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<https://www.journal.unrika.ac.id/index.php/jurnaltriaspolitika>**Exploring the Conundrum of Law Enforcement versus Personal Dignity: Constitutional Court Judges' Dissenting Opinions in Indonesia**Rizal Khadafi^{1*} , Nurul Satria Abdi² ¹Department of Government Science, Universitas Muhammadiyah Cirebon, Cirebon, Indonesia²Department of Law, Universitas Ahmad Dahlan, Yogyakarta, Indonesia* Corresponding Author: rizal.khadafi@umc.ac.id

Abstract: The Republic of Indonesia's Constitutional Court (MK RI) garnered significant public attention during the 2024 elections due to two contentious rulings it rendered. The age restriction for presidential and vicepresidential candidates was the subject of the first ruling, while challenges to the election results were the subject of the second. It's interesting to note that a number of judges have expressed opinions that differ from the rulings in these two contentious decisions, a fact known as dissenting opinions. This study intends to investigate the legal foundation of dissenting opinions and the legal ramifications of such decisions using qualitative approaches, bolstered by document analysis, case studies, and jurisprudence analysis. This study concludes that, with regard to two contentious rulings made by the Constitutional Court of the Republic of Indonesia regarding the 2024 elections, divergent viewpoints have no bearing on the rule of law but do have an effect on judges' individual authority and can provoke public discussion. The contrasting viewpoints expressed in dissenting opinions contribute to a richer legal discourse, particularly when it comes to the significance of substantive and procedural justice in Indonesian elections. This study recommends that the nomination, determination, and selection of judges for the constitutional court be carried out in a transparent, responsible manner that takes into account increased public involvement in an effort to preserve legal sovereignty while defending the ideals and principles of democracy. Rather than going via a political process rife with interests that diminish the court's authority and credibility as a stand-alone judicial body.

Keywords: constitutional court, constitution, election, election result dispute, indonesia.

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1. INTRODUCTION

After the authoritarian New Order government fell apart in 1998, the Constitutional Court of the Republic of Indonesia (MK RI) was established as an entity. As part of the third amendment to the Republic of Indonesia's Constitution (UUD 1945), the Constitutional Court (MK) was founded in 2001. When this court was first established, the Supreme Court of the Republic of Indonesia (MA RI) temporarily assumed its responsibilities until the constitutional court began operating as intended.

Law No. 24/2003 on the Constitutional Court was approved by the government and the Indonesian House of Representatives (DPR RI) on August 13, 2003. The law (State Gazette Number 98 and Supplement to State Gazette Number 4316) was ratified by the President that same day. By Presidential Decree Number 147/M of 2003, the President installed the first constitutional judges two days later, on August 15, 2003. On August 16, 2003, the judges took the oath of office at the State Palace. On October 15, 2003, the Constitutional Court commenced its functioning concurrently with the transfer of cases from the Supreme Court to

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the Constitutional Court. In accordance with the terms of the 1945 Constitution, this signaled the start of the Constitutional Court's operations as one of the judicial branches (mkri.id 2015).

The 1945 Constitution gives the Constitutional Court four authorities and one duty. Examining (judicial review) legislation that violate the 1945 Constitution is the first power. Secondly, to resolve disagreements about the jurisdiction of State establishments, which is ensured by the 1945 Constitution. Third, to make a decision regarding political party breakup. Lastly, resolving disagreements regarding general election outcomes. In addition to these four powers, the 1945 Constitution gives the Constitutional Court one more duty, which is to rule on the DPR's opinion regarding the president and vice president's alleged legal infractions (mkri.id 2015). This study, however, is primarily concerned with issues that are closely related to the Constitutional Court's jurisdiction to review legislation, particularly those pertaining to elections, and to resolve disagreements regarding the outcome of general elections.

By maintaining constitutional standards pertaining to state institutions and human rights, the constitutional court has been crucial in Indonesia's democratic consolidation (L W Eddyono 2017; Omara 2017; Meylina and Ritonga 2021). It is impossible to divorce the Constitutional Court's function from Indonesia's electoral process. This significant function is connected to the Constitutional Court's jurisdiction to uphold and interpret the electoral framework found in the constitution. The legislative and presidential elections are the two primary forms of elections that Indonesia has in accordance with its constitution. In addition, this framework governs legislative authority over electoral institutions, electoral dispute resolution, and election administration principles, systems, and procedures (Salman and Ristawati 2020).

Examining and deciding cases pertaining to the electoral process, such as contests to the constitutionality of electoral legislation, claims of electoral fraud, and the validity of election results, is one of the Court's primary duties. The Court guarantees that elections are conducted fairly and in accordance with the law by making decisions that give legal clarity. Apart from its jurisdictional function, the Constitutional Court also contributes significantly to the development of the electoral law system. Political parties, candidates, and EMBs follow its interpretation and explanation of electoral legislation. The voting system in Indonesia is strengthened and improved by this active participation.

The foundation of Indonesia's democratic electoral system is the Constitutional Court. The democratic process has benefited from its decisions, which have acknowledged simultaneous elections and the political rights of different groups (Luthfi Widagdo Eddyono 2018; Baidhowah 2021). It is responsible for settling issues pertaining to elections at all levels, from local to presidential, in its capacity as an independent judicial authority. The nation's political landscape and the upholding of democratic values are significantly impacted by the Court's rulings (Salman and Ristawati 2020). All things considered, Indonesia's Constitutional Court plays a significant role in protecting individuals' political rights and the integrity of elections. Its authority over electoral legislation and dispute settlement is essential to maintaining the nation's democracy and rule of law.

But the Constitutional Court is also subject to criticism, particularly with regard to the majority vote determination process it uses (Sulistyowati and Satrio 2023). Its authority, which is restricted to testing legislation and does not extend to testing other rules covered by it, is another target of criticism (Ibrahim 2022). The topic that has drawn the greatest public attention is the Constitutional Court's ruling to reject the 20 percent presidential threshold lawsuit that the Indonesian election system adopted, as this requirement is thought to violate democratic ideals (Rannie, Saraswati, and Wisnaeni 2024). The Corruption Eradication Commission of the Republic of Indonesia (KPK RI) arrested several justices of the Constitutional Court in connection with bribery and corruption cases, including the former chief justice, which made the situation worse (antikorupsi.org 2017). The Constitutional Court has recently been under

fire for its rulings changing the election law's minimum age limit for presidential and vice-presidential candidates as well as its handling of the disagreement over the election results in 2024 (thediplomat 2023; theguardian 2023; apnews 2023; tempo 2023; Großer and Giertz 2024).

Controversial Decisions of the Constitutional Court Pre and Post 2024 Elections in Indonesia

The Constitutional Court gained widespread notice due to two contentious rulings it rendered, at least in relation to the Indonesian elections in 2024. On August 2, 2023, Almas Tsaqibbirru, a Strata 1 student in the Surakarta University Law Study Program, formally filed a case with the Constitutional Court of the Republic of Indonesia, starting the first contentious judgment. With case registration number 90/PUU-XXI/2023, Almas and his legal representative initiated legal action to challenge Law Number 7 of 2017 regarding General Elections as being in violation of the Republic of Indonesia's 1945 Constitution (mkri.id 2023). This case specifically concerns the Republic of Indonesia's minimum age requirement of 40 years old for candidates seeking the office of president or vice president.

The court partially approved the petition on October 16, 2023. The 1945 Constitution is violated, according to the Court, by Law Number 7 Year 2017 on General Elections, namely Article 169 letter q, which stipulates that candidates must be "at least 40 years old". As long as it is not understood to mean "at least 40 years old" or that the person in question has held or is presently holding an office chosen by general elections, including regional head elections, the court rules that this article lacks binding legal effect. The court just amended the article to permit candidates under 40 to seek president or vice president, provided that they have held elected positions as regional leaders (governors, mayors, or representatives) in a direct election.

What, then, is wrong with this lawsuit? The issue is that the lawsuit's partial approval opens the door for Gibran Rakabuming Raka, the eldest son of Republic of Indonesia President Joko Widodo (Jokowi), to run for vice president against current Minister of Defense Prabowo Subianto, a former general and commander of the Army Special Forces. Even though Gibran is only 37 years old, he is eligible to run for office because he is the mayor of Solo, a province in Central Java. The fact that Anwar Usman, the then-Chairman of the Constitutional Court, was the spouse of President Jokowi's younger sister, Idayati, made this ruling much more contentious. The public views the ruling as a blatant instance of power interfering with the court's independence in an attempt to establish dynasty politics in Indonesia, which poses a serious threat to the country's legal sovereignty and democratic future.

Regarding challenges to election results, the second contentious decision is made. For the record, three pairs of candidates ran for Indonesia's presidency in 2024: Anies Baswedan-Muhaimin Iskandar in the lead, Prabowo Subianto-Gibran Rakabuming Raka in the second, and Ganjar Pranowo-Mahfud MD in the third. The outcome was expected: the president's eldest son and the defense minister combined received the majority of the votes to win the election, a decision that was opposed by the other two candidate pairings. First pair officially filed a complaint with the Constitutional Court on March 21, 2024, using registration number 01-01/AP3-PRES/Pan.MK/03/2024. A couple of days afterward, on March 23, 2023, candidate number three Ganjar-Mahfud formally filed a case with the Constitutional Court, citing registration number 02-03/AP3-PRES/Pan.MK/03/2024 (mkri.id 2024).

The two losing candidate pairs filed a lawsuit, and it covers a wide range of topics, including the question of presidential neutrality, the government's pre-election distribution of substantial social assistance, the president, ministers, and regional heads being accused of being non-neutral, the alleged non-neutrality of law enforcement officials, the alleged

mobilization of the state civil apparatus to vote for particular candidate pairs, rampant money politics, and more. Specifically, the two losing candidate pairs requested that the President's son Gibran not run in the re-election. This request was made to the Constitutional Court. On April 22, 2024, the Constitutional Court did, however, formally reject this lawsuit; as a result, the Prabowo-Gibran ticket, ranked second, was declared the official winner of the 2024 Indonesian presidential election.

Beginning with these two contentious court rulings, this research will examine the other viewpoint, which merits in-depth discussion as well. This has to do with the phrase "dissenting opinion" that shows up in the rulings. Three Justices of the Constitutional Court dissented from the majority ruling in the first case, arguing that the complaint ought to have been dismissed. Three judges of the Constitutional Court dissented from the second ruling as well, arguing that the court ought to take into account the arguments made in the losing presidential candidates' petition and acknowledge that there are issues with the way the 2024 elections are being conducted. We shall attempt to examine the legal justification for the justices' dissenting opinion on the Constitutional Court and its ramifications for Indonesian law enforcement using document analysis, case studies, and jurisprudence analysis.

2. LITERATURE REVIEW

In actuality, there are a number of ways to settle election complaints, such as constitutional courts, administrative processes, rulings from state administrative courts, arbitration, agreements made by third parties, collective bargaining agreements, or thorough parliamentary investigations (Green 2016; Bima and Rinaldy Bima 2022; Basin, Radomirovic, and Schmid 2020; Salam and Aboud 2023; Martin 2020). Legal disputes pertaining to elections are not uncommon, particularly in democratic nations. The kinds of challenges that are submitted also differ from one another, but generally speaking, these challenges are connected to electoral laws, electoral administration, electoral stages and procedures, and election outcomes (Sullivan 2023; Williams 2007; Indra, Saragih, and Handoko 2023).

For instance, in the US, the Supreme Court and federal courts typically hear electoral challenges (Dichio and Logvinenko 2024; Klein 2017; Hasen 2012). The Superior Electoral Court (Tribunal Superior Eleitoral, TSE) in Brazil is responsible for receiving and handling electoral challenges (Passos et al. 2019). In Indonesia, the Election Supervisory Agency handles electoral offenses and fraud, the Administrative Court handles administrative disputes related to elections, and the Constitutional Court of the Republic of Indonesia hears cases involving legal challenges and disagreements over election outcomes (Mozaffar and Schedler 2002; Amarini 2020). These three nations were chosen as examples for a reason: they are all among the world's top six democracies, with the United States holding the top spot.

Furthermore, several nations have instituted substitute mechanisms for resolving disputes pertaining to electoral disputes, such as creating specialized entities (NORRIS 2017). Other procedures that allow disputing parties the chance to settle their differences outside of the conventional court system are mediation and arbitration (Green 2016; Salam and Aboud 2023; Fauziyah and Praptianingsih 2015). It is imperative to take into account the function of international organizations and treaties in the settlement of election disputes. In their particular regions, organizations like the African Union Community, the European Court of Human Rights, and the Court of Human Rights are crucial in resolving complaints pertaining to elections (Ipp and Hoverter 2005; Davis-Roberts and Carroll 2010).

Election disputes in Indonesia are settled through a convoluted network of judicial and administrative procedures involving numerous agencies. Certain infractions are handled by the Election Supervisory Body (Bawaslu); others, depending on the nature of the dispute, may be

decided by the Supreme Court, the Constitutional Court, or the State Administrative Court (PTUN). This multi-tiered structure guarantees that various election-related matters are handled by the most suitable entity (Madril 2020; Widodo 2021; Kusadarini, Priyanto, and Hartini 2021). However, the constitutional court's absolute authority is mandated by law in matters pertaining to elections, including challenges to election legislation and challenges to election outcomes. The Constitutional Court hears election cases in virtually all general elections and head elections at the regional level (Karjoko et al. 2020; Harijanti and Lindsey 2006). Even Prabowo Subianto, the newly elected president, has twice petitioned the constitutional court to overturn election results in 2014 and 2019, after Jokowi defeated him. The key distinction, which is the focus of this study, was that the court dismissed Prabowo's lawsuit in its entirety without a single judge at the moment disagreeing.

3. METHODOLOGY

Two contentious rulings rendered by the Constitutional Court of the Republic of Indonesia (MK RI) both before and after the 2024 election will be examined in this study design. This study will investigate the legal rationale behind the judges' dissent and the implications of that dissent for the decision's overall effect through the use of qualitative research methods. A thorough review of court records, in-depth case studies, and jurisprudence analysis are some of the techniques employed. The document analysis will first look at pertinent legal rules, court rulings, and judge opinions. In addition, two contentious decisions will be looked at in this case study: decision number 90/PUU-XXI/2023 concerning the age restriction for candidates running for president or vice president, and decisions number 2/PHPU.PRES-XXII/2024 and 1/PHPU.PRES-XXII/2024 concerning challenges to election results. Since this study focuses on the dissenting opinions of Constitutional Court justices, it is crucial to present a profile of these judges. The Constitutional Court of the Republic of Indonesia currently has a list of its current judges in (Table 1.).

Table. 1 List of Judges of the Constitutional Court of the Republic of Indonesia

| No. | Name | Term of Office | Nominating Institution |
|-----|--|--|--------------------------|
| 1. | Dr. Suhartoyo S.H., M.H. | Chief Justice of the Constitutional Court (November 9, 2023 - November 9, 2028) Term 1: January 7, 2015 - January 7, 2020 Term 2: January 7, 2020 - November 15, 2029 | Supreme Court |
| 2. | Prof. Dr. Saldi Isra, S.H. | April 11, 2017 - April 11, 2032 | President |
| 3. | Prof. Dr. Anwar Usman, S.H., M.H. | Term 1: April 6, 2011 - April 6, 2016 Term 2: April 7, 2016 - April 7, 2026 | Supreme Court |
| 4. | Prof. Dr. Arief Hidayat S.H., M.S. | Term 1: April 1, 2013 - April 1, 2018 Term 2: March 27, 2018 - February 3, 2026 | House of Representatives |
| 5. | Prof. Dr. Eddy Nurbaningsih, S.H., M.Hum. | August 13, 2018 - June 27, 2032 | President |
| 6. | Dr. Daniel Yusmic Pancastaki Foekh, S.H., M.H. | January 7, 2020 - December 15, 2034 | President |
| 7. | Prof. Dr. M. Guntur Hamzah, S.H., M.H. | November 23, 2022 - January 8, 2035 | House of Representatives |
| 8. | Dr. Ridwan Mansyur, S.H., M.H. | December 8, 2023 - December 8, 2029 | Supreme Court |
| 9. | Dr. H. Arsul Sani, S.H., M.Si., Pr.M. | January 18, 2024 - January 18, 2035 | House of Representatives |

Source; <https://www.mkri.id/index.php?page=web.Hakim&menu=3>

Third, jurisprudential analysis will examine legal precedents and the development of legal principles in previous Constitutional Court decisions. This will clarify whether the dissenting opinion is in line with existing principles or contradicts them. This research will

evaluate the impact of dissenting opinions on the rule of law and consider their usefulness in protecting the personal honor of judges. This research was conducted in Indonesia from October 2023 to April 2024.

4. RESULTS

Separate The Constitutional Court of the Republic of Indonesia's dissenting opinion in the matter of Law Number 7 of 2017 concerning General Elections against the Republic of Indonesia's 1945 Constitution will be examined in this section of the ruling (number 90/PUU-XXI/2023) (mkri.id 2023). Additionally, in the matter of the Dispute over the Results of the General Election of President and Vice President in 2024, the Constitutional Court rendered a decision with numbers 2/PHPU.PRES-XXII/2024 and 1/PHPU.PRES-XXII/2024 (mkri.id 2024). Analyzing the justifications offered by the judges who dissented from these rulings is the next stage. Lastly, it's important to consider the legal ramifications of differing viewpoints regarding judicial authority and legal sovereignty, particularly with regard to Indonesia's constitutional court.

4.1 Legal Basis for Dissenting Opinion of Judges Related to the 2024 Election Lawsuit

At least three separate Indonesian statutes contain the legal word "dissenting opinion." First, Article 14 of Law Number 4 Year 2004 on Judicial Power regulates it. It says as follows:

1. Decisions are made in a confidential deliberation session of the judges.
2. In the deliberation session, each judge is obliged to submit written considerations or opinions on the case being examined and become an integral part of the decision.
3. In the event that the deliberation session cannot reach a unanimous consensus, the dissenting opinions of the judges must be included in the decision (bpk.go.id 2009).

Second, the phrase "dissenting opinion" can also be found in Law Number 5 Year 2004, Amendment to Law Number 14 Year 1985 on the Supreme Court, Article 30, paragraphs (2) and (3);

- 1) In the deliberation session, each Supreme Court judge is obliged to submit written considerations or opinions on the case being examined and become an integral part of the decision.
- 2) In the event that the deliberation session cannot reach a unanimous consensus, the dissenting opinions of the Supreme Court justices must be included in the decision (bpk.go.id 2004).

Lastly, this phrase can also be found in Law (Law) Number 24 of 2003's Article 45, paragraphs (6) and (10) pertaining to the Constitutional Court.;

- [1] If the deliberation of the plenary session of constitutional judges cannot produce a decision, the deliberation is postponed until the next deliberation of the plenary session of constitutional judges.
- [2] However, if there is no unanimity in the decision, the different opinions of the members of the Panel of Judges are included in the decision. (bpk.go.id 2003).

Three constitutional judges dissented in decision number 90/PUU-XXI/2023 regarding Law Number 7/2017 on General Elections as it conflicts with the 1945 Constitution of the Republic of Indonesia. Deputy Chairman of the Constitutional Court Saldi Isra, Constitutional

Judge Arief Hidayat, and Constitutional Judge Wahiduddin Adams comprised the three justices. All three individuals agreed that the petition should be denied by the Court.

Judge Saldi Isra, the deputy chairman of the constitutional court, described the court's ruling as an odd and nonsensical occurrence. After denying the same plea in Constitutional Court Decision Number 29-51-55/PUUXXI/2023, the court quickly reversed course (mkri 2023). In this ruling, the Court clearly, unambiguously, and decisively declared that, under the norm of Article 169 letter q of Law 7/2017, the matter of age is the legislative body's authority; in the case of Indonesia, this authority is derived from submissions made by the executive or national government. Saldi also questioned the abrupt shift in perspective of those judges who had earlier refused to approve, as well as the makeup of the judges involved in the judgment.

Three anomalies were discovered by Constitutional Judge Arief Hidayat, which raised serious concerns. Initially, the trial's timetable appeared excessively drawn out and delayed. Second, the time frame for the hearing was extended, possibly lasting up to two months, as a result of the post-trial hearing procedure for the amended case. Justice itself may be denied as a result of these delays, even though procedural law may not be broken ("justice delayed, justice denied"). The Constitutional Court's internal deliberation process is the subject of the third irregularity (RPH). Chief Justice Anwar Usman took part in the discussion and decision-making of two other cases involving the same constitutional question; however, he was not present for three of the cases heard in the RPH. The grounds for the chief justice of the constitutional court's selective involvement are called into doubt by this contradiction.

Wahiduddin Adams, a different Constitutional Judge, pointed out that even partially approving the petition would put the court in danger of going too far. Without a clear constitutional mandate, this would be equivalent to "inviting from the bench". This would seriously impair parliamentary representation's crucial role as a mirror of people sovereignty as well as the core area of legislative power. Therefore, the Court needs to show the public and the petitioners how important it is to exercise judicial restraint. Exercising judicial independence occasionally entails making the difficult decision to do nothing. It is in our nature to choose action over idleness. Nevertheless, the Court ought to deny the applicant's request in light of these factors.

In the case of the Dispute over the Results of the General Election of the President and Vice President in 2024, the decision with numbers 2/PHPU.PRES-XXII/2024 and 1/PHPU.PRES-XXII/2024, which rejected the entire petition for dispute over the results of the 2024 Presidential / Vice Presidential Election filed by the Anies Baswedan-Muhaimin Iskandar pair and Ganjar Pranowo-Mahfud MD, is the subject of the following discussion. Three judges of the constitutional court (Saldi Isra, Arief Hidayat, and Enny Nurbaningsih) expressed dissenting views in this ruling.

Judge Saldi Isra of the constitutional court contended in a minority decision that the legality of the disagreement over the outcome of the 2024 presidential election was in question. The claim that social aid was misused and that the state machinery was involved in order to help one of the candidate pairs was rejected by the majority of judges. Saldi, however, believed that the petition was accurate and that the practice went against the electoral fairness and honesty guaranteed by the constitution. Saldi underlined that the most crucial values for ensuring democratic contestation are integrity and fairness. Saldi agreed that it was challenging to evaluate a president's conduct during an election since the president may say they were carrying out a government program, but they could also use the program as a cover to help one candidate over another. This legal gap makes it possible to exploit public resources and funds in a way that compromises the equality of all candidates.

Judge Saldi took note of President Jokowi's increased work trips to regions during the campaign in the 2024 elections. Even though the President is not a declared winner or a direct

participant in the election, his endorsement of one or both of the candidates can have a big influence. Minister of Social Affairs Tri Rismaharini acknowledged that she has never provided social help in the field firsthand. Some ministers, on the other hand, actively provided aid during the campaign, frequently sending out "winged" statements that might be seen as a covert campaign for a specific candidate pair.

According to Anies-Muhaimin and Ganjar-Mahfud lawsuits, another constitutional judge, Arief Hidayat, believed that there was significant, systemic, and organized (TSM) fraud in the 2024 presidential election. "Electoral violations were carried out by the government in a planned and coordinated manner, Arief asserts that in order for any state organ to perform its duties, it must abide by the rules of state administration. The idea of checks and balances between the various branches of government upholds this. He clarified that the objective is to ensure that all actions, procedures, and decisions pertaining to the election process are compliant with the law (both the Constitution and legislation) in order to accomplish the state's mission, as stated in the fourth paragraph of the Preamble to the 1945 Constitution.

Judge Arief contended that nepotism or competition in the voting process should not be tolerated by any branch of government. Constitutionalism sets limits on this, and positive moral, legal, and ethical norms further safeguard it. Moreover, Arief claimed that the Jokowi government and associated political structures at all levels, from the national to the local, had acted partisan and in support of particular candidate pairings. This has blatantly compromised the electoral justice system, which is guaranteed by both Article 22E, paragraph (1) of the 1945 Constitution and international legal instruments. The latter stipulates that elections must be held in a direct, widespread, open, honest, and fair manner.

Enny Nurbaningsih, a different judge on the Constitutional Court, contended that the claims of the politicization of social aid and the involvement of state officials were accurate. She cited data from North Sumatra, South Sulawesi, West Kalimantan, and Central Java that demonstrated regional chief authorities were biased and not impartial. Enny went on to say that the 1945 Constitution's Article 22E, paragraph (1), clearly mandates that elections be held with integrity and substantive justice. This calls for more than just abiding by the law; it also calls for a sincere desire to stay away from any kind of deceit or abuse of legal loopholes.

Judge Enny further stated that in order to guarantee that the competition is genuinely free, fair, and honest as specified by the constitution, all parties involved in the election (including the General Election Commission (KPU) and the Election Supervisory Agency (Bawaslu), government representatives, participants, and voters) must make guarantees. This is crucial so that voters can select their representatives in a free and independent manner. The judge cited particular instances of non-neutrality, including the acting governors of Central Java and West Kalimantan, who engaged in campaign activities and publicly endorsed a presidential candidate, respectively. It was also noted that social assistance has become politicized, and that giving aid in advance of elections may have an effect on competitive fairness. While the President and Vice President are entitled to campaign, there are legal and regulatory gaps when social aid is provided during this time. Enny drew attention to the legal flaws in the current regulations and emphasized the need for ethical behavior to close these gaps.

4.2 Legal Implications of Dissenting Opinion of Constitutional Court Judges

We come to the conclusion that dissenting opinions are just empty rhetoric after conducting document analysis, case study analysis, and in-depth jurisprudence analysis on two contentious Constitutional Court of the Republic of Indonesia rulings: the ruling on the age limit for presidential/vice-presidential candidates and the lawsuit against the 2024 election

results. Despite the importance of these divergent opinions, our research indicates that they are not very relevant in a legal setting. After examining legal precedents and the evolution of legal principles in earlier Constitutional Court rulings, we came to this conclusion. A close study of the Court's case law will demonstrate a distinct difference between the majority opinion (which has legal weight) and the dissenting opinion, which is merely a record of differing opinions. Dissenting views have no legal weight or bearing on the decisions that have been rendered; rather, they are merely a constitutionally protected prerogative of judges. Essentially, dissenting opinions do not alter the legal reality created by the Court's majority decision, even though they can offer insightful commentary and ignite public discussion.

The Constitutional Court altered an electoral law article, allowing a person under 40 to run for president and/or vice president if they had previously served as a regional head elected through direct elections. This modification sparked a fervor over the 2024 elections. This decision's consequences continue to have a cascading effect. It had long been speculated that Gibran, the eldest son of President Joko Widodo, would be running as vice president alongside Prabowo Subianto. Eventually, the speculation materialized. Gibran's controversial court ruling (which was later overseen by his uncle) made his candidacy go smoothly. Despite being just 37 years old, he was chosen in direct local elections to become the mayor of Solo, Central Java Province. The action sparked concerns about possible political meddling in the election process as well as the Constitutional Court's impartiality. It also draws attention to how hazy the distinction between political and personal interests is in Indonesian politics.

The dissenting view of three MK judges has no legal significance in relation to the Constitutional Court's ruling regarding the age restriction for presidential and vice-presidential candidates. The ramifications stem from the public discussion over who made the right decision and who didn't, rather than from the law. Even the dissenting opinion's justifications are unclear in terms of administration, steps, and procedures leading up to the conclusion. It is difficult to imagine a judge of the Constitutional Court contesting anything from the hearing schedule and process to the presence of other judges, the makeup of the court that hears a case, or the distinction in outcomes between the rulings of the court on two or more cases involving the same parties. It seems that the justices of the Constitutional Court are warriors for the constitution, interpreting laws and other legal regulations according to their own personal convictions.

The judges of the Constitutional Court's dissenting opinion in the complaint about the results of the 2024 election was just as perplexing as their position in the ruling on the age restriction for presidential and vicepresidential candidates. Remarkably, three justices dissented from the majority ruling, a notable departure from the custom of unanimous decisions in cases this magnitude. The Constitutional Court's former Chief Justice Mahfud MD, who is running for vice president in Ganjar Pranowo, pointed out emphatically that this was the first time in the court's history that a dissenting opinion had been included in a ruling pertaining to an election lawsuit. There are concerns regarding how an extraordinary division within the court may affect the validity of the court's rulings.

This statement is not, nevertheless, the focal point of our analysis. The premise of the dissenting opinion is in fact called into doubt by this study. It is indisputable that public officials, including regional heads and the president, are not neutral; rather than maintaining neutrality, they are held accountable for potential direct or indirect support of specific candidates, according to the three justices who authored the dissenting opinion. The authors contended that this conspicuous partisanship taints the legitimacy of the election results and undermines the integrity of the electoral process. Concerning public officials who have been punished in this regard, the following inquiry concerns the precise manner in which the law oversees the neutrality of state officials in elections and the sanctions that will befall them

should they violate this regulation. The legal framework governing the maintenance of impartiality in the democratic process and the repercussions for those who breach it are significantly called into question by this.

Furthermore, an additional factor pertains to legal vulnerabilities that are exploited by the president or other state officials when executing initiatives funded by the government. As an illustration, the extensive allocation of social assistance in advance of elections may infringe upon the impartiality of state officials. The dissenting opinion of the Constitutional Court judges on this matter does not provide clarification or a solution to address this loophole. Rather, it generates additional inquiries, such as what measures ought to be taken to cover this type of legal loophole and who possesses the authority to predict the recurrence of this incident, among others.

Judge Saldi Isra further emphasized that the commitment to integrity and fairness extends beyond procedural justice and encompasses constitutional standards that demand substantive justice. Furthermore, he noted that although the elections conducted during the authoritarian New Order era were deemed lawful from a procedural standpoint, they were deemed fraudulent due to their fundamentally unfair implementation. Further elaboration is required regarding this statement, including the precise definition of substantial justice as it pertains to elections, its practical application, and the perspectives of other judges who have interpreted this matter. This remains an unanswered question, as the vast majority of other justices have refrained from offering rebuttals or expressing their opinions on the matter.

According to this study, one of the main causes of Indonesia's election instability in 2024 will be the country's constitutional court. Public unrest and rejection from different groups have resulted from their choice. Nonetheless, the ruling of the court is final, enforceable, and unchallengeable. This decision has equally significant political ramifications because it ultimately links the nation's top leader, the president, and his staff at all levels, from national to local, to partisan political activities that exploit legal loopholes that are routed through official government initiatives. This essay contends that, given its primary role in the issue and in light of the upcoming elections in 2024, it is unrealistic to expect the Constitutional Court to provide a just conclusion.

It is difficult to argue that the Constitutional Court's ruling was free from political and authoritative interference. Considering that President Jokowi's brother-in-law was as chief justice at the time. Given the controversy surrounding the selection of constitutional judges, this situation is much more difficult to solve. The Supreme Court, which represents the judiciary, nominated three candidates for the nine constitutional judges; the president, who represents the executive branch, nominated three more candidates; and the House of Representatives of the Republic of Indonesia, which represents the legislature, nominated the final three candidates. The president frequently nominates politicians or other powerful people to the Supreme Court, while the House of Representatives typically nominates party members or other House members. The process of choosing candidates for constitutional judges also frequently takes place behind closed doors. Because the makeup of the constitutional court may be more influenced by political motives than by merit and impartiality, these activities raise major questions about the court's ability to maintain the rule of law and protect people's rights.

The dissenting views in the two Constitutional Court rulings, it is concluded, have a well-defined legal foundation and are subject to legal constraints. The study's findings also highlight the fact that divergent viewpoints can preserve judges' reputations and enhance public assets without having an adverse effect on law enforcement. The findings of this study will also offer suggestions for enhancing the process of choosing, deciding, and appointing judges to the Constitutional Court, highlighting the necessity of increased openness, responsibility,

and public participation. This is crucial to lessen political influence that can compromise the Constitutional Court's integrity and to bolster the court's independence as a legal institution.

5. DISCUSSION

The study's findings assess the significance of dissenting views in two rulings made by the Republic of Indonesia's Constitutional Court. Three judges (Saldi Isra, Arief Hidayat, and Wahiduddin Adams) voiced dissenting views over the decision to modify the age restriction for presidential and vice-presidential candidates in decision number 90/PUU-XXI/2023. They protested to the Court's decision's contradiction, pointing out that it appeared to have been influenced politically given its abrupt departure from the earlier refusal. Additionally, dissenting opinions from judges Saldi Isra, Arief Hidayat, and Eddy Nurbaningsih in the 2024 Presidential PPHU case with decisions number 2/PPHU.PRES-XXII/2024 and 1/PPHU.PRES-XXII/2024 highlighted fraud and non-neutrality of state officials in elections that could affect election integrity.

The dissenting views in these two rulings merely serve as significant documents that enhance public discourse and uphold judges' authority; they have no direct bearing on law enforcement (Hogg and Amarnath 2017). This study demonstrates that the majority of judges' ultimate decision is unaffected by dissident views (Vass 2017; Hanretty 2015; Rice 2017). On the other hand, divergent viewpoints frequently have the power to ignite public discussion, enhancing legal context openness (Varsava 2018; Misztal-Konecka 2023; Muro et al. 2020; Bryan and Ringsmuth 2016). Furthermore, dissent is crucial for encouraging responsibility and critical thinking inside the legal system (Renberg 2020; Butt 2018; Parker and Woodson 2020). Dissenting judges advance our grasp of intricate legal matters by outlining opposing arguments and pointing out any weaknesses in the majority's logic (Simanjuntak, Rusmiati, and Atmaja 2023; Karpenko 2021). In the course of ongoing legal conversation, their opinions become an invaluable resource for practitioners, scholars, policymakers, and the general public.

The study's findings offer a fresh viewpoint on the academic discussion around the constitutional court's ruling, which prompts judges to express differing views about their rulings. The primary distinction, though, is that this study's findings offer a specific illustration of how the contentious ruling of the Constitutional Court ripples across the political-legal system, particularly in regards to electoral procedures and outcomes. The court's contentious rulings are the primary cause of disorder, therefore the justices' dissenting views in challenges to election results in this study seem to be a hollow message. Despite this, the study's shortcomings demonstrate that differing views have little legal significance. Dissenting opinions have little legal authority to affect the outcome and serve mostly as a record of differing viewpoints.

This study emphasizes how crucial the Constitutional Court's independence is to upholding the rule of law and defending citizens' rights. Effective performance of this job requires the institution to be free from needless political interference. This means that openness, responsibility, and increased public participation must be prioritized throughout the Constitutional Court judge selection and appointment process. To guarantee that judges are appointed on the basis of merit rather than political allegiance, the government, the supreme court, and the legislature should be more transparent about the qualifications of potential judges and the factors that went into choosing them. Mechanisms for accountability that demand specific explanations based on objective standards will better safeguard the Court's independence. Public trust in the legal system will increase with direct public involvement, such as holding public hearings or appointing laypeople to selection committees. This will also strengthen the legitimacy of the Constitutional Court.

6. CONCLUSION

This study's result emphasizes the significance of dissenting views in Constitutional Court rulings. Three judges (Saldi Isra, Arief Hidayat, and Wahiduddin Adams) highlighted a peculiar shift in position and discrepancy among the judges in case number 90/PUU-XXI/2023, suggesting a possible political influence in the decision-making process. In the meantime, the three judges' dissenting opinion in the 2024 Presidential PHPU case raised worries about organized fraud and the impartiality of public servants, both of which could compromise the validity and impartiality of the election.

Dissenting views can provoke public discussion and have a substantial effect on judges' personal authority, even when they have no direct effect on the rule of law. The contrasting viewpoints expressed in dissenting opinions add to the richness of legal discourse and emphasize the significance of substantive and procedural justice. It also emphasizes how crucial it is to have openness in the judicial selection process in order to preserve the Constitutional Court's independence. It will be possible to better secure the Constitutional Court's integrity in upholding the rule of law by prioritizing transparency, accountability, and more public input in the selection process for judge nominations.

Author Contribution

Rizal Khadafi: Conceptualization, Methodology, Investigation, Formal Analysis, Writing – Original Draft, Project Administration. Nurul Satria Abdi: Validation, Resources, Writing – Review & Editing, Supervision. All authors listed in the manuscript are members of this research team with their respective contributions, and the corresponding author is fully responsible for any problems that arise later.

Data Availability Statement

All data supporting the findings of this study are available from the corresponding author upon reasonable request.

Conflict of Interest Declaration

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

REFERENCES

- Amarini, Indriati. 2020. "Implementation of Verdict Based on Pancasila Values in Indonesia BT - Proceedings of the International Conference on Law, Economics and Health (ICLEH 2020)." In , 697-700. Atlantis Press. <https://doi.org/10.2991/aebmr.k.200513.132>.
- anticorruption.org. (2017). "Poor Ethics of Constitutional Judges | ICW." 2017. <https://antikorupsi.org/en/article/poor-ethics-constitutional-judges>.
- apnews. (2023). "Court Panel Removes Indonesia's Chief Justice for Ethical Breach That Benefited President's Son | AP News." 2023. <https://apnews.com/article/indonesia-constitutional-court-dismiss-chief-justice-4223047fb46310ffd2c7dfa0bad5b558>.
- Baidhowah, Adfin. (2021). "Defender of Democracy: The Role of the Indonesian Constitutional Court in Preventing Rapid Democratic Backsliding." In. <https://api.semanticscholar.org/CorpusID:236404252>.
- Basin, David A, Sasa Radomirovic, and Lara Schmid. 2020. "Dispute Resolution in Voting." 2020 *IEEE 33rd Computer Security Foundations Symposium (CSF)*, 1-16.

- <https://api.semanticscholar.org/CorpusID:218571305>.
- Bima, M R, and Muhammad Rinaldy Bima. (2022). "The Dispute on Determination of the General Election Commission Members: A Study of Administrative Effort Implementation." *SIGn Law Journal* 4 (2): 277–90. <https://doi.org/10.37276/SJH.V4I2.163>.
- bpk.go.id. 2003. "Law No. 24 Year 2003." 2003. <https://peraturan.bpk.go.id/Details/44069/uu-no-24-tahun-2003>.
- bpk.go.id. 2004. "Law No. 5 Year 2004." 2004. <https://peraturan.bpk.go.id/Details/40491/uu-no-5-tahun-2004>.
- bpk.go.id. 2009. "Law No. 48 of 2009." 2009. <https://peraturan.bpk.go.id/Details/38793/uu-no-48-tahun-2009>.
- Bryan, Amanda C, and Eve M Ringsmuth. (2016). "Jeremiad or Weapon of Words? The Power of Emotive Language in Supreme Court Dissents." *Journal of Law and Courts* 4 (1): 159–85. <https://doi.org/DOI: 10.1086/684788>.
- Butt, Simon. (2018). "The Function of Judicial Dissent in Indonesia's Constitutional Court." *Constitutional Review*. <https://api.semanticscholar.org/CorpusID:158048431>.
- Davis-Roberts, Avery, and David J. Carroll. (2010). "Using International Law to Assess Elections." *Democratization* 17 (3): 416–41. <https://doi.org/10.1080/13510341003700253>.
- Dichio, Michael A, and Igor Logvinenko. (2024). "'Culture and Practice Eat Documents for Lunch:' Norms and Procedures in the 2020 Election Cases." *Law and Policy*. <https://doi.org/10.1111/lapo.12241>.
- Eddyono, L W. (2017). "Independence of the Indonesian Constitutional Court in Norms and Practices." *Constitutional Review* 3 (1): 71–97. <https://doi.org/10.31078/consrev314>.
- Eddyono, Luthfi Widagdo. (2018). "The Constitutional Court and Consolidation of Democracy in Indonesia." In. <https://api.semanticscholar.org/CorpusID:158874928>.
- Fauziyah, Fauziyah, and Sri Praptianingsih. (2015). "Dispute Settlement Patterns on the Village Chief Election at Bondowoso Regency." *Rechtsidee* 2: 11–20. <https://api.semanticscholar.org/CorpusID:147110284>.
- Green, Rebecca. (2016). "Arbitrating Ballot Battles." *Kentucky Law Journal* 104:9. <https://api.semanticscholar.org/CorpusID:157671633>.
- Großer, Jens, and Thorsten Giertz. (2024). "Controversy Surrounds Indonesia's Election Results." *Games and Economic Behavior*. <https://doi.org/10.1016/j.geb.2024.02.005>.
- Hanretty, Chris. (2015). "Judicial Disagreement Need Not Be Political: Dissent on the Estonian Supreme Court." *Europe-Asia Studies* 67 (6): 970–88. <https://doi.org/10.1080/09668136.2015.1054260>.
- Harijanti, Susi Dwi, and Tim Lindsey. (2006). "Indonesia: General Elections Test the Amended Constitution and the New Constitutional Court." *International Journal of Constitutional Law* 4 (1): 138 - 150. <https://doi.org/10.1093/icon/moi055>.
- Hasen, Richard L. (2012). *The Voting Wars: From Florida 2000 to the next Election Meltdown*. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84902736684&partnerID=40&md5=07042efd7bea4b9e5490755bd7bfff63d>.
- Hogg, Peter W., and Ravi Amarnath. (2017). "Why Judges Should Dissent." <https://doi.org/10.3138/UTLJ.4216> 67 (2): 126–41. <https://doi.org/10.3138/UTLJ.4216>.
- Ibrahim, M. (2022). "Does the Indonesian Judicial Review System Need Reform?" *Australian Journal of Asian Law* 22 (1): 17–33. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85160518241&partnerID=40&md5=c4e5d9f303dfd3d37d99fb2921301c8b>.

- Indra, Mexsasai, Geofani Milthree Saragih, and Tito Handoko. (2023). "Pseudo-Judicial Review for the Dispute over the Result of the Regional Head Election in Indonesia." *Lentera Hukum* 10 (1): 111 - 134. <https://doi.org/10.19184/ejhl.v10i1.36685>.
- Ipp, Oren, and Terence F. Hoverter. (2005). "Identifying International Principles for Resolving Election Disputes." *Administrative Law Review* 57. <https://heinonline.org/HOL/Page?handle=hein.journals/admin57&id=855&div=&collection=>.
- Karjoko, L, L.T.A.L. Wardhani, S Marwiyah, I Gusti Ayu Ketut Rachmi Handayani, A K Jaelani, A Tahir, and S Al-Fatih. (2020). "Problems of Democratic and Dignified Election in Indonesian Simultaneously Electoral Era." *International Journal of Criminology and Sociology* 9: 1701-8. <https://doi.org/10.6000/1929-4409.2020.09.193>.
- Karpenko, Konstantin V. (2021). "DISSENTING OPINION IN THE CONSTITUTIONAL JUSTICE AND THE EVOLUTION OF LEGAL SCIENCE." *Tyumen State University Herald. Social, Economic, and Law Research*. <https://api.semanticscholar.org/CorpusID:245947623>.
- Klein, Ben. (2017). "A Vote for Clarity: Establishing a Federal Test for Intervention in Election-Related Disputes." *Fordham Law Review* 86 (3): 1361 – 1391. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85040735129&partnerID=40&md5=73d34aa0bd31a6886b3178a544cc209e>.
- Kusadarini, Eny, Anang Priyanto, and Sri Hartini. (2021). "The Process and Role of the Judiciary in Election Administration Dispute Resolution in Indonesia." *Journal of Civics: Media for Civic Studies*. <https://api.semanticscholar.org/CorpusID:244206819>.
- Madril, Oce. (2020). "THE AUTHORITY OF ADMINISTRATIVE COURT IN SETTLING THE DISPUTES OVER ELECTION PROCESS IN INDONESIA." In. <https://api.semanticscholar.org/CorpusID:219135852>.
- Martin, Ross. (2020). "The 2020 Electoral End Game - Finding a Peaceful Transition of Power in a Political Question World." *SSRN Electronic Journal*, August. <https://doi.org/10.2139/SSRN.3668583>.
- Meylina, U, and R Ritonga. (2021). "FROM STATE SOVEREIGNTY TO PEOPLE SOVEREIGNTY: A CASE STUDY OF INDONESIA'S CONSTITUTIONAL COURT." *Journal of Legal, Ethical and Regulatory Issues* 24 (7): 1-13. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85112663638&partnerID=40&md5=dab155085c650f3ca5ca763a84c5aa71>.
- Misztal-Konecka, Joanna. (2023). "Separate and Dissenting Judicial Opinions and Their Significance for a Democratic Society. Reflections Against the Background of Polish Law." *Archiwum Filozofii Prawa i Filozofii Społecznej* 35 (2): 43–52. <https://doi.org/10.36280//AFPIFS.2023.2.43>.
- mkri.id. (2015). "HISTORY OF THE CONSTITUTIONAL COURT | Constitutional Court of the Republic of Indonesia." 2015. <https://www.mkri.id/index.php?page=web.Berita&id=11766>.
- mkri.id. (2023). "DECISION Number 90/PUU-XXI/2023." 2023. https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_9332_1697427438.pdf.
- mkri.id. (2024). "Decision of the Constitutional Court of the Republic of Indonesia." 2024. <https://www.mkri.id/index.php?page=web.Putusan&id=1&kat=1&menu=5>.
- mkri. (2023). "55 PUU 2023." 2023.
- Mozaffar, Shaheen, and Andreas Schedler. (2002). "The Comparative Study of Electoral Governance-Introduction." *International Political Science Review* 23 (1): 5–27. <https://doi.org/10.1177/0192512102023001001>.

- Muro, Sergio, Sofia Amaral-Garcia, Alejandro Chehtman, and Nuno Garoupa. (2020). "Exploring Dissent in the Supreme Court of Argentina." *International Review of Law and Economics* 63: 105909. <https://doi.org/https://doi.org/10.1016/j.irl.2020.105909>.
- NORRIS, PIPPA. (2017). *Why American Elections Are Flawed (And How to Fix Them)*. 1st ed. Cornell University Press. <http://www.jstor.org/stable/10.7591/j.ctt1n7qkxz>.
- Omara, A. (2017). "The Indonesian Constitutional Court and the Democratic Institutions in Judicial Review." *Constitutional Review* 3 (2): 189–207. <https://doi.org/10.31078/consrev323>.
- Parker, Christopher M., and Benjamin W. Woodson. (2020). "Normative Preferences and Responses to Dissension on the U.S. Supreme Court." *Justice System Journal* 41 (3): 220–43. <https://doi.org/10.1080/0098261X.2020.1768186>.
- Passos, Néelson R S, Ariel F Rodrigues, Hendrik T MacEdo, Bruno O P Prado, Gilton J F Da Silva, and Leonardo N Matos. (2019). "Open Data Extraction, Transformation, and Loading as a Tool for Supporting 2018 Elections' Voters; [Extração, Transformação e Carga de Dados Abertos Como Ferramenta de Apoio Ao Voto Nas Eleições De]." In *ACM International Conference Proceeding Series*. <https://doi.org/10.1145/3330204.3330232>.
- Rannie, M, R Saraswati, and F Wisnaeni. (2024). "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?" *Sriwijaya Law Review* 8 (1): 133–51. <https://doi.org/10.28946/slrev.Vol8.Iss1.3157.pp133-151>.
- Renberg, K M. (2020). "The Impact of Retention Systems on Judicial Behavior: A Synthetic Controls Analysis of State Supreme Courts." *Justice System Journal* 41 (4): 292–312. <https://doi.org/10.1080/0098261X.2020.1843093>.
- Rice, Douglas R. (2017). "Issue Divisions and US Supreme Court Decision Making." *Journal of Politics* 79 (1): 210–22. https://doi.org/10.1086/687540/SUPPL_FILE/150554APPENDIX.PDF.
- Salam, Alaa Foad, and Saab Naji Aboud. (2023). "Dismissing the Judicial Claim in the Administrative Lawsuit." *Journal of Namibian Studies: History Politics Culture*. <https://api.semanticscholar.org/CorpusID:259387854>.
- Salman, Radian, and Rosa Ristawati. (2020). "Constitutional Dialogue in the Indonesian Election Law: Tension between the Indonesian Constitutional Court and the Legislature," December, 156-62. <https://doi.org/10.5220/0010052701560162>.
- Simanjuntak, Louis Fernando, Elis Rusmiati, and Budi Arta Atmaja. (2023). "Dissenting Opinion of Corruption Court Judges as a Form of Freedom and Legal Reform in Indonesia." *Corruptio*. <https://api.semanticscholar.org/CorpusID:266513022>.
- Sulistyowati, T, and A Satrio. (2023). "Strengthening the Legitimacy of the Indonesian Constitutional Court Decision through Supermajority Requirement: Lesson from the South Korean Experience." *Revista de Investigacoes Constitucionais* 10 (3). <https://doi.org/10.5380/rinc.v10i3.89341>.
- Sullivan, Kathleen. (2023). "234 Pages of Sworn Affidavits: Legalism Without Politics in the Attempt to Overthrow the 2020 Election." *New Political Science* 45 (2): 224-238. <https://doi.org/10.1080/07393148.2023.2203063>.
- tempo. (2023). "A Court That Has Lost Its Dignity - Opinion En.Tempo.Co." 2023. <https://en.tempo.co/read/1789719/a-court-that-has-lost-its-dignity>.
- thediplomat. (2023). "An Indonesian Constitutional Court Scandal and an Election in Jeopardy - The Diplomat." 2023. <https://thediplomat.com/2023/11/an-indonesian-constitutional-court-scandal-and-an-election-in-jeopardy/>.
- theguardian. (2023). "Joko Widodo's Son Can Run for Indonesian Vice-President after Controversial Court Ruling | Joko Widodo | The Guardian." 2023.

<https://www.theguardian.com/australia-news/2023/oct/17/joko-widodos-son-can-run-for-indonesian-vice-president-after-controversial-court-ruling>.

- Varsava, Nina. (2018). "The Role of Dissents in the Formation of Precedent." *SSRN Electronic Journal*, September. <https://doi.org/10.2139/SSRN.3094016>.
- Vass, H. (2017). "The Role of Hedging in Balancing Power and Persuasion in the Judicial Context: The Case of Majority and Dissenting Opinions." In *Power, Persuasion and Manipulation in Specialized Genres: Providing Keys to the Rhetoric of Professional Communities*, 227-41. <https://doi.org/10.3726/b11481>.
- Widodo, Heru. (2021). "The Interpretation of Structured, Systematic, and Massive Violations in the 2019 Presidential Election Dispute at the Indonesian Constitutional Court." *Journal of Politics and Law*. <https://api.semanticscholar.org/CorpusID:237743146>.
- Williams, Kieran. (2007). "The Growing Litigiousness of Czech Elections." *Europe - Asia Studies* 59 (6): 937 - 959. <https://doi.org/10.1080/09668130701489147>.