UPHOLDING ELECTORAL INTEGRITY THROUGH THE RULING OF OF THE CONSTITUTIONAL COURT NO. 313/PHPU.BUP-XXIII/2025

Edi Sofwan[1] Yusika Riendy[2] Muhammad Asmawi[3]
Universitas Pamulang[1,2]
South Tangerang, Indonesia
Banten Jaya University[3]
Serang, Indonesia
Email: dosen01183@unpam.ac.id[1], dosen02531@unpam.ac.id[2],
muhammadasmawi@unbaja.ac.id[3]

Abstract

The Constitutional Court Decision Number 313/PHPU.BUP-XXII/2025 in the dispute over the results of the Barito Utara Regional Election marks a significant milestone in upholding the integrity of electoral democracy in Indonesia. In this decision, the Court progressively imposed a collective disqualification sanction on candidate pairs proven to have engaged in vote buying in a structured, systematic, and massive (TSM) manner. This article aims to critically examine the substantive meaning of the decision and its legal implication for the institutional role of election organizers. Using a normative juridical method with statutory, conceptual, and critical analysis approaches to the Court's reasoning, this study addresses two main issues. First, substantively, the Court frames vote buying as a serious constitutional violation that undermines the principle of electoral justice, while also expanding the interpretation of the "massive" element qualitatively. Second, the ruling demands that the KPU and Bawaslu act as substantive democratic actors, not merely procedural implementers but as guardians of electoral integrity and morality. In conclusion, this decision serves not only as a resolution to an electoral dispute but also as a constitutional precedent promoting institutional reform and the enforcement of a more dignified democracy.

Keywords: *Electoral Integrity; Vote Buying; Constitutional Court Decision.*

A. Introduction

Competitive elections are a key element and the primary distinguishing feature of a democratic political system. This is reflected in Powell's view that *"There is a widespread consensus that the presence of competitive elections, more than any other feature, identifies a contemporary nation-state as a democratic political system*"[1]. In this context, democracy is not merely the existence of elections; rather, what is required is a *'competitive* election' that is, an election that affords voters a genuine choice, governed by fair rules, and free from intimidation, manipulation or systematic fraud. A state that claims to be democratic but fails to hold competitive elections has, in essence, not met the fundamental requirement of democracy.

Therefore, the principles of integrity, honesty, fairness and popular sovereignty constitute a normative foundation that cannot be compromised at any stage of the electoral process.

[1] G Bingham Powell and G Bingham Powell Jr, *Elections as Instruments of Democracy: Majoritarian and Proportional Visions* (New Haven, London: Yale University Press, 2000), 5.

Violations of these principles can lead to a crisis of legitimacy and the delegitimisation of state institutions. When electoral integrity is compromised, the legitimacy of the government may collapse due to a loss of public trust. This is emphasised by Norris, who states that *"The integrity of elections is a cornerstone of democratic legitimacy. Any perception or reality of fraud, corruption, or unfairness can deeply erode public trust in political institutions and delegitimise the governing regime*"[2]. A similar point is made by Larry Diamond, who argues that if electoral integrity is compromised, the government resulting from that process lacks democratic legitimacy.[3]

Nevertheless, in practice, the conduct of elections in Indonesia is often overshadowed by the prevalence of *money politics*, which systematically erodes the very substance of democracy. According to Muhtadi, "Money politics is no longer a taboo in elections and has become *the 'new normal*' in post-New Orde elections"[4]. The practice of money politics has become a serious threat to the integrity of elections and has the potential to undermine the socio-political and legal order. As well as creating inequality in the competition between election participants, money politics also weakens candidates' obligation to serve the interests of the people.[5]

Vote-buying in elections is essentially a form of electoral corruption, in which the people's votes are hijacked by patronage and short-term material inducements, rather than by rational judgement or consideration of candidates' programmes and capabilities. Guillermo O'Donnell refers to this condition as 'delegative democracy', that is, a form of government that relies solely on electoral legitimacy, yet lacks substantive accountability[6]. As Danjibo and Oladeji point out, vote-buying leads politicians to view their actions as an investment aimed at reaping a substantial 'political harvest' in the future. This, in turn, fuels the entrenchment of a culture of corruption within the political system, which effectively undermines the very foundations of democratic governance.[7]

The phenomenon of vote-buying in Indonesian elections has shown a pattern that is no longer merely incidental, but rather systemic and structured. In various disputes over election results, the Constitutional Court has frequently found evidence of widespread vote-buying, which has even been a dominant factor in the victory of certain candidates. Constitutional Court Ruling

[2] Pippa Norris, *Why Electoral Integrity Matters* (Cambridge: Cambridge University Press, 2014), 2.
[3] Larry Diamond, "Elections Without Democracy: Thinking About Hybrid Regimes," *Journal of Democracy* 13, no. 2 (2002): 21–35, https://doi.org/10.1353/jod.2002.0025.
[4] Burhanuddin Muhtadi, "Politik Uang Dan New Normal Dalam Pemilu Paska-Orde Baru," *Integritas: Jurnal Antikorupsi* 5, no. 1 (2019): 57, https://doi.org/10.32697/integritas.v5i1.413.
[5] AA Chul, MB Ismail, and KHK Samsu, "An Assessment of The Role of Money in Nigerian General Election," *Journal of Humanities and Social Science* 22, no. 7 (2017): 61–65, https://doi.org/10.9790/0837-2207016165.
[6] O'Donnell Guillermo, "Delegative Democracy," in *Classes and Elites in Democracy and Democratization* (Oxfordshire: Routledge, 2020), 214–21.
[7] AA Chul, MB Ismail, and KHK Samsu, "An Assessment of The Role of Money in Nigerian General Election," *Journal of Humanities and Social Science* 22, no. 7 (2017): 61–65, https://doi.org/10.9790/0837-2207016165.

No. 313/PHPU.BUP-XXIII/2025 sets an important precedent in this context. In that ruling, the Constitutional Court imposed a collective disqualification on a pair of regional head candidates after they were found to have engaged in structured, systematic and massive (TSM) political bribery. In the Court's view, violations of the principles of honest and fair elections, particularly through TSM practices, cannot be tolerated under any circumstances, even if all candidates are involved.

This ruling not only sets out legal considerations, but also conveys a moral and constitutional message that elections conducted with integrity can only be realised if all parties reject the normalisation of the practice of vote-buying as 'political costs'. The Court explicitly demonstrated that constitutional courage in upholding electoral integrity takes precedence over merely continuing a procedural process that is flawed both ethically and legally. This ruling marks a significant shift in the way the judiciary interprets electoral democracy, moving from merely counting votes to upholding constitutional values in electoral practice.

Within this framework, this article aims to critically examine the substantive significance of Constitutional Court Ruling No. 313/PHPU.BUP-XXIII/2025 as a constitutional precedent in safeguarding the integrity of elections from the practice of vote-buying, whilst also exploring its implications for institutional reforms in the administration of elections. Through a juridical-normative approach and critical reflection on the Court's reasoning, this article will make a theoretical and practical contribution to efforts to build a fairer, cleaner and more dignified electoral democracy.

This article addresses two research questions: first, what is the substantive significance of Constitutional Court Ruling No. 313/PHPU.BUP-XXIII/2025 in relation to efforts to uphold electoral integrity? Secondly, what are the legal implications of Constitutional Court Decision No. 313/PHPU.BUP-XXIII/2025 for the efforts to uphold electoral integrity undertaken by electoral authorities?

B. Research Method

This study employs a normative legal research method with three main approaches[8]. Firstly, the statutory approach is used to analyse relevant legal provisions, such as Law No. 10 of 2016 on Regional Head Elections, as well as related technical regulations. Secondly, the conceptual approach is used to examine the concepts of electoral integrity, constitutional offences and substantive democracy, which form the basis of the Constitutional Court's deliberations. Thirdly,

[8] Peter Mahmud Marzuki, *Penelitian Hukum*, 14th ed. (Jakarta: Kencana, 2019), 92–95.

the case-based approach is applied to analyse Constitutional Court Decision No. 313/PHPU.BUP-XXIII/2025, in terms of the legal arguments presented, its legal significance, and its implications for future electoral practice. The legal materials used include primary, secondary and tertiary sources. The analysis is conducted qualitatively by gathering and interpreting legal norms and principles to construct a critical, reflective argument regarding the content and implications of the ruling.

C. Discussion

1. The Substantive Meaning of the Constitutional Court's Ruling

Constitutional Court Ruling No. 313/PHPU.BUP-XXIII/2025, which disqualified all candidate pairs in the 2024 election for Regent and Deputy Regent of North Barito, marks a significant milestone in the strengthening of electoral democracy in Indonesia. This ruling does not merely resolve a dispute over election results, but reflects the Court's constitutional courage in upholding the substantive values of democracy. The disqualification of all candidate pairs or this collective disqualification demonstrates that the Constitutional Court does not view electoral issues solely from a procedural or administrative perspective, but goes further to uphold the principle of substantive justice, which forms the very foundation of democracy itself.

This ruling by the Constitutional Court reaffirms that democracy is not merely about electing leaders, but about upholding integrity and morality within the electoral process itself. General elections should not merely be a forum for political competition to elect leaders, but also a mechanism that must be respected and conducted in accordance with the highest principles of honesty and justice. In this context, it is a test for all parties involved including election organisers, candidates and the public to understand and practise democracy in a more responsible and dignified manner. After all, vote-buying is a constitutional violation that threatens the legitimacy of election results; consequently, the Court has reminded all parties that democracy must be upheld in a clean and fair manner, whilst respecting the rights of the people.

A close examination of the Court's reasoning in this case, particularly in paragraphs [3.13] to [3.22], reveals at least several substantive implications that serve as an important foundation for the development of electoral democracy in Indonesia. Firstly, the Court emphasises that electoral democracy cannot be separated from the integrity of the process. Elections cannot be assessed solely on the basis of quantitative aspects such as high voter turnout or victory by the majority of votes. Democracy is, in essence, born of a clean, honest

and fair process. In other words, the legitimacy of election results stems not only from the figures, but also from the ethics and quality of the process underpinning them. The Court has unequivocally stated that an election conducted with structured, systematic and massive (TSM) fraud, even if it produces a winner, cannot be considered constitutionally valid.

The Court's reasoning, which affirms that electoral democracy cannot be separated from the integrity of the process, is in fact consistent with the principles of electoral integrity and electoral justice. The concept of electoral integrity emphasises that democratic elections must be conducted honestly, fairly, freely and transparently. It is not only the election results that determine legitimacy, but also how those votes were obtained. This view of the Court is consistent with Norris's thinking, which states that democratically valid elections must meet standards of integrity, namely that they are conducted free from pressure, fraud and other unethical practices throughout the electoral cycle. Norris emphasises that the legitimacy of election results can only be upheld if the underlying process adheres to democratic norms, rather than through the co-optation of the people's votes by elites relying on transactional and manipulative practices.[9]

Consequently, the Court's reasoning in rejecting the legitimacy of election results tainted by vote-buying or TSM fraud reflects the application of the principle of procedural legitimacy, namely that the validity of an election must be assessed on the basis of the process, not merely the final outcome. At the same time, it demonstrates its commitment to upholding electoral justice that truly reflects the free will of the people. In this context, the Court's ruling places significant weight on the integrity of the process, and this reflects efforts to realise *substantive electoral justice* namely, ensuring that election results truly reflect the will of the people, free from the co-optation of money or power. Consequently, election results arising from a tainted process cannot be granted constitutional recognition.

This approach is in line with the views of Mozaffar and Schedler, who argue that electoral justice institutions not only exist but must also be capable of acting effectively to correct irregularities and ensure that elections are not merely free in name but also fair in substance.[10] Furthermore, András Sajó emphasises that *"constitutional court should not limit themselves to legal formalism but must engage with the normative foundations pf democratic constitutionalism"*[11]. Thus, in the face of systemic practices of vote-buying that undermine the integrity and fairness of elections, the role of the Constitutional Court is not merely to assess

[9] Pippa Norris, *Why Electoral Integrity Matters* (Cambridge: Cambridge University Press, 2014), 2.
[10] Shaheen Mozaffar and Andreas Schedler, "The Comparative Study of Electoral Governance—Introduction," *International Political Science Review* 23, no. 1 (2002): 9, https://doi.org/10.1177/0192512102023001001.
[11] András Sajó, *Constitutional Sentiments* (New Haven: Yale University Press, 2011), 203.

procedures, but also to safeguard the integrity of election results as a tangible manifestation of the legitimate will of the people.

Secondly, the Court has categorised vote-buying as a "constitutional offence", rather than merely an administrative offence or an ordinary electoral offence. Vote-buying fundamentally undermines the principle of popular sovereignty because it alters voters' preferences through material transactions, rather than through ideas or vision and mission. The Court regards it as a dangerous threat to the democratic system because it can create a corrupt cycle of power right from the outset. Consequently, such actions must be viewed as a betrayal of the constitution and the will of the people.

The Court's classification of vote-buying as a 'constitutional offence' is entirely justified, as vote-buying strikes at the very heart of democracy itself, namely the free and authentic sovereignty of the people. This view of the Court has simultaneously shifted the long-held perception that the practice of vote-buying is merely an administrative offence or a routine electoral crime. Kirshner defines a constitutional offence as an act that directly undermines or betrays the fundamental principles of the constitution, including popular sovereignty and fair elections, and can be regarded as *a 'constitutional wrongdoing'*[12]. In other words, acts such as vote-buying not only violate positive law but also undermine the fundamental norms that form the social contract and the legitimacy of a democratic state. In this context, the practice of vote-buying creates an illusory democracy (*electoralism*), rather than a substantive democracy.[13] When the integrity of elections is undermined by fraudulent practices such as *vote-buying*, the legitimacy of the electoral process and its results is systematically threatened.[14]

Thirdly, the Court provided an important update to the interpretation of the term 'massive' in relation to TSM administrative offences, emphasising a qualitative approach. Until now, many election organisers and supervisors have tended to focus on quantitative benchmarks, namely the geographical extent of the violations. However, the Court emphasised that "massive" can be measured by intensity, direct impact on election results, and the systematic nature of the violations, even if they occur in only one or a few regions. The Court maintains that the greater the scale of the political bribery offences committed, the greater the impact on voters' freedom to determine their choice. This indicates a shift from a

[12] Alexander S Kirshner, *Legitimate Opposition* (New Haven: Yale University Press, 2022).
[13] Larry Diamond, *Developing Democracy: Toward Consolidation* (Maryland: The Johns Hopkins University Press, 1999).
[14] Pippa Norris, *Why Electoral Integrity Matters* (Cambridge: Cambridge University Press, 2014), 2.

formalistic perspective towards a substantive approach, whilst also representing a significant breakthrough in assessing violations in a more meaningful and fair manner.

The Court's opinion can be justified by Dahl's (1989) view, which states that democracy must guarantee *effective participation* and *voting equality at the decisive stage*. In the context of *effective participation*, every citizen must have equal and adequate opportunities to express their preferences in the decision-making process. Meanwhile, in the context of *voting equality at the decisive stage*, every citizen must be guaranteed an equal opportunity to cast their vote, and all votes must be counted with equal weight[15]. In this context, the practice of vote-buying can be viewed as a violation of the principles *of effective participation* and *voting equality at the decisive stage*. If money is used as the dominant means of influencing their choices, then freedom and equality in political participation are undermined. Voters may no longer make decisions based on their own understanding and preferences, but rather because of the material incentives on offer.

The Court's qualitative approach to interpreting the element of 'massive' is also highly consistent with the thinking of Schmitter and Karl. Both emphasise that democracy is not merely a matter of procedure or numbers, but concerns the quality of political competition and the integrity of the process. For Schmitter and Karl[16], democracy demands *a fair contest*, namely that all electoral participants compete under the same rules and without systemic distortions, including those resulting from the use of illegal or unauthorised resources such as vote-buying. When certain actors use transactional means to buy votes, the playing field becomes unbalanced, and citizens' right to vote freely is undermined. This situation undoubtedly undermines the substantive meaning of electoral democracy, in which the sovereignty of the people the very essence of democracy is being hijacked. Although fraudulent practices do not occur in many places, if their intensity and impact significantly disrupt the balance of the contest, then democracy has been undermined.

Fourthly, the Court reaffirmed its position as *the guardian of substantive democracy*. In this regard, the Court acts not only as the formal interpreter of the law, but also as the guardian of democratic values themselves. This strategic role is not merely symbolic; it also has a highly significant functional dimension in safeguarding the integrity of the principles of *regular, free and fair* elections[17]. By courageously ruling on collective disqualification, the

[15] Robert A Dahl, *Democracy and Its Critics* (New Haven, London: Yale university press, 2008), 106–19.
[16] Philippe C Schmitter and Terry Lynn Karl, "What Democracy Is... and Is Not," *Journal of Democracy* 2, no. 3 (1991): 75–88, https://doi.org/10.1353/jod.1991.0033.
[17] Pan Mohamad Faiz, "Memperkuat Prinsip Pemilu Yang Teratur, Bebas, dan Adil Melalui Pengujian Konstitusionalitas Undang-Undang," *Jurnal Konstitusi* 14, no. 3 (2017): 674, https://doi.org/10.31078/jk14310.

Court affirmed that procedures must not serve as a smokescreen for fraudulent behaviour. In other words, the Court demonstrated that judicial power in the electoral context is not merely that of a referee counting scores, but also that of a guardian of democratic ethics and morals. This view of the Court is in line with that of Ronald Dworkin, who stated that judges must not only 'follow the law', but also 'interpret the law morally' (*law as integrity*). It is not enough for judges merely to apply the law mechanically; they must ensure that legal rulings contribute to the moral values and integrity of the democratic system itself.[18]

Furthermore, the Court's decision to collectively disqualify the candidate pairs reflects the concept *of 'juristocracy'* as outlined by Ran Hirschl, whereby the constitutional court is mandated (explicitly or implicitly) to intervene in the political sphere in order to ensure that public life is conducted in accordance with constitutional values. Hirschl refers to this shift of power towards the judiciary as part of *the 'constitutionalisation of politics*'. In this model, the constitutional court acts as the final bastion for ensuring the quality of democracy, including by guaranteeing *the fairness* and integrity of the electoral process[19].

When populism or oligarchy erodes the quality of democracy through the practice of political corruption, the Constitutional Court stands as the last bastion of democratic values. The Court's role is not merely legalistic, but also institutional: it acts as the guardian of the stability of the political and legal system when other institutions are under threat or weakened[20]. Therefore, the Constitutional Court's decision to impose a collective disqualification on a pair of candidates cannot be understood merely as the enforcement of the law, but rather as a firm statement of its commitment to democracy with integrity. Collective disqualification is an effort to restore the dignity of the elections to the people, rather than to the elite who instrumentalise elections for the sake of power.

This view is also in line with the thinking of Guillermo O'Donnell, who distinguishes between procedural and substantive democracy, and emphasises the importance of *horizontal accountability* in democracy[21]. Referring to O'Donnell's view, institutions such as the Constitutional Court do not merely function as dispute-resolution mechanisms, but as guarantors that power is exercised in accordance with the principles of justice and accountability, particularly when other institutions fail to exercise control over abuses of

[18] Ronald Dworkin, *Law's Empire* (Cambridge, Massachusetts: Harvard University Press, 1986), 243–54.
[19] Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of The New Constitutionalism* (Cambridge, Massachusetts: Harvard University Press, 2009), 211–17.
[20] Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of The New Constitutionalism* (Cambridge, Massachusetts: Harvard University Press, 2009), 211–17.
[21] Guillermo O'Donnell, "Horizontal Accountability in New Democracies," *Journal of Democracy* 9, no. 3 (1998): 114, https://doi.org/10.1353/jod.1998.0051.

power. In this context, the Court fulfils the function *of horizontal accountability* namely, as an institution that corrects abuses of power when other institutions are unable or unwilling to act by declaring political money-laundering to be a constitutional offence, rejecting procedural justifications for such practices as fraudulent acts, and prioritising a qualitative assessment of the 'massive' nature of TSM violations.

Consequently, the Constitutional Court's actions in this case cannot be viewed as judicial activism exceeding its authority, but rather as a form of constitutional responsibility to uphold substantive democracy by correcting the deviations that have occurred. Democracy, in this logic, is not merely a voting procedure, but a process of ensuring that those elected truly emerge from the 'score keeper' of the people's will, free from pressure, manipulation and material transactions. Within this framework, the Court does not merely act as a 'scorekeeper' in electoral contests, but as a 'guardian of norms' to ensure that elections do not lose the spirit of substantive democracy. The Constitutional Court demonstrates an active role as a guardian of substantive democracy, not merely as a procedural arbiter. The Court plays a strategic role in shaping the direction of public policy, as well as in ensuring that constitutional values such as citizens' constitutional rights, electoral integrity and substantive justice are upheld.

Fifthly, the Court's ruling imposing collective disqualification on all candidate pairs constitutes a very powerful form of *'constitutional shock* therapy'. This sends a strong signal that fraudulent practices in elections cannot be tolerated through compromise. If all candidates are found to have been involved in practices that undermine the integrity of the election, then there is no alternative but to restart the process from the beginning. This measure also conveys the message that democracy must not become a transactional arena for the elite, but must remain a participatory space whose integrity must be safeguarded. This measure is not merely remedial in nature in response to violations, but is also preventative and educational, sending a firm message to all political actors that fraudulent practices particularly vote-buying in electionswill not be tolerated.

This ruling by the Court reflects its desire not to become bogged down in narrow proceduralism that focuses solely on the technical aspects of elections. Instead, the Court has demonstrated an active role as *guardian of the constitution* and *protector of democracy*. In the logic of substantive democracy, democracy is not measured solely by the electoral procedures that take place, but by horizontal accountability and the protection of substantive values of justice, including integrity in electoral competition[22]. By imposing a blanket disqualification

[22] O'Donnell, "Horizontal Accountability in New Democracies," 1998.

on the candidate pair, the Court also rejects the compromising approach that often occurs in elections. If all candidates are found to have violated the principles of electoral justice, there is no normative justification for upholding the election results. Consequently, the Court's ruling not only affects the parties to the dispute but also establishes new moral and legal standards for safeguarding the quality of electoral democracy in Indonesia.

Sixthly, this ruling provides an opportunity to strengthen the collective responsibility of all democratic actors, whether they be election organisers, candidates, political parties, voters or election supervisors. Elections cannot be safeguarded by a single body or institution alone. A shared commitment is required to ensure a clean electoral process, including in the recruitment of candidates by political parties, the participation of informed voters free from financial and material interference, and the courage of election organisers to take a firm stance against violations. The Court appears to be emphasising that substantive democracy is the result of the collective consistency and integrity of all elements of the nation. True democracy is built on the moral courage to reject irregularities at their source, as well as the willingness to place justice as the primary foundation of every electoral political process.

Table 1. Substantive Meaning of the Court's Considerations in Judgment No. 313/PHPU.BUP-XXIII/2025

No	Aspect/Dimension	Substantive Meaning	Explanation
1.	Integrity of Electoral Democracy	A legitimate general election must be conducted through a fair and honest process, not merely on the basis of broad participation or a majority of votes	The Court emphasises that electoral democracy is not merely about the outcome of the vote, but must also be based on honesty and fairness in the electoral process, given that elections are the primary means of establishing a legitimate and democratic government
2.	Vote-Buying as a Constitutional Offence	Vote-buying is regarded as a constitutional violation that undermines the sovereignty of the people and erodes the	Vote-buying is not merely an administrative or criminal offence, but a violation that threatens the fundamental values of democracy, as it can unlawfully alter the outcome of

		very foundations of democracy	elections and undermine the principle of popular sovereignty
3.	The Concept of 'Massive' in TSM Offences	Violations categorised as "massive" are assessed not only in terms of their geographical spread, but also in terms of their impact and significance on the election results.	The Court has developed a definition of "massive" in the context of TSM violations by prioritising a qualitative analysis that assesses the substantial impact of such violations on the integrity of the election, rather than relying solely on geographical distribution.
4.	Guardian of Substantive Democracy	The Court acts as the guardian of the fundamental values of democracy, which include justice, freedom and the political rights of citizens, and ensures that elections are conducted in accordance with these principles.	The Court emphasised that the role of a constitutional court is not only to safeguard legal procedures, but also to safeguard the continuity of the democratic principles that form the foundation of the state, namely through the oversight and enforcement of substantive democracy
5.	Total Disqualification as a Sanction	The disqualification of all candidate pairs involved in serious violations is a last resort to uphold the integrity of the elections and ensure clean elections.	The Court decided to disqualify candidate pairs involved in serious violations in order to safeguard the integrity of the election and send a clear message that a legitimate election must not allow candidates who undermine the electoral process through unlawful means to take part.
6.	Collective Responsibility in Electoral Oversight	Every actor in the electoral process from candidates and political parties to voters, as well as election organisers and supervisors must actively work together to	The Court emphasised that the responsibility for safeguarding the integrity of elections is a shared responsibility amongst all parties involved in the electoral process. All parties, including electoral

		safeguard the integrity of the elections.	participants and voters, must play their part in ensuring a clean and fair electoral process.

Source: adapted by the author (2025)

With reference to the above, elections characterised by integrity can only be built upon the foundation of a proper process, not on results forced through shortcuts or manipulation. This ruling must be interpreted as both a moral call and an institutional impetus to carry out a comprehensive overhaul of the culture of electoral democracy in Indonesia. Moving forward, if this nation wishes to hold elections that truly reflect the will of a free and dignified people, then structural reforms must be accompanied by a transformation of values amongst all levels of actors in the electoral democratic process.

2. Legal Implications of the Constitutional Court's Ruling for Electoral Administrators

The Constitutional Court's ruling disqualifying all candidate pairs in the 2024 North Barito Regional Elections not only affects the election results but also carries structural and paradigmatic consequences for the electoral management bodies, namely the KPU and Bawaslu. There are at least five key institutional implications that warrant careful attention and in-depth reflection by both institutions. Firstly, this ruling demands higher standards of professionalism and accountability from electoral management bodies. It is no longer sufficient for the KPU and Bawaslu merely to carry out procedural administrative tasks; they are required to become active agents in safeguarding the integrity of elections in a substantive manner. Election organisers must possess the analytical skills and courage to detect early indications of violations, prevent them through policy interventions or on the ground measures, and take firm action should violations occur.

The professionalism expected is not merely technical and administrative, but also ethical, critical and responsive to developments on the ground. Election organisers must possess *the capacity for early detection* that is, the analytical ability to identify patterns indicating potential violations at an early stage and to implement adaptive policies in response to the evolving political and social dynamics throughout the electoral process. This requires institutional and personal courage to take effective preventive measures and, where necessary, to take firm action against any form of violation that threatens the integrity of the democratic process.

In this context, it is necessary and urgent for electoral management bodies to transform their working culture from mere procedural compliance towards *substantive electoral integrity*. This means that the implementation of electoral stages and oversight should not only be measured by the completeness of documentation, timeliness and procedural compliance, but also by the extent to which the organising bodies contribute to ensuring elections that are honest, fair and free from the manipulation of power and money. This approach is in line with the views of Schmitter and Karl that true democracy demands substantive accountability and fair contestation[23]. Here, the KPU and Bawaslu must act as guarantors of democracy, not merely as technical administrators of the electoral process. In line with this, O'Donnell points out that in a healthy democracy, public institutions must carry out an effective function of *horizontal accountability*[24]. When executive bodies or election participants deviate from democratic principles, the electoral authorities are obliged to exercise their oversight role actively and independently.

Secondly, the Constitutional Court's ruling, which explicitly orders intensive supervision of the conduct of the re-run election, constitutes a highly significant constitutional statement. This demonstrates that the PSU cannot be viewed merely as an administrative repeat of a flawed voting process, but rather as a constitutional corrective mechanism for previous failures to guarantee the principles of free, fair, honest and secret elections. The PSU is a mechanism employed to restore democracy that has been undermined[25]. The intensive supervision ordered by the Court implies that the electoral authorities, in this case the KPU and Bawaslu, must not merely carry out their duties in a procedural and normative manner, but must also enhance their institutional capacity and personal integrity in overseeing the PSU. Through its ruling, the Court wishes to emphasise that the PSU must be managed in an extraordinary manner (*extraordinary management*) as it arises from extraordinary violations.

The re-run of the election ordered by the Court should not merely be viewed as an administrative episode, but rather as a turning point in *the remedial process to* restore electoral integrity in the region concerned that is, an effort at structural and normative reform which simultaneously reaffirms that failure in an election is not the end of democracy, but rather an opportunity to restore it to a higher standard. Therefore, the electoral authorities (the KPU and Bawaslu) are required to act not merely as technical managers, but

[23] Schmitter and Karl, "What Democracy Is... and Is Not."
[24] O'Donnell, "Horizontal Accountability in New Democracies," 1998.
[25] Sigit Pandu Wicaksono, "Peran Mahkamah Konstitusi Dalam Mengawal Demokrasi Lokal," *Law Reform* 9, no. 1 (2013): 157, https://doi.org/10.14710/lr.v9i1.12439.

as architects of electoral justice. Moreover, the conduct of a re run election requires a far higher degree of vigilance and meticulousness, given the potential for residual conflict, political pressure and social instability that could disrupt the electoral process. Particularly if the re-run election is held in an area that has historically exhibited a pattern of repeated violations or has a local power structure that is not neutral, the risk of manipulation and intimidation remains ever-present. Within this framework, oversight of the PSU must cover two main aspects, namely (i) the technical and administrative dimension, ranging from the validity of the electoral roll and the distribution of logistics to the conduct of voting and the counting of votes; and (ii) the sociological-political dimension, which highlights power relations and patronage networks[26], in shaping voter behaviour.

Thirdly, this ruling by the Constitutional Court serves as an important indicator of the need for a paradigm shift in assessing electoral violations, particularly administrative violations categorised as TSM. To date, the approach adopted by electoral authorities, as set out in technical regulations such as Bawaslu Regulation No. 9 of 2020, has tended to rigidly emphasise formalistic and quantitative criteria such as the percentage of geographical coverage or the number of votes affected to establish the existence of TSM administrative violations. This approach not only makes it difficult to establish proof, but also risks turning a blind eye to the qualitative impact of violations or irregularities that substantively undermine the integrity of the elections.

Through its ruling, the Court offers a reinterpretation of the concept of TSM violations. Rather than being constrained by rigid administrative and formal requirements, the Court encourages the adoption of a substantive and contextual approach. Within this framework, violations that occur in an organised manner, involve structures of power, and are carried out in a repetitive pattern even if they occur in a limited area or affect only a portion of the electorate may be deemed significant enough to undermine the legitimacy of the election results as a whole. In the Court's view, a rigid legalistic approach risks negating the substance of electoral malpractice, whilst a contextual approach allows for an integrated assessment of the intent, modus operandi, and impact of the violations in relation to the local democratic ecosystem.

Consequently, if technical regulations continue to adhere to a mechanistic and statistical approach, subtle, structured violations will in fact escape sanctions and ultimately lead to electoral impunity. Thus, the Court's message is clear: electoral justice must not be

[26] Gilang Ramadhan, "Pilkada Bekasi Dalam Dilema Patron Klien: Antara Sosiologi Politik Dan Pemilih Rasional," *Journal of Social Politics and Governance (JSPG)* 2, no. 1 (2020): 18–31, https://doi.org/10.24076/JSPG.2020v2i1.176.

undermined by the limitations of administrative procedures; to this end, the revision of Bawaslu Regulation No. 9 of 2020 is a strategic step that must be taken without delay. This change is essential to ensure that the electoral authorities' internal regulations do not conflict with the spirit of the Constitution as set out in the Court's ruling, which clearly prioritises substantive justice.

Fourthly, through its ruling, the Court implicitly encourages the development of an institutional ethos that upholds moral courage and ethical integrity within the electoral management body. This reflects the Court's assertion that electoral administrators must not merely maintain a formal distance from electoral participants, but must also possess the institutional *agency* to act objectively, independently and decisively[27], even in situations of intense political pressure. In many cases, pressure from electoral participants who wield dominant political power or have access to authority often places organisers in a dilemma. Nevertheless, the courage to continue acting in accordance with the principles of electoral justice and constitutionality is a clear indicator of institutional integrity that is not easily compromised.

An institutional ethos of this kind can only be established if the electoral authorities demonstrate moral clarity and legal certainty in every decision they take. Moral clarity and legal certainty will only be realised if election organisers consistently uphold their independence and have the courage to free themselves from interference by the authorities or other powers, whether from the government, political parties or election participants. Election organisers who carry out their duties independently and impartially will undoubtedly have a significant influence on the democratic conduct of the electoral process.[28]

Through its ruling, the Court indirectly serves as a reminder that the courage to act is not an optional stance, but a necessity in safeguarding the quality of elections. This is because, without institutional courage and firmness, the electoral process will be easily co-opted by the short-term interests of the political elite, who disregard the fundamental principles of electoral integrity and fairness. In line with this, institutional ethics must serve as the guiding principle in every step taken by the election organisers so that their role as guardians of the integrity of the electoral process is not eroded by compromises that undermine public trust.[29]

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[27] Carolien Van Ham and Holly Ann Garnett, "Building Impartial Electoral Management? Institutional Design, Independence and Electoral Integrity," *International Political Science Review* 40, no. 3 (2019): 315–17, https://doi.org/10.1177/0192512119834573.
[28] Evita Isretno Israhadi and Dien Candra, "Design of The Institutional Position of The General Election Organizer Based on Article 22E Paragraph (5) of the State Law of Republic of Indonesia 1945," in *Proceedings of the 3rd Multidisciplinary International Conference, MIC 2023*, CCER (Multidisciplinary International Conference, MIC 2023, Jakarta: EAI Innovating Research, 2023), 6–7, http://dx.doi.org/10.4108/eai.28-10-2023.2341836.
[29] Guillermo O'Donnell, "Horizontal Accountability in New Democracies," in *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, London: Lynne Rienner Publishers, 1999), 29–44.

Fifthly, the Court emphasised that voter education and efforts to prevent violations are the primary and strategic duties of electoral authorities, rather than merely ceremonial add-ons within the five-year cycle. This emphasis is crucial in the context of strengthening the foundations of substantive democracy, which relies not only on electoral procedures but also on the quality of citizens' awareness and participation. This view is in line with Dahl's thinking, which emphasises that meaningful citizen participation can only be realised if citizens have access to adequate information and political education[30]. Without proper understanding, the people's choices in elections can be manipulated by political forces through vote-buying, disinformation and other forms of structural pressure.

Political education must be viewed as an instrument of social transformation and democratisation, whereby electoral authorities have a responsibility to foster politically literate citizens who understand their constitutional rights and obligations, and who have the courage to reject corrupt political practices. This includes the organisation of intensive, awareness-raising election campaigns; the provision of education on electoral law that is accessible to all sections of society; and the strengthening of political literacy through various communication channels, including community-based education and the use of digital media.

Furthermore, strategies to prevent electoral violations must also be prioritised. Moral appeals alone are not enough; these must be accompanied by structured institutional interventions, such as mapping high-risk areas, collaborating with civil society, building the capacity of grassroots election monitors, and utilising technology for the early detection of fraud. Prevention must be mainstreamed within the work of electoral management bodies, rather than merely a reactive response to violations once they have occurred.

Consequently, electoral management bodies both the KPU and the Bawaslu are required not merely to act as technical implementers of electoral procedures, but to emerge as key actors in democratic transformation, capable of fostering a healthy, participatory electoral environment characterised by high integrity. This is emphasised by Diamond and Morlino, who state that the quality of democracy is largely determined by the quality of democratic[31] actors and institutions, including electoral management bodies. Independent and professional electoral management bodies play a vital role in ensuring the integrity of the democratic process and public confidence in election results. It is within this framework that voter education and preventative measures form the cornerstone for ensuring that elections

[30] Robert A Dahl, *On Democracy* (New Haven, London: Yale university press, 2020), 187–88.
[31] Larry Diamond and Leonardo Morlino, *Assessing the Quality of Democracy* (Baltimore, Maryland: The Johns Hopkins University Press, 2005), xvi–xvii.

truly reflect the will of the people and guarantee the sustainability of a democratic state governed by the rule of law.

Table 2 Legal Implications of Constitutional Court Decision No. 313/PHPU.BUP-XXIII/2025 for Election Organisers

No	Aspect	Description of Implications	Consequences	Strategic Actions
1.	Professionalism and Accountability	The ruling requires election organisers to ensure the integrity of elections not only in procedural and administrative terms, but also in substantive terms.	The KPU and Bawaslu must develop their analytical capacity, the courage to act, and sensitivity to indications of violations.	- Enhance training in *early detection* and policy response - Establishing a reporting and monitoring system based on field data
2.	Intensive supervision of the re-run election	The PSU must be understood as a constitutional corrective process, not a mere administrative repeat.	Election organisers are required to manage the re-run elections in *an exceptional manner,* with enhanced oversight and personal integrity.	- Draw up PSU standard operating procedures (SOPs) that are responsive to political and social vulnerabilities - Allocate dedicated human resources and logistics for the PSU - Involve civil society in monitoring the re-run
3.	Reconstructing the Paradigm of TSM Violations	The Court emphasised the importance of a substantive approach rather than a quantitative-	Election organisers must be more flexible in assessing the impact of violations on the	- Revising Perbawaslu 9/2020 - Enhancing the investigative and interpretative capabilities of election supervisors

		formal one when assessing violations of the TSM.	legitimacy of election results.	- Developing guidelines for the contextual analysis of violations
4.	Institutional Ethos and Independence	The ruling encourages moral courage and integrity in acting in the face of pressure from those in power.	The KPU and Bawaslu must strengthen their institutional standing to act objectively and decisively, even under political pressure.	- Strengthen the code of ethics and protection for independent election supervisors - Establish a system of psychosocial and legal support for field supervisors.
5.	Voter Education and Prevention of Violations	The Court emphasises the strategic role of the electoral authorities in educating voters and preventing violations.	The KPU and Bawaslu must be proactive in providing ongoing political education and electoral literacy.	- Developing voter education modules based on local issues - Collaborating with educational institutions and civil society - Expanding the campaign against vote-buying and disinformation.

Source: compiled by the author (2025)

D. Conclusion

Constitutional Court Ruling No. 313/PHPU.BUP-XXIII/2025 marks a significant milestone in the history of Indonesia's electoral democracy. This ruling demonstrates the Court's courage in upholding a democracy that is not merely procedural, but also substantive. Through this ruling, the Court emphasises the importance of integrity throughout the entire electoral process, declares vote-buying to be a constitutional offence, broadens the qualitative interpretation of the element of 'massive' in TSM violations, and strengthens its position as the guardian of electoral democratic values. More than merely ruling on the outcome of the North Barito regional election, the Court has addressed a deeper-rooted issue: electoral integrity. This ruling drives institutional paradigm reform and demands systemic transformation in the conduct of elections in Indonesia.

The Court reminds us that democracy will not flourish from flawed electoral practices, even if they are cloaked in procedures that appear legitimate. Meanwhile, for the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu), this ruling is not merely a legal warning, but also a moral and constitutional call to play a more meaningful role. The KPU and Bawaslu are required to act not merely as regulators, but as key actors in upholding electoral justice, safeguarding the integrity of the process, and serving as educators of democracy for the public. By understanding and responding progressively to the implications of this ruling, the KPU, Bawaslu and all elements of democracy can strengthen the foundations of the national electoral system. Only in this way will Indonesia be able to meet the increasingly complex and dynamic electoral challenges of the future.

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AUTHOR BIOGRAPHY

1. **Dr. Edi Sofwan, S.H.I., M.H.,** a Lecturer at the Faculty of Law, Universitas Pamulang, where he has been teaching since 2015. His areas of expertise include Constitutional Law and Administrative Law. In addition to his academic career, he is actively engaged as an Advocate, Copyright Law Consultant, and Legal Drafter. He also serves as a Legal Assessor for the Specialist Consultant Analyst Scheme in the Prevention and Resolution of Industrial Relations Disputes at the Professional Certification Institute of Universitas Pamulang (LSP Unpam). He has authored and published various scholarly works, including books, articles in nationally accredited journals indexed in SINTA (Levels 2–4), international journals, and international conference proceedings. His academic publications and research contributions are available on his Google Scholar profile: https://scholar.google.com/citations?hl=id&user=yrDySb4AAAAJ
2. **Yusika Riendy, S.H., M.H.,** a Lecturer at the Faculty of Law, Universitas Pamulang, specializing in Constitutional Law. She has authored and published various scholarly works, including books, articles in nationally accredited journals recognized by the Ministry of Higher Education, Science, and Technology of the Republic of Indonesia, international journals, and international conference proceedings. Her academic publications and scholarly contributions can be accessed through her Google Scholar profile: https://scholar.google.co.id/citations?user=a7I_Z_0AAAAJ&hl=id&oi=ao
3. **Muhammad Asmawi, S.H., M.H.,** a Lecturer at the Faculty of Teacher Training and Education, Universitas Banten Jaya, located in Serang, Banten, Indonesia. In addition to his academic career, he serves as a Commissioner of the General Elections Commission (KPU) of Serang Regency, Banten. He has authored and published various scholarly works, including books, articles in nationally accredited journals indexed in SINTA (Levels 2–4), international journals, and international conference proceedings. His academic publications and scholarly contributions can be accessed through his Google Scholar profile: https://scholar.google.co.id/citations?hl=id&user=geGBAwkAAAAJ