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When Courts Redesign Democracy: The Politics of Constitutional Adjudication in Indonesia's Regional Election System

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Abstract

In many developing democracies, constitutional courts (Mahkamah Konstitusi: MK) have evolved beyond their traditional role as guardians of legality to become active agents in shaping the design of democratic institutions. Indonesia's Constitutional Court is increasingly exercising this transformative capacity, particularly through its interventions in the regional election system. In Indonesia, the MK is increasingly exercising this transformative capacity, particularly through its intervention in the regional election system. This article investigates how the 2024 MK ruling (Decision No. 60/PUU-XXII/2024), which removed the electoral threshold for regional head candidacy, has recalibrated the interaction between political parties and state institutions in Indonesian democracy. Using a framework of political jurisprudence combined with concepts from institutional change theory, this study places the MK's decision within a broader debate on judicial activism, party system adaptation, and constitutional politics in electoral design. This analysis suggests that the MK's intervention not only liberalized the selection of local candidates but also reshaped coalition incentives, as interpreted through an analysis of judicial reasoning and post-decision party strategies. By conceptualizing constitutional adjudication as a mode of redesigning democracy, this study advances a nuanced understanding of how judicial institutions in democracies act as de facto architects of political reform. It contributes theoretically to comparative discussions on judicial power and institutional evolution, and empirically to studies on the ongoing consolidation of democracy in Indonesia.

Keywords: Judicialization of Politics; Constitutional Adjudication; Party System Adaptation; Redesign Democracy

Introduction

Increasing judicial involvement in democratic governance has significantly influenced how political institutions are designed and contested across both established and emerging democracies. Over the past three decades, constitutional courts have evolved from primarily legal arbiters into influential political actors that shape the rules of representation, competition, and accountability (Sweet, 2000; Hirschl, 2004). This development, widely described as the judicialization of politics, highlights the expanding capacity of courts to engage with domains traditionally associated with elected institutions. Within this global context, Indonesia's Constitutional Court has emerged as a comparatively assertive judicial body in the Global South, particularly through its role in interpreting and shaping the electoral framework governing regional leadership contests (Butt, 2015; Pompe, 2005).

Yet, despite extensive research on the political role of courts, the specific ways in which judicial decisions shape democratic institutions at the subnational level remain comparatively underexplored. Existing scholarship has largely concentrated on national-level dynamics of judicial review, including constitutional design, regime competition, and macro-institutional transformation

(Ginsburg & Versteeg, 2013; Dressel, 2012). Studies on Indonesia similarly emphasize the Constitutional Court's influence on national political development, conflict resolution, and regime consolidation (Mietzner, 2010; Butt, 2016), often paying less systematic attention to how judicial interventions affect decentralized electoral arenas such as regional executive contests. This emphasis leaves open important questions regarding how constitutional adjudication interacts with local democratic institutions and party strategies within Indonesia's subnational electoral context. Addressing this gap, the present study examines how the Court's 2024 ruling reshaped the institutional dynamics surrounding regional candidacy and competition.

This study therefore seeks to answer a central question: how is constitutional adjudication articulated as an instrument of democratic redesign through Decision No. 60/PUU-XXII/2024 within Indonesia's regional electoral system? To address this question, the article situates the Court's ruling within broader theoretical debates on political jurisprudence and institutional change theory. These frameworks enable an understanding of courts not merely as interpreters of constitutional norms, but as political institutions capable of shaping institutional equilibria within the wider architecture of democratic governance (Hall & Taylor, 1996; Gillman, 2002). By focusing specifically on the 2024 ruling, the study examines how judicial activism intersects with party system adaptation, coalition strategies, and evolving forms of local representation.

Method

Methodologically, the article adopts a critical-institutionalist and interpretive approach, emphasizing how judicial reasoning, institutional context, and political incentives interact to produce systemic change. This approach is operationalized through the qualitative analysis of multiple data sources, including Constitutional Court decisions related to regional elections, policy documents and party statements issued following Decision No. 60/PUU-XXII/2024, and semi-structured interviews with a purposive sample of legal practitioners, and party officials ($n \approx 4$). These materials were selected to capture both juridical discourse and strategic political responses to the ruling. Data were interpreted through iterative thematic coding that traced how legal reasoning was articulated and how institutional actors translated the ruling into political strategy. Rather than testing hypotheses in a positivist sense, the inquiry remains interpretive and theory-building: it seeks to develop a conceptual understanding of constitutional adjudication as a form of institutional creativity in hybrid democracies. By linking judicial texts, elite perspectives, and post-decision political behavior, the methodological design bridges normative constitutional analysis with empirically grounded observations of political practice. (March & Olsen, 1989; Levitsky & Way, 2010).

Ultimately, the article argues that Indonesia's Constitutional Court has moved beyond the judicial protection of rights to become an architect of democratic design, reshaping how regional political competition is structured and legitimized. This argument introduces a novel analytical angle viewing judicial intervention as constitutional engineering which extends the frontier of current debates on judicial power, institutional transformation, and democratic consolidation (Ni'mah & Mahfudhi, 2024). By articulating this link, the study contributes both to the comparative literature on judicial politics and to the ongoing reassessment of how democracy evolves under conditions of institutional hybridity.

This research employs a qualitative interpretive design grounded in the logic of critical institutionalism and political jurisprudence. The aim is not to test hypotheses but to uncover how judicial reasoning, institutional settings, and political incentives interact to produce structural transformations in democratic design (Bevir & Rhodes, 2006; Yanow & Schwartz-Shea, 2015; Mahfudhi 2024). This interpretive approach is appropriate given the study's focus on the meaning-making processes of judicial actors and political elites rather than on measurable variables or causal generalizations (Schwartz-Shea & Yanow, 2012). The study adopts an explanatory-interpretive case study design focusing on the Indonesian Constitutional Court's Decision No. 60/PUU-XXII/2024. The case is treated as a "critical instance" that exemplifies how courts can act as agents of institutional redesign within hybrid democracies (George & Bennett, 2005). A qualitative approach allows for the exploration of processual dynamics how legal interpretation becomes intertwined

with political strategy which would be obscured by quantitative or doctrinal methods (Mahoney & Thelen, 2010).

Inclusion criteria required that participants had (a) direct experience in constitutional litigation, or (b) expert knowledge in election law or party politics. Exclusion applied to actors with no substantive engagement with the 2024 ruling or those unwilling to provide recorded consent. This criterion ensured both expertise relevance and ethical compliance (Creswell & Poth, 2018). Data were analyzed through a thematic content analysis combining inductive and deductive strategies. The process followed the six-step model of Braun and Clarke (2006): familiarization, coding, theme generation, theme review, definition, and synthesis. Initial open coding was applied to judicial texts and interview transcripts, followed by axial coding to identify converging patterns between legal language and political narratives (Saldaña, 2016). The analysis emphasized the interplay between judicial discourse (how the Court justified its ruling) and political adaptation (how parties responded to it).

Themes were iteratively refined until theoretical saturation was reached—defined as the point at which additional materials no longer generated substantively new analytical insights (Charmaz, 2014). The analytical process followed a staged thematic procedure. Initial open coding was applied to judicial opinions, interview transcripts, and media texts to identify recurring interpretive categories (e.g., references to electoral fairness, party autonomy, or institutional balancing). These codes were subsequently organized through axial coding to establish relational linkages between legal reasoning and political response, leading to broader thematic clusters such as reconfiguration of candidacy access, strategic recalibration of party coalitions, and judicial legitimation narratives. A final selective coding phase integrated these clusters into overarching analytical themes that structured the findings.

Triangulation across judicial documents, interview materials, and media reports strengthened analytical credibility and reduced interpretive bias (Denzin, 2017). The interpretive–thematic method was selected to align with the study’s constructivist epistemology, which treats law as socially embedded discourse and judicial decisions as politically situated acts (Fisher, 2006; Tushnet, 2008). Rather than aiming for statistical generalization, this analytical design supports theory building by demonstrating how empirical interpretations informed the refinement of the concept of judicial democratic engineering within hybrid political regimes. A summary of the principal thematic structure is presented to clarify how theoretical claims were derived from the data.

Results

This study argues that constitutional adjudication in Indonesia can be interpreted as operating beyond a purely corrective legal function, functioning in ways that may contribute to democratic restructuring. From an interpretive analytical perspective, the Constitutional Court’s 2024 ruling annulling the regional electoral threshold (Decision No. 60/PUU-XXII/2024) can be read as reflecting elements of constitutional design rather than being limited to conventional judicial review. By dismantling the threshold, the decision appears to recalibrate the relationship between party autonomy and institutional responsibility, suggesting an influence on the configuration of electoral competition (Hirschl, 2004; Ginsburg, 2003). Rather than definitively dissolving the boundary between law and politics, the findings indicate that judicial reasoning in this case illustrates how legal interpretation may simultaneously carry structuring political implications. In this sense, the ruling provides an empirical example of how constitutional courts in hybrid democracies can contribute to evolving institutional balances through adjudication (Stone Sweet, 2000; Gillman, 2002).

The logic underpinning this argument draws on the theory of gradual institutional change, which holds that significant institutional shifts more often emerge through reinterpretation and redeployment of existing rules than through formal constitutional revision (Mahoney & Thelen, 2010). From this perspective, institutional change is incremental, cumulative, and driven by actors who possess the authority to reshape meaning in practice. Indonesia’s Constitutional Court, endowed with expansive powers of constitutional review under Article 24C of the 1945 Constitution,

exemplifies such an actor. Rather than merely applying constitutional text, the Court actively interprets and refines its substance through jurisprudence. In doing so, it effectively alters the operational meaning of constitutional provisions over time. These interpretive interventions have tangible political consequences, as they recalibrate the distribution of power among key political actors (Butt, 2015; Levitsky & Way, 2010).

In its 2024 ruling, the Court grounded its reasoning in the principles of “electoral equality” and “party rights,” drawing on constitutional norms of fairness and proportionality to strike down the 20 percent nomination threshold (MK Decision 60/PUU-XXII/2024). By doing so, the Court did more than resolve a procedural dispute; it effectively reconfigured the architecture of local electoral competition. The decision broadened access to candidacy and participation, while simultaneously diluting the entrenched dominance of major party coalitions. This shift altered the balance of power within the electoral arena without directly confronting political actors. Conceptually, the Court’s approach can be analytically read through Hirschl’s (2008) notion of hegemonic preservation through juridical empowerment. Under the mantle of constitutional stewardship, judicial intervention thus became a vehicle for subtly recalibrating political power relations.

Empirical developments after the ruling reinforce this interpretation. In the wake of the 2024 decision, several medium-sized political parties signaled a strategic shift away from mandatory coalition-building. PDI-P in Jakarta and PKB in Central Java, in particular, announced plans to put forward their own candidates independently. These moves effectively bypassed the coalition arrangements that had long been imposed by the 20 percent threshold. Contemporary reporting captures this change as a meaningful reconfiguration of post-ruling electoral strategy (Kompas, 2024; Tempo, 2024).

Moreover, preliminary figures released by the General Election Commission (Komisi Pemilihan Umum-KPU), as reported in its early regional election registration summaries and accompanying media coverage, indicate an approximately 31 percent increase in single-party nominations across all 38 provinces during the initial registration stage of the 2024–2025 regional elections (KPU, 2024; see also Tsauro & Mahfudhi, 2024). While provisional in nature, this pattern suggests developments beyond routine electoral fluctuation. It illustrates how a judicial intervention—formally framed as a legal refinement—may carry broader implications for party-system dynamics by altering nomination strategies and coalition incentives. The ruling effectively reshaped nomination dynamics by narrowing competitive entry points. In doing so, it lends empirical support to the view of constitutional courts as active institutional architects rather than passive arbiters of legal disputes (Ginsburg & Versteeg, 2014).

From an interpretive analytical standpoint, initial analysis suggests that Indonesia’s Constitutional Court can be understood not only as a legal arbiter but also as operating in ways characteristic of a political institution expressed through judicial form. Through its interpretive authority, particularly in annulling statutory thresholds, the Court positions itself as a mediator between democratic inclusion and entrenched elite competition. These rulings reveal how constitutional interpretation can recalibrate the balance between popular participation and political pragmatism. Rather than standing outside politics, the Court engages directly with it, albeit within the constraints of legal reasoning and institutional norms. This pattern aligns with the framework of political jurisprudence, which views judicial decision-making as an inherently political exercise shaped by institutional logic. As Gillman (2002) and Tushnet (2008) argue, courts do not escape politics; they reorganize it through the language and structure of law.

The 2024 ruling should not be understood as a neutral reaffirmation of constitutional doctrine. Rather, it represents a deliberate recalibration of democratic access, consistent with the Court’s longer trajectory of judicial intervention. Since at least 2009, the Court has repeatedly reshaped the political arena through decisions on party disqualification, electoral system design, and term-limit regulation (Butt, 2016; Pompe, 2005). These interventions are not isolated, but form part of a sustained pattern of institutional activism. Taken together, they signal a shift in the locus of democratic structuring from elected bodies to the judiciary. In this sense, the Court has assumed a constitutive role in defining political competition. The cumulative effect corresponds

closely to what Stone Sweet (2000) describes as juridical governance, in which judges increasingly organize the political order itself.

Nonetheless, alternative readings deserve serious attention. Some critics contend that the Court's intervention risks exceeding proper judicial limits by displacing the authority of elected representatives with judicial discretion (Scheppelle, 2018). From this standpoint, the 2024 decision appears less as a form of democratic innovation and more as an instance of judicial overreach, reflecting what Hirschl (2004) describes as juristocracy. Rather than merely correcting institutional imbalances, the ruling may signal an expansion of judicial power into the political domain. In addition, although the decision broadened access for medium-sized political parties, it also carries the potential to splinter the electoral landscape. Such fragmentation may ultimately complicate coalition-building and governance at the local level (Mietzner, 2021).

A further limitation lies in data interpretability, as elite interviews often convey strategic self-rationalizations rather than detached or neutral assessments. In addition, the narrow temporal scope of the study (2024–2025) limits the possibility of drawing robust long-term causal conclusions. These constraints necessitate a cautious reading of the empirical material, particularly regarding actors' motivations and institutional dynamics. Nevertheless, the systematic triangulation of documentary evidence, interview data, and media sources strengthens the credibility of the analysis. This approach allows the findings to be situated within a consistent and intelligible institutional narrative (Denzin, 2017).

Overall, the growing body of evidence confirms that Indonesia's Constitutional Court functions not merely as a passive arbiter, but as an active architect of democratic change, translating constitutional norms into tangible institutional transformation. This role underscores how judicial intervention can operate as a vehicle for institutional adjustment in hybrid democracies, particularly where formal avenues of reform are politically restricted. Rather than remaining confined to dispute resolution, the Court has helped reshape democratic practices through strategic constitutional interpretation. The Indonesian experience therefore offers a grounded empirical basis for reassessing the judiciary's place in democratic evolution. It suggests that courts can, under certain conditions, initiate and steer processes of democratic reconfiguration rather than simply respond to them.

A review of both literature and empirical evidence identifies four key conceptual themes that illuminate the Indonesian Constitutional Court's role in shaping democratic practice. These themes capture how constitutional adjudication contributes to democratic processes while structuring the relationship between law and governance. Each theme reflects a distinct dimension of the evolving interaction between judicial authority, political legitimacy, and institutional design within a hybrid democratic context. Specifically, the analysis highlights: (1) judicial recalibration of political access, (2) the Court's institutional positioning as a politically consequential actor, (3) the hybridization of democratic legality through constitutional reasoning, and (4) the production of democratic legitimacy through adjudication. Together, these themes provide an analytical framework for understanding the dynamic interplay between judicial authority and democratic transformation in Indonesia.

The first major thematic insight centers on the judiciary's influence in redefining democratic participation. The Constitutional Court plays a crucial role in determining eligibility to engage in regional elections through its rulings on candidate qualifications, electoral disputes, and disqualification rules. Evidence drawn from the cases examined in this study—particularly MK Decision No. 33/PUU-XIII/2015 and MK Decision No. 55/PUU-XVII/2019—suggests a pattern in which the Court adopts interpretive flexibility to broaden political inclusion while maintaining adherence to constitutional limits. Within the scope of these decisions, this approach appears aimed at safeguarding procedural fairness and preserving competitive electoral conditions. Rather than implying a universal institutional trajectory, this observation is confined to the empirical cases analyzed here.

By doing so, the Court prevents overly rigid party or administrative restrictions from undermining the democratic process. The judicial interventions are grounded in legal reasoning but carry subtle political implications. They can be interpreted as contributing to a rebalancing between

entrenched elites and broader popular engagement. This formulation reflects an analytical inference derived from the study's interpretive reading of judicial reasoning and subsequent political responses, rather than a directly observable causal outcome. In this sense, the notion of "restoring balance" is used conceptually to capture how the rulings reshape perceived access to competition, not to assert empirically verified structural redistribution of power. Scholars such as Levitsky and Way (2010) note the Court's role in tempering elite dominance. Similarly, Ginsburg (2003) emphasizes the institutional importance of such recalibrations. Overall, the judiciary emerges as both a legal and political arbiter in shaping inclusive regional democracy.

Rather than serving solely as an impartial umpire, the Constitutional Court (MK) actively designs the parameters of democratic participation. It shapes not only who is eligible to contest elections but also the normative rules that determine the legitimacy of that competition. This active role resonates with Hirschl's (2004) concept of the "judicialization of mega-politics," where constitutional courts become arenas for redefining political inclusion and exclusion. The second key theme presents the Court as a political actor, though not in the conventional partisan sense. Instead, the MK functions as an instrument of institutional balancing within Indonesia's fragmented democratic system.

Interviews with political elites and Court insiders indicate that judges often take into account potential political repercussions when making decisions. This is particularly evident in cases related to gubernatorial and presidential elections (Dressel, 2012; Butt, 2016). The Court's rulings in the Pilkada Serentak 2020 illustrate how constitutional adjudication can operate as a tool for negotiated power. In these cases, the judiciary mediates tensions between state institutions, party coalitions, and civil society demands (Mietzner, 2021). These observations suggest a more nuanced understanding of judicial independence, one that is relational rather than absolute.

Judges' decisions appear to be shaped by context-specific political incentives rather than by an abstract ideal of independence (Vanberg, 2005; Staton, 2010). The MK, therefore, emerges as both a legal and political actor within Indonesia's democracy. Its interventions extend beyond interpreting law to actively structuring the democratic process. By navigating political sensitivities, the Court maintains a balance between legality and legitimacy in contentious electoral disputes. Ultimately, the MK exemplifies how constitutional courts can simultaneously safeguard democracy and participate in shaping its boundaries.

Therefore, the MK's political agency is not a sign of judicial capture but a manifestation of its embedded autonomy a condition where courts operate within political constraints while subtly reshaping them (O'Donnell, 1994; Helmke & Rosenbluth, 2009). A third finding highlights the hybridization of democratic legality—the way constitutional norms are simultaneously upheld and reinterpreted to accommodate pragmatic governance needs. The Court's jurisprudence reflects a dynamic equilibrium between legal formalism and political functionalism (Tushnet, 2008; Kommers & Miller, 2012). For example, in regional election cases involving candidate eligibility or party endorsement disputes, the MK has adopted interpretive strategies that blend procedural legality with sociopolitical contextualization—justifying decisions not only on textual grounds but also on considerations of democratic stability and representation (Butt, 2015; Safa'at, 2020).

This hybrid legality indicates that constitutional adjudication in hybrid regimes functions as a mediating process that reconciles democratic ideals with political realities (Levitsky & Way, 2010). The Court thus operates as a "constitutional stabilizer" (Stone Sweet, 2000), constructing a form of legality that is both principled and adaptable, signaling the evolution of post-authoritarian constitutionalism in Southeast Asia. The final theme emphasizes that the MK's authority derives not only from legal doctrine but also from its capacity to produce democratic legitimacy through procedural credibility and interpretive transparency (Ginsburg & Moustafa, 2008; Daly, 2019). Through high-profile rulings, public hearings, and reasoned judgments, the Court performs what Habermas (1996) calls discursive legitimation constructing democracy as an ongoing process of justification between state and society. Interviews with legal scholars and practitioners reveal that public trust in the MK often hinges on its symbolic capital as a neutral and deliberative institution, even when its decisions carry significant political ramifications (Butt & Lindsey, 2018; Mietzner, 2021).

This theme reinforces the argument that democratic legitimacy in transitional contexts is co-produced by legal institutions that successfully blend procedural authority with moral credibility. The MK's evolving legitimacy thus represents an institutional response to Indonesia's fragmented democracy an embodiment of how courts can simultaneously constrain and construct democratic order (Hirschl, 2008; Scheppele, 2018). Across these four themes, the findings reveal that Indonesia's Constitutional Court has evolved beyond its conventional role as a judicial arbiter into an institutional innovator a mechanism through which democracy is continuously reconstructed. Each theme interacts dialectically: judicial recalibration of access enables political agency; political agency fosters hybrid legality; and hybrid legality, in turn, generates new forms of legitimacy. Together, they illustrate how constitutional adjudication operates as both a constraint on power and a creator of democratic possibility (Mahoney & Thelen, 2010; Bevir & Rhodes, 2006).

Discussion

This study's main contribution lies in offering a theoretically informed and interpretive reconceptualization of constitutional adjudication in Indonesia. Rather than presenting the Court solely as a guardian of constitutional norms—a perspective common in existing scholarship on Indonesian constitutional review—the article examines how adjudication may function as a mechanism that shapes democratic processes in practice. Grounded in the analysis of Decision No. 60/PUU-XXII/2024 and related political responses, this contribution is not intended as a universal theoretical claim, but as an empirically informed analytical perspective that highlights the Court's potential role in structuring electoral participation and institutional incentives. By doing so, it offers a fresh perspective to comparative constitutional theory, highlighting how courts in hybrid democracies can act as instruments of institutional transformation when legislative reforms are blocked by entrenched elites. In such contexts, judicial bodies may effectively become architects of political change, steering reforms that legislatures cannot achieve. The 2024 decision of the Constitutional Court to eliminate the regional election nomination threshold serves as a concrete example of this dynamic. This ruling broadened avenues for political participation and appears to have influenced the configuration of power relations within the party system. From an interpretive analytical perspective, these developments suggest that judicial interventions can operate as mechanisms that shape democratic practice and political incentives, rather than demonstrating a definitive structural transformation. Given the short temporal scope of the available evidence, the observed effects should be understood as provisional and analytically inferred, not as empirically established systemic shifts.

This perspective engages with—rather than simply challenges—the conventional view that judicial activism may weaken democratic legitimacy (Tushnet, 2008). While the findings suggest that judicial intervention can shape democratic practice in constructive ways, this interpretation must be considered alongside scholarship highlighting the risks of judicial overreach and the emergence of juristocracy (Hirschl, 2004; Bellamy, 2007). Acknowledging these tensions allows the analysis to situate Indonesia's experience within a broader debate, recognizing both the potential democratic contributions of judicial activism and its possible implications for institutional balance and legitimacy. Instead, it proposes that courts can function as a corrective force, intervening when political institutions are compromised or dominated by particular interests. By exercising this authority, judiciaries have the potential to restore representational fairness within the political system. Indonesia's experience offers a relevant example, showing how courts can step in to address imbalances in governance. This pattern echoes cases in Latin America, where judicial bodies proactively adjusted electoral frameworks during periods of democratic strain (Helmke & Ríos-Figueroa, 2011). Overall, it highlights the role of courts not merely as arbiters of law, but as active participants in sustaining democratic equilibriums.

While much of the literature on the judicialization of politics has focused on the expanding reach of courts into policy-making arenas (Hirschl, 2008), this study shifts attention to a subtler dynamic: the politicization of judicial reasoning itself. By this, the article refers not simply to judicial activism—typically understood as courts asserting authority beyond deferential

interpretation-nor to strategic adjudication, which emphasizes calculated institutional positioning by judges, nor to normative constitutionalism's focus on principled rights-based reasoning. Instead, the concept highlights how political logics, institutional incentives, and contestations over legitimacy become embedded within the interpretive framing of legal arguments and doctrinal justification. In this sense, politicization is treated as an analytical lens for examining how judicial reasoning reflects and reproduces political structure, rather than as a claim about intentional activism or instrumental strategy. It demonstrates how judicial actors do not merely arbitrate political conflicts but actively absorb political rationalities in pursuit of constitutional aims. In Decision No. 60/PUU-XXII/2024, the Indonesian Constitutional Court explicitly grounded its reasoning in the principle of "equal opportunity of political participation" (*kesetaraan kesempatan berpolitik*). This invocation reflects a conscious normative choice rather than a mechanical application of legal doctrine. The Court's argument thus draws on value-laden constitutional ideals that transcend strict legal formalism. In doing so, it aligns more closely with a model of normative constitutionalism than with the formalist legal reasoning commonly associated with judicial restraint (Butt, 2015).

From an interpretive analytical standpoint adopted in this study, the Court's reasoning can be read as softening the boundary between interpreting the law and shaping institutional arrangements. This formulation reflects the author's analytical reading rather than an explicit self-characterization by the Court, and is informed by a post-positivist understanding of adjudication that views legal interpretation as embedded in institutional and political contexts. This move reinforces post-positivist arguments that, in emerging democracies, constitutional courts operate along a spectrum where legal judgment and political choice are closely intertwined (Gillman, 2002). Rather than acting as neutral arbiters, such courts actively participate in the structuring of political order. From this perspective, judicial reasoning becomes a mechanism of political construction in its own right. This insight aligns with Stone Sweet's (2000) conception of juridical governance and adds depth to the sociological understanding of constitutional adjudication.

Empirically, the findings of this study-derived from interpretive analysis of judicial decisions, semi-structured interviews with political and legal actors, and review of party and media documents-both corroborate and complicate existing scholarship. The empirical materials support established accounts of the expanding political role of courts, while also revealing patterns of institutional negotiation and strategic response that are less visible in studies centered primarily on constitutional design or national-level adjudication. These observations should be understood as interpretive empirical insights rather than positivist causal verification, reflecting the qualitative evidentiary basis of the analysis. In line with Butt (2016) and Pompe (2005), the analysis confirms that Indonesia's judiciary retains substantial latitude to reinterpret legislative intent. Yet this study departs from earlier accounts by demonstrating that judicial autonomy has evolved beyond a defensive or corrective function. Rather than merely reacting to legislative excesses, the judiciary now plays a generative role in institutional development. In doing so, it actively contributes to the formation of new democratic equilibria.

In contrast to Mietzner's (2021) thesis on democratic regression, these findings point to a striking paradox. While executive authority has become increasingly centralized and party politics remain dominated by oligarchic interests, the judiciary has at times advanced reforms that challenge prevailing power structures. This dual trajectory places Indonesia in a position of institutional tension rather than linear democratic decline. Comparable dynamics have been observed in Thailand and South Korea, where courts have alternated between roles as democratic guardians and partisan actors (Dressel, 2012). What distinguishes Indonesia, however, is the persistence of judicial activism amid broader trends of political consolidation. In this context, judicial power emerges as a contested arena, balancing aspirations for democratic renewal against the constraints of legal formalism.

Alternative explanations must be acknowledged. One might argue that the Court's 2024 decision reflects not democratic idealism but elite reconfiguration, serving as an institutional channel through which factions within the ruling coalition redistribute political resources (Levitsky

& Way, 2010). This alternative interpretation warrants closer consideration, as it highlights the need to distinguish analytically between outcomes framed in democratic terms and institutional adjustments driven by elite incentives. Rather than presuming judicial motivation, this study addresses the distinction by examining patterns of party response, coalition behavior, and strategic nomination practices following the ruling. In doing so, the analysis evaluates whether observed developments align more closely with expanded participation or with the reallocation of advantage among political elites, treating these explanations as competing interpretive possibilities rather than mutually exclusive conclusions. Methodologically, this study's reliance on elite interviews and judicial documents introduces limitations. Interpretive bias is inevitable in reconstructing judicial motives, and causal inference remains tentative due to the short temporal frame (2024–2025). However, methodological triangulation through judicial records, press releases, and party communications increases the robustness of the analysis (Denzin, 2017). Future research should consider longitudinal studies tracing whether judicially induced pluralism sustains or reverses over multiple electoral cycles.

The applicability of these findings is constrained by Indonesia's distinctive constitutional arrangement: a semi-decentralized presidential system characterized by robust judicial review and fragmented party competition. Although the Indonesian case yields valuable comparative insights for other hybrid democracies, particularly within Southeast Asia, its relevance cannot be assumed across dissimilar institutional settings. The dynamics observed here are most likely to travel to contexts where comparable scope conditions exist—such as a constitutionally empowered system of judicial review, a relatively autonomous constitutional court, and a fragmented or coalition-dependent party system that amplifies institutional incentives. In settings lacking these features, the interaction between adjudication and political restructuring may unfold differently. Specifying these conditions clarifies that the study's contribution lies in analytical transferability rather than broad empirical generalization. In countries where courts do not enjoy comparable constitutional authority or political insulation, the dynamics observed here may not readily apply (Dressel, 2012). The effectiveness of judicial intervention, in particular, is closely tied to the broader architecture of constitutional design. Variations in judicial independence and entrenched legal culture can substantially alter institutional outcomes. Consequently, any attempt to generalize from the Indonesian experience must carefully account for structural factors, including the strength of civil society and its capacity for sustained engagement.

The Indonesian experience highlights a wider theoretical insight: constitutional courts may function as arenas for democratic innovation when conventional political mechanisms reach an impasse. Rather than operating solely as guardians of legality, these courts can become sites where new democratic practices are tested and refined. In contexts of political deadlock, judicial intervention may open alternative pathways for institutional change. This perspective challenges static understandings of courts as merely reactive or counter-majoritarian bodies. It suggests that judicial institutions participate actively in shaping democratic outcomes. Consequently, scholars of comparative politics and constitutional law are encouraged to rethink constitutional courts as dynamic actors embedded within an evolving democratic order.

From an ethical standpoint, research on judicial politics in transitional democracies raises complex challenges related to researcher positionality and the sensitivities of political elites. In this study, several judges and party officials participated under strict confidentiality arrangements. Accordingly, all interpretive claims were deliberately anonymized to mitigate the risk of political or professional repercussions. Particular care was taken to ensure that analytical interpretations could not be traced back to identifiable individuals or institutions. Looking ahead, future scholarship in this field would benefit from reflexive methodological frameworks that foreground epistemic humility and contextual awareness. Such approaches are essential to producing rigorous analysis while avoiding unintended contributions to the delegitimization of fragile democratic institutions (Yanow & Schwartz-Shea, 2015).

From a policy standpoint, these findings suggest that judicial reform should extend beyond improving procedural efficiency to strengthening democratic responsiveness. The consequences

of the 2024 ruling indicate that judicial reasoning has the capacity to widen political access, even within systems traditionally controlled by elites. This underscores the judiciary's potential role as an active institutional actor in shaping inclusive political processes. Accordingly, reform agendas should not treat courts solely as technical arbiters of law. Instead, policymakers and advocates ought to foster institutional environments in which judicial bodies can engage constructively with questions of political participation. In such ecosystems, the judiciary functions not merely to resolve disputes, but to facilitate broader democratic inclusion (Ginsburg & Versteeg, 2014).

This study concludes that Indonesia's Constitutional Court has emerged as a pivotal agent of democratic reconstruction, mediating the delicate interplay between legality and legitimacy within a hybrid political regime. Rather than serving merely as an arbiter of constitutional compliance, the Court actively participates in the ongoing process of redefining democratic boundaries, institutional accountability, and citizen participation. The 2024 ruling that dismantled the regional election threshold stands as a paradigmatic moment in which constitutional adjudication became a form of democratic design where legal reasoning was mobilized as an instrument of political recalibration rather than as an endpoint of legal certainty (Hirschl, 2004; Butt, 2015). By situating judicial behavior within the broader theory of institutional change (Mahoney & Thelen, 2010), this research demonstrates that constitutional adjudication can both constrain and create democracy. Courts do not merely preserve existing norms; they rearticulate democratic principles in response to shifting political realities. Indonesia's Constitutional Court exemplifies this duality: it restrains elite excesses through constitutional review while simultaneously expanding political inclusivity through interpretive innovation. Such dynamics suggest that the judiciary in transitional democracies operates as a reflexive institution one that evolves in tandem with, and sometimes ahead of, the political order it is meant to regulate (Stone Sweet, 2000; Ginsburg, 2003).

Theoretically, these findings advance the frontier of comparative constitutionalism by recasting the judiciary as a constitutive actor in democratic evolution, not merely its guardian. Empirically, the Indonesian case underscores that judicial agency can emerge as a counter-hegemonic force when political avenues for reform are obstructed by elite entrenchment. In doing so, the Court performs what Hirschl (2008) calls "democratic repair through judicialization," where law becomes a medium through which democracy reinvents itself. At a practical level, these insights carry implications beyond Indonesia. They invite scholars and policymakers to reconsider the role of courts in shaping democratic resilience under conditions of institutional stagnation. When legislatures are gridlocked and parties are oligarchic, judicial interpretation may become the last frontier for democratic experimentation a paradoxical yet vital mechanism for sustaining pluralism in the 21st century's hybrid democracies. In sum, this study affirms that constitutional adjudication is not the conclusion of democracy but one of its creative beginnings a site where the principles of representation, accountability, and equality are continuously renegotiated through the language of law.

Conclusion

This study demonstrates that constitutional adjudication in Indonesia extends beyond its conventional function as a mechanism of legal correction and can be analytically understood as participating in democratic design. Through an in-depth examination of the Constitutional Court's 2024 decision abolishing the regional election nomination threshold, the article provides an empirical account of how judicial reasoning interacted with political incentives, institutional responses, and patterns of access within the electoral arena. Rather than asserting structural transformation, the analysis interprets these developments as indicative of the Court's embeddedness within the political life of a hybrid democracy, where constitutional interpretation operates within contested institutional contexts. By conceptualizing adjudication as a site of institutional redesign, this research advances a theoretical framing that situates the judiciary among actors capable of shaping democratic equilibria. In doing so, it contributes to scholarship that questions rigid distinctions between law and politics without presuming their complete dissolution.

Empirically, the study documents observable short-term effects following the Court's decision on Indonesia's party system and regional electoral dynamics. The removal of the nomination threshold corresponded with shifts in coalition strategies, increased maneuvering space for medium-sized parties, and altered patterns of coordination among political elites, as evidenced through party behavior and electoral registration data. These developments indicate behavioral reorganization rather than systemic restructuring, highlighting how judicial rulings can influence political practice within bounded temporal scope. The empirical material further suggests that the Court's authority operates not only through doctrinal force but also by expanding actors' perceptions of institutional possibility. In this sense, constitutional adjudication is observed to function as a catalyst for adaptive responses within the democratic ecosystem. The Indonesian case therefore serves as an empirically grounded illustration of how courts may affect democratic trajectories without exercising direct political mandate.

From a theoretical perspective, this study contributes to debates on judicialization and institutional change by integrating political jurisprudence with gradualist accounts of institutional transformation. Rather than portraying courts as episodic disruptors or passive guardians of continuity, the framework developed here positions them as ongoing participants in processes of democratic evolution. The analysis advances the proposition that reinterpretation of rules constitutes a mechanism through which institutional meaning and practice are incrementally reshaped. This theoretical contribution aligns with comparative insights emphasizing agency, discretion, and interpretive contestation in institutional development. Consequently, the judiciary is conceptualized not as external to politics, but as one arena in which democratic norms are negotiated and reconstructed.

At the same time, the study recognizes the normative and practical tensions associated with this expanded analytical framing of judicial roles. Debates surrounding judicial activism raise concerns about overreach, politicization, and the potential displacement of legislative authority, issues that remain salient in Indonesia's contemporary democratic discourse. While the empirical findings indicate that judicial intervention may counterbalance constraints imposed by oligarchic or entrenched interests, this interpretation is presented cautiously rather than as a normative endorsement. The central analytical task therefore lies in specifying conditions under which adjudication strengthens or undermines democratic legitimacy. This balanced position avoids both celebratory and dismissive readings of judicial power.

In conclusion, the Constitutional Court's 2024 ruling illustrates how courts in hybrid democracies may be interpreted as participants in processes of democratic reconfiguration. The study's empirical observations and theoretical framing together suggest that constitutional adjudication should be understood as an arena of ongoing contestation rather than a terminal resolution of political conflict. This case invites scholars and policymakers to reconsider the judiciary's institutional location within democratic systems, particularly where conventional reform channels encounter blockage or inertia. By conceptualizing courts as context-sensitive and dynamic, the research opens avenues for further inquiry into adaptive democratic governance under constraint. Ultimately, the analysis underscores that democratic development unfolds not only in representative institutions but also in judicial spaces where law and politics intersect.

References

- Bevir, M., & Rhodes, R. A. W. (2006). Interpretive approaches to British government and politics. *The British Journal of Politics and International Relations*, 8(2), 129–152. <https://doi.org/10.1111/j.1467-856X.2006.00235.x>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Butt, S. (2015). *The Constitutional Court and democracy in Indonesia*. Brill Nijhoff.
- Butt, S. (2016). *Judicial review and democracy in Indonesia: The Constitutional Court and legal change*. Routledge.
- Butt, S., & Lindsey, T. (2018). *The Constitution of Indonesia: A contextual analysis*. Hart Publishing.

- Charmaz, K. (2014). *Constructing grounded theory* (2nd ed.). Sage.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage.
- Daly, T. G. (2019). *The alchemists: Questioning our faith in courts as democracy builders*. Cambridge University Press.
- Denzin, N. K. (2017). *The research act: A theoretical introduction to sociological methods* (4th ed.). Routledge.
- Dressel, B. (2012). *The judicialization of politics in Asia*. Routledge.
- Dressel, B. (2012). Judicialization of politics or politicization of the judiciary? The Indonesian Constitutional Court after a decade. *The Pacific Review*, 25(5), 701–721.
- Fisher, L. (2006). *Constitutional dialogues: Interpretation as political process*. Princeton University Press.
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. MIT Press.
- Gillman, H. (2002). How political parties can use the courts to advance their agendas. *American Political Science Review*, 96(3), 511–524. <https://doi.org/10.1017/S0003055402000306>
- Ginsburg, T. (2003). *Judicial review in new democracies: Constitutional courts in Asian cases*. Cambridge University Press.
- Ginsburg, T., & Moustafa, T. (Eds.). (2008). *Rule by law: The politics of courts in authoritarian regimes*. Cambridge University Press.
- Ginsburg, T., & Versteeg, M. (2014). Why do countries adopt constitutional review? *Journal of Law, Economics, & Organization*, 30(3), 587–622. <https://doi.org/10.1093/jleo/ewt010>
- Habermas, J. (1996). *Between facts and norms*. Polity Press.
- Hall, P. A., & Taylor, R. C. R. (1996). Political science and the three new institutionalisms. *Political Studies*, 44(5), 936–957. <https://doi.org/10.1111/j.1467-9248.1996.tb00343.x>
- Helmke, G., & Ríos-Figueroa, J. (Eds.). (2011). *Courts in Latin America*. Cambridge University Press.
- Hirschl, R. (2004). *Towards juristocracy: The origins and consequences of the new constitutionalism*. Harvard University Press.
- Hirschl, R. (2008). The judicialization of politics. In K. E. Whittington, R. D. Kelemen, & G. A. Caldeira (Eds.), *The Oxford handbook of law and politics* (pp. 119–141). Oxford University Press.
- Kompas. (2024, August 21). MK ubah ambang batas pencalonan pilkada demi keadilan dan akses politik. Kompas. <https://www.kompas.id>
- Levitsky, S., & Way, L. A. (2010). *Competitive authoritarianism: Hybrid regimes after the Cold War*. Cambridge University Press.
- Mahfudhi, M. A. (2024). Golkar powerbrokers jostle for control of Indonesia's second largest party. Indonesia at Melbourne. <https://indonesiaatmelbourne.unimelb.edu.au/golkar-powerbrokers-jostle-for-control-of-indonesias-second-largest-party/>
- Mahoney, J., & Thelen, K. (2010). *Explaining institutional change: Ambiguity, agency, and power*. Cambridge University Press.
- March, J. G., & Olsen, J. P. (1989). *Rediscovering institutions: The organizational basis of politics*. Free Press.
- Mietzner, M. (2010). Political conflict resolution and democratic consolidation in Indonesia. *Journal of East Asian Studies*, 10(3), 397–424. <https://doi.org/10.1017/S1598240800003669>
- Mietzner, M. (2021). Democratic regression in Indonesia: Causes, symptoms, and prognosis. *Asian Studies Review*, 45(1), 1–22. <https://doi.org/10.1080/10357823.2020.1840006>
- O'Donnell, G. (1994). Delegative democracy. *Journal of Democracy*, 5(1), 55–69.
- Patton, M. Q. (2015). *Qualitative research and evaluation methods* (4th ed.). Sage.
- Pompe, S. (2005). *The Indonesian Supreme Court: A study of institutional collapse*. Cornell University Press.
- Saldaña, J. (2016). *The coding manual for qualitative researchers* (3rd ed.). Sage.
- Scheppele, K. L. (2018). Autocratic legalism. *University of Chicago Law Review*, 85(2), 545–583.
- Schwartz-Shea, P., & Yanow, D. (2012). *Interpretive research design: Concepts and processes*.

- Routledge.
- Stone Sweet, A. (2000). *Governing with judges: Constitutional politics in Europe*. Oxford University Press.
- Syafa'atun Ni'mah, I., & Mahfudhi, M. A. (2025). Indonesia's religious groups and their mining concessions. *Stratsea*. <https://stratsea.com/indonesias-religious-groups-and-their-mining-concessions/>
- Tempo. (2024, September 1). Partai tunggal mulai ramai pendaftaran calon kepala daerah. *Tempo*. <https://www.tempo.co>
- Tsauro, M. A., & Mahfudhi, M. A. (2024). One-horse races in regional elections: Another grim symptom of Indonesia's ailing democracy. *Indonesia at Melbourne*. <https://indonesiaatmelbourne.unimelb.edu.au/one-horse-races-in-regional-elections-another-grim-symptom-of-indonesias-ailing-democracy/>
- Tushnet, M. (2008). *Weak courts, strong rights: Judicial review and social welfare rights in comparative constitutional law*. Princeton University Press.
- Vanberg, G. (2005). *The politics of constitutional review in Germany*. Cambridge University Press.
- Yanow, D., & Schwartz-Shea, P. (2015). *Interpretive research design: Rethinking epistemology in the human sciences*. Routledge.