social and economic inequality in society. Candidates who are elected through money politics tend to focus more on returning the investment they spend during the campaign, rather than implementing policies that are in the public interest. This can result in corruption and misuse of public funds, which ultimately harms the wider community, especially the most vulnerable groups.

In addition to the risk of strengthening political dynasties and increasing money politics, the implementation of Constitutional Court Decision No. 60/PUU/XXII/2024 can also lead to political fragmentation at the regional level. With more political parties able to

nominate regional head candidate pairs, competition in regional elections becomes tighter. This political fragmentation occurs when no single party or coalition has a clear majority, making it difficult to form a stable regional government.

Political fragmentation can result in ineffective regional government, because the parties in the coalition may have different interests and find it difficult to reach agreement in decision-making. When regional government is fragmented, the legislative process and policy implementation tend to be slow, which ultimately harms the community. In addition, political fragmentation can also trigger conflicts between parties, both at the elite and grassroots levels, which can disrupt political stability and security in the region.

Political fragmentation can also weaken the accountability of local governments. When political power is fragmented, responsibility for policies taken often becomes unclear. This can create space for corrupt practices and abuse of power, because no one party can be fully held accountable. Thus, although the Constitutional Court Decision No. 60/PUU/XXII/2024 aims to expand political participation, the risk of political fragmentation at the regional level is a challenge that needs to be anticipated with appropriate strategies.

The implementation of the Constitutional Court Decision No. 60/PUU/XXII/2024 also faces major challenges in terms of supervision and law enforcement. Changes in the requirements for regional head nominations require adjustments in the regulations and policies governing the Pilkada process. Technical regulations governing regional head nominations need to be updated to accommodate the changes resulting from this decision. For example, the Ministry of Home Affairs and the General Election Commission (KPU) need to issue clear guidelines on how parties without seats in the DPRD can nominate regional head candidate pairs. These guidelines should include candidate verification procedures, provisions on the accumulation of valid votes, and oversight mechanisms to prevent fraud or abuse of authority (Febriani, 2023).

Adjusting regulations alone is not enough. The main challenge lies in how these regulations are implemented and supervised. Institutions such as the KPU and the Election Supervisory Body (Bawaslu) must be able to carry out their duties independently and firmly to ensure that the regional election process runs fairly and transparently. However, in practice, effective supervision is often hampered by various factors, such as lack of human and financial resources, political pressure, and the complexity of local political dynamics.

Law enforcement against violations in the regional election process is also a challenge. A fair and effective justice system is essential to prosecute violations such as money politics, vote manipulation, and voter intimidation. However, in many cases, law enforcement against these violations is often suboptimal. This is due to various factors, including weak coordination between institutions, limited evidence, and public distrust of the justice system. To overcome these challenges, there needs to be strong collaboration between various parties, including the government, election organizing institutions, law enforcement officers, and civil society. In addition, transparency and accountability in the entire Pilkada process must be strictly maintained, starting from nomination to vote counting. The use of information technology in the process of supervision and law enforcement can also be one solution to increase the effectiveness of supervision and accelerate the process of handling violations.

The public response to the Constitutional Court Decision No. 60/PUU/XXII/2024 shows that Indonesian society, especially students and activist groups, are very concerned about the implications of this change. Demonstrations carried out by students in various regions show deep concern about the potential risks posed by this decision. Students, as agents of change and moral watchdogs in society, are often the first to identify and criticize policies that they consider detrimental to democracy.

The decline in public trust in the political system can have serious long-term consequences. When people lose trust in the political system, they may become apathetic and reluctant to participate in democratic processes, such as elections. This can reduce voter

turnout and weaken the legitimacy of elected officials. In addition, distrust of the political system can also trigger social instability and increase the risk of political conflict, both at the local and national levels.

To maintain democratic legitimacy, it is important for the government and election organizing institutions to respond seriously to public concerns. Transparency in every stage of the regional elections must be maintained, and the public must be involved in the oversight process to ensure that their political rights are protected. In addition, dialogue between the government, civil society, and other stakeholders needs to be enhanced to find solutions to the challenges arising from the implementation of this decision.

The implementation of the Constitutional Court Decision No. 60/PUU/XXII/2024 brings with it various potential risks and challenges that need to be carefully anticipated. The risk of strengthening political dynasties, increasing the practice of money politics, political fragmentation at the regional level, and challenges in supervision and law enforcement are some of the main issues that must be considered. In addition, the public response to this decision also highlights the importance of maintaining democratic legitimacy through transparency, accountability, and broader public participation.

To overcome these challenges, a comprehensive and collaborative approach is needed between the government, election organizing institutions, law enforcement officers, civil society, and the public in general. Strict supervision, firm law enforcement, and ongoing political education are important steps that must be taken to ensure that this change truly has a positive impact on democracy in Indonesia. Thus, although the Constitutional Court Decision No. 60/PUU/XXII/2024 provides an opportunity to strengthen political participation, its implementation must be carried out carefully to avoid risks that could harm the political and governmental system in Indonesia.

CONCLUSION

Constitutional Court Decision No. 60/PUU/XXII/2024 has brought about fundamental changes in the regional head election system in Indonesia by removing the requirement for DPRD seats as a prerequisite for political parties to nominate regional head candidate pairs. This change marks an important step in an effort to strengthen the principles of democracy and equality, providing greater opportunities for new and small political parties to participate in the Pilkada. Thus, this decision has the potential to enrich political pluralism at the local level and increase the variety of choices for voters, which can ultimately strengthen the legitimacy of democracy in Indonesia.

However, behind these positive impacts, the implementation of this decision is also faced with various risks and challenges that need to be managed carefully. Strengthening political dynasties, increasing the practice of money politics, and political fragmentation in the regions are some of the risks that can threaten the quality of democracy at the local level. Without strict supervision and effective law enforcement, this change can be misused by certain groups to strengthen their power and damage the integrity of the regional head election process.

Therefore, it is very important for the government, election organizing institutions, and civil society to work together to ensure that the implementation of this decision runs according to its original purpose, namely to expand political participation and strengthen democracy. Transparency in the Pilkada process, intensive supervision, and strict law enforcement must be top priorities to prevent abuse and maintain public trust in the political system. In addition, ongoing political education for the community is also needed to increase awareness and active participation in the democratic process. Overall, the Constitutional Court Decision No. 60/PUU/XXII/2024 offers a great opportunity for Indonesian democracy to become more inclusive and representative. However, to ensure that this opportunity can be realized properly, the challenges that arise from this change must be faced with a

comprehensive and collaborative approach. With consistent and coordinated efforts, Indonesia can direct this reform towards strengthening a more just, transparent, and accountable political system, which will ultimately provide real benefits for all levels of society.

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