



Regional Head Election Post-MK Decision Number 60/PUU-XXII/2024 in the Constitutional Law Landscape

Hufron^{1*}, Sultoni Fikri², Syofyan Hadi³, Baharuddin Riqiey⁴

^{1,2,3} Faculty of Law, Universitas 17 Agustus 1945 Surabaya, Surabaya, East Java, 60119, Indonesia

⁴ Faculty of Law, Universitas Airlangga, Surabaya, East Java, 60286, Indonesia

* Corresponding author: hufron@untag-sby.ac.id

Article	Abstract
<p>Keywords: Constitutional Court Decision; Regional Head Elections; Legal Pragmatism.</p> <p>Article History Received: Jan 8, 2025; Reviewed: Feb 1, 2025; Accepted: Apr 8, 2025; Published: Apr 10, 2025.</p>	<p><i>This article aims to analyse the implications of the Constitutional Court's decision on the regional head election system in Indonesia and evaluate its impact on political participation and diversity within local democracy. The Constitutional Court, as the interpreter of the constitution, particularly in the context of regional head elections, plays a pivotal role in shaping the landscape of constitutional law. Constitutional Court Decision No. 60/PUU-XXII/2024, which controversially alters the candidacy requirements for regional heads from being based on seat or vote share to being based on population size, reflects the need to align the law with evolving socio-political dynamics. This legal research employs statutory, conceptual, and case study approaches. This decision is expected to broaden access for smaller parties and independent candidates, thereby enhancing political diversity and voter choice. However, there is a risk that the changes might induce political instability or lead to dominance by large parties. Thus, ongoing monitoring and evaluation of the impact of these changes are crucial to ensure that constitutional law reforms achieve their intended goals of justice and representation. This article contributes to understanding how the law can adapt to societal needs and the challenges faced in the democratisation process. By emphasising the importance of legal pragmatism, the article illustrates that the law should function as a theoretical norm and an effective tool for addressing the continuously evolving socio-political dynamics. The research is intended to serve as a reference for policymakers and academics in comprehending and implementing constitutional law reform in Indonesia.</i></p>



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INTRODUCTION

The Constitutional Court (henceforth referred to as MK) has attracted significant attention for its pivotal role as the final arbiter of constitutional interpretation, this time through a controversial ruling concerning the 2024 Regional Head Elections (henceforth referred to as Pilkada). On August 20, 2024, the MK rendered a partial decision in favour of a petition filed by the Partai Buruh and the Partai Gelora in case number 60/PUU-XXII/2024, which contested the legal requirements for candidacy in regional elections (Bahar, 2024). This decision has profound implications for the political landscape at the local level in Indonesia, as Pilkada constitutes a critical mechanism for the perpetuation of democratic governance in the regions. The MK's decision, which amends the provisions of Article 40 Paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (hereinafter referred to as Law No. 10/2016) (Muhammad Anwar Soleh & Durohim Amnan, 2024), represents a significant legal development in the realm of regional electoral law. Specifically, the Court has replaced the previous candidacy requirements, predicated on the acquisition of legislative seats or electoral votes, with new criteria based on the population size of the relevant province or regency/city. This jurisprudential shift is perceived as a pragmatic approach intended to enhance the inclusivity of political parties in nominating candidates for regional leadership positions (Fikri, 2024). Nevertheless, the ruling has sparked debate, reflecting the contentious nature of altering long-standing electoral norms. The decision underscores the ongoing tension between legal reform and political interests, raising important questions about the future trajectory of electoral law and its impact on democratic processes in Indonesia (Fikri, 2024)(Al Fatih & Nur, 2023).

The MK ruled that the candidacy requirements in Article 40(1) of Law No. 10 of 2016 conflict with the Constitution (UUD NRI 1945), particularly the principles of justice and equality in democratic participation. The Court found the previous requirements, based on DPRD seats or valid votes in legislative elections, outdated and misaligned with Indonesia's current political and demographic dynamics. The revised requirements now consider population size to enhance representativeness. For gubernatorial candidates, provinces with populations up to 2 million require 10% of valid votes, 2–6 million require 8.5%, 6–12 million require 7.5%, and over 12 million require 6.5%. For regents or mayors, regions with populations up to 250,000 require 10%, 250,000–500,000 require 8.5%, 500,000–1 million require 7.5%, and over 1 million require 6.5%. This amendment aims to improve equity and inclusivity in regional elections, reflecting Indonesia's diverse conditions (Argawati, 2024).

The legal deconstruction undertaken by the Constitutional Court can be understood from the perspective of legal pragmatism, wherein judicial rulings are primarily oriented toward practical considerations that reflect social dynamics rather than strictly adhering to legal theory or judicial precedent (Sery, 2022). This approach underscores the necessity of legal flexibility in responding to social, political, and

demographic changes (Bernstein & Cárcamo Aguad, 2023). Law must remain fluid to ensure the attainment of justice (Kharisma & Satria, 2024). The MK's decision exemplifies how the principles of legal pragmatism can facilitate more inclusive policies by providing greater opportunities for political parties previously hindered by limitations in nominating regional head candidates due to their low vote shares in legislative elections (Sery, 2022). By recalibrating candidacy requirements to better align with demographic realities, this ruling could potentially expand access to the political process, enhance public participation, and strengthen democratic principles at the local level.

An analysis of the MK decision through the lens of legal pragmatism reveals that, despite the associated risks, the MK's approach can be seen as an effort to align the law with existing political realities while expanding political parties' access within the democratic system. In this context, legal pragmatism emphasises achieving optimal outcomes when facing the practical challenges inherent in Indonesia's legal and political systems. The legal deconstruction of Pilkada undertaken by the MK through this ruling triggers reflection on how the law must continuously evolve alongside changing socio-political dynamics (Putri & Purwanti, 2018). An adaptive and responsive legal framework is essential for maintaining the law's relevance and effectiveness in serving the public interest (Frohlich et al., 2018; Lescauwat et al., 2022). In this light, the MK's decision can be viewed as part of an ongoing process of legal evolution in Indonesia, which seeks to balance socio-political realities with legal theory (Steuer, 2024). By recognising the need for flexible and adaptable law, the MK is contributing to the development of a better-equipped legal system to address the complexities of contemporary governance and democracy. This pragmatic approach underscores the importance of a legal system that not only adheres to established principles but also responds to the shifting landscape of society and politics (Grey, 1989). By doing so, the MK's decision reflects a broader trend in legal thought that prioritises practical considerations and the broader impact of legal rulings on the democratic process. Ultimately, this ruling represents a step towards a more inclusive and responsive legal system better suited to modern Indonesian society's needs and challenges.

Utilising legal pragmatism, this research seeks to analyse the practical implications of MK's Decision No. 60/PUU-XXII/2024 on the implementation of Pilkada in Indonesia. The legal pragmatism approach emphasises the evaluation of law based on the tangible consequences of its application, thereby allowing for an understanding of how this legal change will impact the local democratic process and political stability at the regional level (Posner, 2004). The MK's Decision No. 60/PUU-XXII/2024 represents a pivotal development in Indonesia's regional election system, raising fundamental legal, political, and democratic concerns. This study examines the ruling from the perspective of legal pragmatism, emphasising that judicial decisions should be evaluated based on their practical consequences rather than rigid adherence to legal formalism. By assessing the court decision's impact on local democratic processes and

regional political stability, this research situates the ruling within broader discussions on legal adaptability and governance reform.

The significance of this study lies in its contribution to the discourse on democratic equity, political participation, and legal transformation in Indonesia. While previous research has explored the ruling's potential to enhance inclusivity by lowering nomination thresholds for regional head candidates (Soleh & Amnan, 2024) and its alignment with constitutional protections for non-parliamentary parties (Alimsyah & Syam, 2024), this study critically examines its broader systemic effects. Specifically, it investigates how the decision challenges entrenched local oligarchies (Naharuddin & Imran, 2024) and addresses structural barriers to democratic fairness. By integrating legal pragmatism and deconstructionist analysis, this research offers a novel perspective on the ruling's transformative implications for the relationship between law and society, particularly in fostering substantive justice and equitable representation. Unlike prior studies focusing on democratic revitalisation and its associated challenges, such as money politics and bureaucratic neutrality (Yanto & Bariki, 2024), this study provides a nuanced evaluation of the law's ability to adapt to changing socio-political dynamics. Through this approach, the research seeks to contribute to the scholarly and policy discourse on strengthening Indonesia's democratic institutions while ensuring that legal reforms remain responsive to societal needs.

METHOD

This research employs normative legal research utilising three approaches (Al-Fatih, 2023)(Negara, 2023). First, the statutory approach is used to examine the applicable legal norms within the framework of existing regulations. Second, the conceptual approach is applied to understand the underlying legal concepts and provide theoretical context to the issues being studied, particularly by linking MK Decision No. 60/PUU-XXII/2024 with the concepts of legal deconstruction and legal pragmatism. Third, the case study approach analyses MK's Decision No. 60/PUU-XXII/2024 and offers an applied perspective on existing legal theories. Integrating these three approaches enables the research to produce a comprehensive legal analysis of the study (Al-Fatih & Siboy, 2021).

RESULTS AND DISCUSSION

Deconstructing Regional Election Law in MK Decision No. 60/PUU-XXII/2024

In Decision No. 60/PUU-XXII/2024, the MK has undertaken a deconstruction of the legal rules governing the candidacy threshold in regional head elections, significantly altering the paradigm that has long been upheld within Indonesia's electoral system. Legal deconstruction refers to the effort to dismantle, analyse, and

reconstruct existing legal norms to better align the law with the evolving social and political landscape (Culler, 2015; Hernando Nieto, 2022; Turner, 2013). This process is not merely about replacing or eliminating existing norms but involves a deep understanding of how these norms were formed, their impacts, and how they can be refined to better reflect fundamental societal values such as justice and democracy (Direk, 2014). The French philosopher Jacques Derrida first popularised the concept of deconstruction in philosophy and literary theory (Zuckert, 1991). However, this idea also holds significant relevance in the realm of law. Derrida emphasised that law is not static but rather a social construct continuously undergoing formation and renewal (Fecondo, 2020). Law must remain open to change through critical and reflective reinterpretation (Solum, 2011). Derrida believes that every legal text contains ambiguities and contradictions that can be uncovered and explored through deconstruction (Fecondo, 2020). Therefore, deconstruction opens the door to new interpretations that challenge existing power structures and pave the way for justice (Sokoloff, 2005). As in regional head elections, the legal deconstruction initiated by the MK through Decision No. 60/PUU-XXII/2024 serves to challenge and alter provisions that have long been considered structural barriers to broader political participation. The MK essentially recognises that law should not obstruct participatory democracy, and the deconstruction undertaken by the Court demonstrates that law must be adaptive to the changing times (Saleha et al., 2024). In an era where political awareness and demands for broader representation are increasing, the law must be capable of addressing these new challenges. Through deconstruction, the Court revises existing legal rules and shifts the paradigm underlying those rules. This step is crucial in ensuring that the law remains relevant and responsive to the aspirations of society. The legal deconstruction advanced by the Court manifests the importance of a critical approach to interpreting and understanding the law. Consequently, law is no longer viewed as a sacred, static, and unassailable entity but rather as a social construct that constantly requires scrutiny and re-evaluation (Tushnet, 1984). Within this framework of thought, law is the product of a dynamic and ever-changing social process and, therefore, must always be subjected to constructive criticism and debate (Balkin, 1987). The MK's approach in Decision No. 60/PUU-XXII/2024 highlights the fluidity and adaptability required in legal systems, particularly in the context of evolving democratic norms.

The deconstruction process undertaken by the Court not only addresses immediate structural barriers but also sets a precedent for ongoing legal evolution in response to societal needs (Solum, 2011). This decision can be seen as part of a broader trend towards a more inclusive and participatory legal framework that seeks to ensure that the law serves as a facilitator rather than an impediment to democratic processes. By reinterpreting and reconstructing legal norms, the Court reinforces the idea that the law must be a living instrument which evolves alongside the society it governs to better serve the principles of justice and democracy.

In essence, the MK's deconstruction of legal norms, in this case, reflects a progressive understanding of law as a tool for social engineering. The decision

underscores the need for the legal system to remain flexible and responsive to the complexities of modern governance and societal expectations. It also emphasises the judiciary's critical role in re-evaluating and adapting legal frameworks to better align with the realities of contemporary political life. Through this approach, the law is continuously refined and redefined, ensuring its effectiveness and legitimacy in a rapidly changing world.

The deconstructive approach applied by the MK reflects an effort to uncover and address layers of injustice that may be concealed behind established legal norms. By embracing deconstruction principles, the Court not only examines the existing normative structure but also seeks to create space for new, more equitable interpretations. As Derrida suggests, the law must always be ready for reinterpretation to avoid becoming merely an instrument of repressive power (Sokoloff, 2005). Instead, the law should function as a dynamic and progressive tool for justice, continually adapting to the changing times and societal needs (Ren, 2024). Through this process, the law is expected not to become an entity frozen in outdated dogmas or norms but rather a system capable of responding to and accommodating the complexities of socio-political realities. Legal deconstruction, therefore, is not merely an academic method but a call to ensure that the law remains relevant and effective in achieving true justice (Derrida, 2020). This critical approach paves the way for a more just and responsive legal transformation, meeting societal demands and addressing emerging challenges. By applying deconstructive principles, the MK's decision exemplifies a commitment to evolving legal frameworks that reflect the dynamic nature of society. The MK's role in this process is to challenge existing legal paradigms and foster an environment where the law can adapt and grow in alignment with contemporary values and needs to ensure that the law does not merely serve as a static relic but as a living, adaptable system capable of advancing justice and equity in a constantly evolving social landscape (Tushnet, 1984).

Legal deconstruction highlights the importance of openness to pluralism in legal interpretation, urging us to recognise that law cannot be considered a monolithic structure with absolute certainty (Bobrovnyk, 2021; Tusseau, 2020). This principle underscores the need to accommodate a variety of interests and perspectives in society. As a manifestation of socio-political values, law must be designed to encompass and respond to the complexities of a dynamic socio-political reality. When electoral regulations are structured, deconstruction suggests that the system should be able to cater to the majority's voice and provide fair space for candidates representing minority groups or differing perspectives (Guinier, 1994). This means that law should not be a rigid structure but an arena filled with productive dialogue and debate. By creating opportunities for more candidates to participate, deconstruction has the potential to foster a more representative electoral process. This deconstructive principle invites us to transcend established normative boundaries and explore new possibilities in political decision-making (Fecondo, 2020). In the context of Pilkada, this implies that existing rules should be designed to facilitate a diversity of perspectives and recognise that each candidate has the potential to offer distinct solutions to the challenges.

Before this ruling, the regulations governing the threshold for candidacy in local elections required that political parties or coalitions of parties must secure at least 20% of seats in the DPRD or 25% of valid votes in the most recent election to be eligible to nominate candidates for local office. This requirement had long been a significant barrier for smaller or newer parties seeking to participate in local elections. However, the MK found that this stipulation was contrary to the fundamental democratic principles mandated by the UUD NRI 1945, particularly regarding the citizens' rights to be elected and to vote (Budahu et al., 2022; Nuraisyah et al., 2024). Consequently, the MK dismantled this requirement and replaced it with a new, more flexible criterion based on the population of the relevant province or district/city. Under the revised rule, political parties or coalitions can now nominate candidates without meeting the previous 20% seat or 25% vote thresholds from the last election. Instead, they only need to fulfil a percentage requirement based on the population of the area in question. This change represents a significant form of legal deconstruction, as the MK did not merely eliminate a restrictive provision but reconstructed the regulations with a new, more inclusive structure. The new requirements are expected to broaden political participation at the regional level, as more political parties can now nominate candidates without being hindered by high threshold requirements. This also gives parties with localised support opportunities to engage in local political contests, although they do not dominate nationally.

In its decision No. 60/PUU-XXII/2024, the MK undertook a significant reformation of the legal framework governing candidacy thresholds for regional head elections in Indonesia. This decision illustrates a critical shift in the legal landscape, guided by the principles of legal deconstruction and pragmatism. The previous regulation required political parties or coalitions to secure at least 20% of the seats in the DPRD or 25% of valid votes in the most recent general election to qualify for nominating candidates for regional head positions. According to the MK, this threshold constituted a substantial entry barrier for smaller or newly established parties and independent candidates, thereby constraining the democratic process (Fajar Dwiranda & Alkohir Anggoro, 2020). From a legal perspective, the MK's decision challenges this high candidacy threshold because it undermines fundamental democratic principles enshrined in Article 3, paragraph 1 UUD NRI 1945 (Alimsyah & Syam, 2024). The MK contended that such a stringent requirement perpetuated an oligarchic political structure at the local level, centralising political power within a few large parties with sufficient resources and political power. Consequently, this situation marginalised smaller parties and independent candidates who, despite having innovative ideas, found themselves excluded from participating in regional head elections. The MK argued that this scenario contravened the core democratic principle of popular sovereignty, which guarantees every citizen equal participation in the political process and the ability to stand for election (Prihatiningtyas, 2018). The principle of popular sovereignty emphasises that political participation should not be unjustly limited by excessive or discriminatory requirements (Lestari & Risnain, 2020). By maintaining a high candidacy threshold, the legal framework effectively restricted

political competition to established entities, thereby impeding broader democratic representation (Fajar Dwiranda & Alkohir Anggoro, 2020). In response, the MK's ruling to lower the candidacy threshold and base it on population size rather than fixed percentage criteria reflects an attempt to rectify these democratic imbalances. This decision is a significant instance of legal deconstruction, as it involves altering existing norms and fundamentally reconstructing them to align with the evolving demands of political inclusivity and fairness. The revised criteria now allow political parties or coalitions to nominate candidates based on a proportional representation relative to the population of the province or district, thereby enabling a more equitable opportunity for participation in regional head elections. The Court's decision represents a pragmatic approach to legal reform, highlighting adaptability and responsiveness to contemporary social and political realities. It also underscores the necessity for legal systems to be dynamic and capable of addressing emerging challenges and aspirations within a democratic society. By adopting a lower candidacy threshold, the MK aims to foster a more representative political environment to encourage a greater diversity of candidates and enhance the overall quality of democracy at the regional level. The MK's ruling reflects a commitment to reinterpreting and updating the legal framework to ensure that it remains relevant and effective in achieving substantive justice. This legal deconstruction and reconstruction process should challenge existing norms and pave the way for a more inclusive and equitable political system (Hernando Nieto, 2022). The decision reflects the broader legal principle, indicating that law is a dynamic, socially constructed, and continuously evolving system addressing societal needs and demands (Ladeur, 2021).

The MK's decision No. 60/PUU-XXII/2024 not only addresses the candidacy threshold from the perspective of political inequality but also evaluates the practical implications of such provisions on the quality and diversity of candidates. The previous high candidacy threshold posed significant barriers to the emergence of alternative candidates who might be more representative and aligned with the specific needs of the regions. Historically, the elevated candidacy requirements favoured established large parties with substantial resources, while candidates from diverse political and social backgrounds or smaller parties with fewer seats in the DPRD were frequently hindered from entering the electoral arena. This situation often resulted in a political landscape dominated by a few well-resourced entities, limiting the representation of alternative perspectives and innovative ideas that could better address regional issues. By reducing the candidacy threshold based on the respective province or district population, the MK has broadened the opportunity for candidates from various backgrounds to participate in regional head elections. This adjustment opens access for smaller parties and independent candidates and enriches the choices available to voters in each region. The revised criteria enable a more diverse pool of candidates who may possess a deeper understanding of and sensitivity to local issues and bring visions that fit local communities' specific needs and aspirations. This decision's legal rationality is grounded in asserting that a healthy democracy requires fair competition and broad representation. In an ideal democratic system, every vote should have an

equal opportunity to influence the election (Fajar Dwiranda & Alkohir Anggoro, 2020). By lowering the candidacy threshold, the MK not only reduces the dominance of large parties but also expands the space for candidates who may introduce innovative ideas and fresh perspectives. This, in turn, contributes to a more representative political process, where every individual has a fair chance to influence the direction of local governance. The Court's decision reflects a commitment to enhancing democratic practices by ensuring that the electoral system accommodates a broader range of voices and perspectives, in line with the notion that democracy thrives on inclusivity and equitable competition, providing all eligible candidates with an opportunity to compete and contribute to the governance of their regions. Thus, the decision represents a significant step toward fostering Indonesia's more dynamic and representative electoral system (Widodo, 2022).

The MK's decision No. 60/PUU-XXII/2024, which eliminates the previous candidacy threshold of 20% of DPRD seats or 25% of valid votes, has significant implications for related legal provisions and regulations. This landmark ruling necessitates comprehensive adjustments to various legal and regulatory frameworks governing candidacy mechanisms in regional head elections. The removal of the previous threshold introduces a pressing need to revise existing regulations, particularly those established by the KPU. These regulations encompass a range of technical aspects related to elections, including the procedures for candidate registration. Specifically, the regulations detailing the technicalities of candidate registration must be updated to align with the new candidacy requirements set forth by the Court. This ensures that nominating candidates is consistent with the revised threshold criteria. Moreover, the rules concerning the percentage of votes or seats required to advance to the election phase must also be revised to remain congruent with the Court's new ruling. This adjustment is crucial to ensure the electoral process remains fair and transparent, reflecting the MK's decision to make candidacy more inclusive. The implementation of population-based thresholds requires a re-evaluation of the relevant data and methodologies to determine candidacy requirements. The new basis for calculating candidacy thresholds, which is now linked to the population of the respective province or district, necessitates updated demographic data and refined methods for determining eligibility. This shift requires the KPU and other relevant authorities to adapt their processes to accommodate the new standards and ensure that the electoral framework operates smoothly and accurately.

As mandated by the MK's decision, the deconstruction of candidacy thresholds has far-reaching implications for local political dynamics. The elimination of high candidacy thresholds presents a transformative shift in the political landscape, necessitating significant strategic adjustments by political parties across various regions. The removal of the previously stringent candidacy requirements opens up opportunities for smaller parties and independent candidates, thereby altering the existing patterns of political coalition-building previously dominated by larger parties (Amin Bahri, 2020). This shift will likely disrupt traditional power structures and encourage a more diverse range of political actors to participate in regional head

elections. As a result, political parties are compelled to recalibrate their strategies to align with the new regulations. This recalibration involves adopting more innovative and adaptive campaign tactics to effectively engage with the electorate. With the introduction of a more inclusive candidacy framework, political parties must now navigate a more competitive and open electoral environment. This new environment presents opportunities and challenges, as parties strive to differentiate themselves and garner public support in an arena where competition is heightened. The need for strategic adaptation extends beyond campaign tactics. Political parties must also reconsider their approaches to coalition-building and alliance formation. The new political dynamics demand forging new partnerships and alliances pertaining to the evolving electoral context. Parties will need to navigate a more fluid and diverse political arena, which may require them to engage with a broader spectrum of political actors and interest groups.

The judicial deconstruction undertaken by the MK has overarching implications for public perceptions of openness in local politics. By eliminating the stringent candidacy thresholds, the new, more flexible regulations are expected to significantly enhance political participation, particularly among previously marginalised groups (Fikri et al., 2022). The removal of strict candidacy requirements provides access for smaller or newer political parties that previously struggled to field candidates. This adjustment is anticipated to diversify local political processes by allowing a broader spectrum of candidates from various backgrounds to participate (Rizqika & Firdaus, 2023). As a result, the local political arena is likely to become more vibrant and representative. In practical terms, voters will have access to a wider array of choices, reflecting a richer tapestry of political perspectives and solutions. The introduction of new candidates with diverse experiences and viewpoints could lead to innovative approaches to local governance and problem-solving. Such increased diversity in candidacy can foster a more dynamic political environment where novel ideas and alternative solutions are more likely to emerge.

The MK's decision No. 60/PUU-XXII/2024 exemplifies the notion that law is a dynamic entity requiring responsiveness to shifts in social and political contexts. As a guardian of the constitution, MK's role extends beyond merely ensuring that existing regulations are congruous with the constitutional text while upholding the spirit and principles underlying the constitution (Kansil & Nadilatasya, 2024). The Court's decision to eliminate the high candidacy thresholds reflects a legal responsiveness to the evolving demands within the political system. Previously, the requirement of either 20% of seats in the DPRD or 25% of valid votes to qualify for local elections was often perceived as a barrier for smaller parties and independent candidates (Rachbi & Slamet, 2020). By undertaking this legal deconstruction, MK has preserved procedural fairness and advanced substantive justice. The decision underscores the necessity for law to adapt to social and political developments to maintain constitutional principles such as justice and representation. The removal of the high candidacy threshold advances democratic values by fostering a more inclusive political arena. This move demonstrates a recognition that law must be relevant to contemporary societal realities

and needs, not merely adhering to legal texts. The MK's Decision No. 60/PUU-XXII/2024 embodies the idea that law must continuously evolve to remain pertinent and effective in addressing current social and political realities. The Court's action in dismantling restrictive candidacy requirements not only aligns with the constitutional principles of fairness and representation but also reflects a broader understanding that legal norms must be flexible and responsive to the changing dynamics of society.

Pragmatism in Legal Analysis: Understanding the Impact of MK Decision No. 60/PUU-XXII/2024

The MK Decision No. 60/PUU-XXII/2024 marks a significant turning point in the regional election system, particularly concerning the candidacy threshold requirements. In analysing this shift, the approach of legal pragmatism offers a dynamic philosophical perspective, allowing for an understanding of law not merely as a rigid normative framework but as a living instrument that must be in harmony with socio-political realities (Aburaera et al., 2013; Mochtar & Hiariej, 2023). Legal pragmatism is a school of thought that rejects the notion of law as something absolute, detached from its social context (Milovanovic, 2014; Watts & Roberson, 2014). Instead, this perspective posits that law should be viewed as a flexible and adaptive tool primarily aimed at addressing the real-world issues faced by society. When applied to Decision No. 60/PUU-XXII/2024, legal pragmatism underscores the importance of perceivable outcomes and the practical impact of a legal decision rather than its strict adherence to existing legal texts. Thus, law is not seen as a construction to be followed dogmatically but as a means to achieve substantive justice within the socio-political life. The MK's decision, viewed from the perspective of legal pragmatism, reflects an understanding that law is not just to maintain theoretical consistency; it should also effectively respond to and resolve the challenges posed by changing social conditions. This approach asserts that legal decisions should be judged by their ability to deliver just and equitable results in the real world, aligning legal processes with the broader goals of social justice and democratic inclusivity.

Philosophically, legal pragmatism is rooted in the thoughts of figures like Oliver Wendell Holmes Jr. Holmes famously asserted that "the law is what the judges decide," reflecting his belief that law cannot be separated from the interpretative process performed by legal actors within the context of specific socio-political situations (Fisch, 1942; Fisher, 1997). Holmes views the law as something living and that legal decisions must be grounded in experience, societal needs, and their real-world consequences (Grey, 1989). Good law effectively responds to evolving social needs (Saragih, 2024). He viewed law as an evolutionary process where each legal decision should always be evaluated based on its impact on societal welfare (Grey, 1989). In this view, law is a means to achieve broader social goals such as justice, equality, and freedom. From this perspective, MK's Decision No. 60/PUU-XXII/2024 can be analysed as an embodiment of the principles of legal pragmatism. The decision not

only addresses the need to overcome structural barriers in the process of regional head candidacies but also demonstrates that law must be adaptable to social and political changes at the regional level. The previously rigid candidacy threshold, which often favoured larger political parties, has been made more flexible, thus opening up space for more representative political participation. Legal pragmatism rejects a rigidly legalistic approach and encourages the assessment of law based on its perceivable outcomes and practical impacts. Therefore, MK's Decision No. 60/PUU-XXII/2024 should be evaluated not only in terms of its conformity with existing legal texts but, more importantly, in terms of whether the changes it brings about can accommodate the social and political dynamics occurring within society. The decision represents a significant step toward broader reforms in Indonesia's electoral legal system. By creating opportunities for more political parties to participate, the MK has taken an important step toward establishing a more just and democratic political system.

The effectiveness of the MK's deconstruction, particularly in practical terms, is evident in dismantling the previously stringent candidacy threshold for regional head elections. Before the ruling, political parties or coalitions were required to meet rigorous conditions to nominate candidates, specifically holding at least 20% of the seats in the DPRD or securing 25% of the valid votes in the most recent election (Ramadhani et al., 2023). This requirement posed significant challenges for smaller political parties, hindering them from easily participating in the candidacy process due to their inability to meet these high thresholds. This advantage predominantly benefitted larger parties with substantial support. However, following the MK's decision, these thresholds have been made more flexible. Rather than being based on a percentage of seats or votes, the Court introduced new criteria aligned with the population size of the respective province, regency, or city. This change means that political parties no longer need to meet such high thresholds to nominate regional head candidates. For instance, in areas with smaller populations, the required threshold will be proportionally lower compared to more populous regions. From the perspective of legal pragmatism, this change is considered effective because it creates greater opportunities for more inclusive political participation. By implementing more flexible criteria, a broader array of political parties, including smaller ones that previously lacked the strength to meet the high thresholds, now have the chance to engage in regional elections. This shift enables the electorate to choose from a wider range of candidates, which can, in turn, enrich the political dynamic and provide a platform for candidates who might offer different ideas and visions compared to those proposed by larger parties.

From a practical effectiveness standpoint, the MK's deconstruction of the regional head candidacy threshold can be regarded as a highly positive step. Previously, political parties or coalitions were required to meet stringent criteria, such as holding at least 20% of the seats in the DPRD or securing 25% of the valid votes in the last election,

to nominate candidates for regional head elections. These high thresholds often impeded smaller or newly established parties from participating in elections, effectively limiting the field to candidates put forth by larger parties. By modifying these requirements to a more flexible system based on the population size of a province or regency/city, the MK has broadened the opportunities for political parties to participate in the electoral process. This change promotes comprehensive democratisation by allowing a wider range of voices and ideas to be represented in the regional head election process. Consequently, the electorate now has the opportunity to choose from a more diverse set of candidates rather than being confined to those nominated by major parties. From the perspective of legal pragmatism, the effectiveness of law is not solely measured by procedural or formal criteria but by its tangible impact on society (Angelosanto, 2023). Legal pragmatism suggests that the law should function as a tool for achieving real social goals rather than merely serving as a rigid and inflexible set of rules (Angelosanto, 2023). The changes instituted by the MK demonstrate significant potential for enhancing political participation and fostering healthier competition in regional head elections. Existing legal rules should be evaluated based on how they affect citizens' everyday lives and whether they can bring about positive change. The deconstruction of the candidacy threshold by the MK can be seen as a response to the need for reforming an electoral system that was previously too exclusive and tended to favour larger parties. By lowering the barriers to entry, the MK has effectively opened up the political arena, allowing for a more inclusive and representative democratic process at the local level.

The flexibility in the candidacy regulations can be seen as a means to mitigate the dominance of political oligarchies, where political power is concentrated in a few elite members of major parties. By creating space for more parties to nominate candidates, the MK has taken a significant step toward setting a political system that diminishes the influence of money and power in the electoral process. This aligns with the principles of legal pragmatism, which advocate that law should empower the broader society rather than select a few individuals or groups with substantial political and economic resources. The changes implemented by the MK may not yield immediate, perfect results, but they should be viewed as an essential first step toward a more mature democratisation process. The effectiveness of law is not only measured by how quickly changes can be implemented but also by how these changes will impact the democratic process in the long term. If this reform successfully promotes greater political participation, broadens the choices available to voters, and strengthens healthy competition, then it can be argued that the change has achieved its desired pragmatic outcomes. In the long run, this reform could have a domino effect, encouraging further regional head election system advancements. As the public begins to see that they have more options and that their votes truly matter, it could enhance public trust in the political system and foster more active political participation. From a legal pragmatism

perspective, this is a highly desirable outcome, as the law should strengthen democracy and improve the quality of political life for society as a whole.

The relevance of new laws to societal needs is a crucial aspect of legal pragmatism analysis. Law must respond and adapt to the needs and aspirations of society, particularly in a continuously evolving socio-political context. The MK's Decision No. 60/PUU-XXII/2024, which modifies the threshold requirements for regional head candidacy, needs to be evaluated in terms of how well these changes align with local community needs. This decision, which shifts the candidacy threshold from a percentage of seats or votes to criteria based on population size, can be considered highly relevant. This new approach facilitates broader and more diverse political representation, aligning with the demands of a democracy. By making the candidacy threshold more flexible, more political parties, including smaller or newly established ones, can participate in regional head elections. This provides an opportunity for a wide array of political parties to nominate candidates representing their interests and aspirations, enhancing the quality and diversity of choices available to voters. In an increasingly complex and pluralistic society, expanding political participation is essential to ensure that different social groups have equal opportunities to run for office (Mallarangeng et al., 2019). By reducing existing barriers, this new law has the potential to strengthen community involvement in the political process, accommodate diverse voices and perspectives, and bolster local democracy. Evaluating these changes requires a close examination of how effectively they reflect and meet the needs and expectations of society at various levels, particularly at the regional level. The ability of the new law to enhance political inclusivity and responsiveness to local conditions will be key in determining its success. In the context of legal pragmatism, a law's effectiveness is measured not only by its adherence to formal legal principles but also by its practical impact on improving democratic processes and addressing the real concerns of the populace.

A comprehensive analysis of the long-term impact from a legal pragmatism perspective is essential to determine whether the amendments to the threshold requirements for regional head candidacies will yield substantive improvements or inadvertently introduce new challenges. Within the framework of legal pragmatism, it is imperative to evaluate how these amendments influence the broader legal process and democratic system in Indonesia over an extended period. Optimistically, if these changes effectively enhance political participation by affording greater opportunities for smaller and emerging political parties to compete, thereby strengthening democratic representation at the local level, the long-term implications would be viewed as favourable. This would result in an electorate with increased options during regional head elections, ensuring that political diversity is more accurately reflected in electoral outcomes (Aminah, 2020). However, should these amendments lead to political instability or facilitate the consolidation of power within particular groups,

such as well-resourced major political parties, the long-term consequences could be detrimental. Such outcomes might perpetuate inequities within the nomination process, thereby undermining the quality of local democracy. In instances where these risks materialise, further legislative adjustments would be warranted to rectify deficiencies and ensure that the legal reforms genuinely achieve their intended objectives. Consequently, ongoing monitoring and rigorous evaluation of the effects of these changes are crucial. Through this process, the legal and democratic frameworks can remain responsive to evolving circumstances, thereby maximising the positive outcomes of the reforms while mitigating any potential adverse effects.

From the perspective of legal pragmatism, the changes enacted through MK Decision No. 60/PUU-XXII/2024 should be assessed in terms of their impact on the relationship between law and society. Legal pragmatism underscores the importance of law not merely as theoretical norms but as an effective tool to address and adapt to the evolving socio-political dynamics. MK Decision No. 60/PUU-XXII/2024 is particularly significant as it responds to emerging societal demands and aspirations. An effective legal system can swiftly and accurately respond to social changes. If the ruling by the MK successfully bridges the gap between legal provisions and societal needs, it signifies progress in the legal democratisation process. In other words, the decision will serve as a rule to be followed and reflect the living socio-political values within the community. Thus, if MK Decision No. 60/PUU-XXII/2024 succeeds in aligning the law more closely with societal needs and aspirations, it indicates progress in adapting the law to existing socio-political realities. This reflects that the legal system in Indonesia is evolving towards a more responsive and adaptive framework crucial for achieving justice and enhancing public engagement in the legal process. Consequently, this decision can be viewed as a significant step forward in the legal democratisation process in Indonesia, progressively filling the gap between legal theory and social practice.

The pragmatic legal approach provides a robust framework for analysing the changes brought about by MK Decision No. 60/PUU-XXII/2024. By emphasising the effectiveness and relevance of the law in addressing societal needs, legal pragmatism allows for an evaluation of whether these changes genuinely improve the regional head election system in Indonesia. Although the reform can potentially enhance political representation at the local level, it is crucial to continuously monitor its long-term effects to ensure that the law functions optimally in supporting a healthy and sustainable democratic process in Indonesia.

CONCLUSION

The MK Decision No. 60/PUU-XXII/2024 introduces a paradigm shift in the candidacy threshold for regional head elections by replacing the previous requirements

of legislative seat percentage or valid votes with criteria based on population size. This jurisprudential development underscores a pragmatic legal approach to foster inclusivity in political participation and enhance democratic equity within Indonesia's regional electoral framework. The decision aspires to democratise the electoral process by broadening access for smaller political parties and independent candidates, thereby enriching political plurality and representation. Nonetheless, it acknowledges the potential risks of political instability or the concentration of power within dominant political entities, necessitating rigorous and sustained monitoring to ensure the reforms achieve their objectives of substantive justice and equitable, democratic representation. From the perspective of legal deconstruction, the MK underscores the necessity for law to evolve in alignment with dynamic socio-political realities. This ruling illustrates a progressive understanding of law as a responsive and adaptive instrument, transcending its static theoretical construct. The decision constitutes a pivotal contribution to the democratisation of Indonesia's legal system, reinforcing the principle that law should function as an effective mechanism for achieving justice, inclusivity, and resilience in democratic governance.

REFERENCES

- Aburaera, S., Muhadar, & Maskun. (2013). *Filsafat Hukum: Teori Dan Praktek*. Kencana.
- Al-Fatih, S. (2023). *Perkembangan Metode Penelitian Hukum di Indonesia* (1st ed., Vol. 1). UMM Press.
https://books.google.co.id/books/about/Perkembangan_Metode_Penelitian_Hukum_di.html?id=EOBiEAAAQBAJ&redir_esc=y
- Al-Fatih, S., & Siboy, A. (2021). *Menulis Artikel Karya Ilmiah Hukum di Jurnal Nasional dan Internasional Bereputasi*. Inteligensia Media.
- Al-Fatih, S., & Nur, A. I. (2023). Does the Constitutional Court on Local Election Responsive Decisions? *Journal of Human Rights, Culture and Legal System*, 3(3), 569–596. <https://doi.org/10.53955/jhcls.v3i3.74>
- Alimisyah, S., & Syam, R. (2024). Constitutional Court Decision No.60/Puu-XXII/2024 Protects the Constitutional Rights of Citizens and Political Parties in Simultaneous Regional Elections in the Regions. *LITERATUS*, 6(2), 543–552. <https://doi.org/10.37010/lit.v6i2.1712>
- Amin Bahri, A. M. (2020). Implikasi Yuridis Ambang Batas Terhadap Pengajuan Permohonan Sengketa Pilkada. *Jurnal Lex Renaissance*, 5(3). <https://doi.org/10.20885/JLR.vol5.iss3.art14>
- Aminah, S. (2020). The Evaluation of Regional Head Election: Developing Synergy of Regional Autonomy and Regional Head Election. *Jurnal Bina Praja*, 12(2), 137–151. <https://doi.org/10.21787/jbp.12.2020.137-151>
- Angelosanto, M. (2023). Legal Realism and the Predictability of Judicial Decisions. *Interdisciplinary Studies in Society, Law, and Politics*, 2(3), 4–14. <https://doi.org/10.61838/kman.isslp.2.3.2>
- Argawati, U. (2024). *MK Buka Peluang Parpol Tanpa Kursi Di DPRD Ajukan Calon Kepala Daerah*. Mahkamah Konstitusi Republik Indonesia.

- Bahar, W. (2024). *Tanggapi Putusan MK 60/PUU-XXII/2024, Miko Kamal: Bermanfaat Bagi Tumbuh Suburnya Demokrasi*. Tribunnnews.Com.
- Balkin, J. M. (1987). Deconstructive Practice and Legal Theory. *The Yale Law Journal*, 96(4), 743. <https://doi.org/10.2307/796361>
- Bernstein, R., & Cárcamo Aguad, R. (2023). Richard J. Bernstein: Politics and Pragmatism. *European Journal of Pragmatism and American Philosophy*, XV(1). <https://doi.org/10.4000/ejpap.3199>
- Bobrovnyk, S. V. (2021). Judicial interpretation: features and practical significance. *Al'manah Prava*, 12, 50–57. <https://doi.org/10.33663/2524-017X-2021-12-8>
- Budahu, M. A. S., Kasim, A., Lasatu, A., & Palilingan, T. N. (2022). Pemenuhan Hak Dipilih dan Hak Memilih sebagai Hak Konstitusional: Studi Komparatif Pasca Putusan Mahkamah Konstitusi. *Tumou Tou Law Review*. <https://doi.org/10.35801/tourev.v1i2.44641>
- Culler, J. (2015). Deconstruction. In *International Encyclopedia of the Social & Behavioral Sciences* (pp. 927–932). Elsevier. <https://doi.org/10.1016/B978-0-08-097086-8.64016-3>
- DERRIDA, J. (2020). Deconstruction in a Nutshell. In J. D. Caputo (Ed.), *Deconstruction in a Nutshell*. Fordham University Press. <https://doi.org/10.2307/j.ctv1198zt6>
- Direk, Z. (2014). Law, Justice, and Politics: Derrida on Deconstruction and Democracy to Come. *CR: The New Centennial Review*, 14(2), 111–126. <https://doi.org/10.14321/cmewcentrevi.14.2.0111>
- Fajar Dwiranda, I., & Alkohir Anggoro, S. (2020). Kandidat Problematik dalam Pilkada Serentak 2015-2018: Celah Hukum Pilkada Hingga Pragmatisme Partai Politik. *Jurnal Transformative*, 6(2), 224–253. <https://doi.org/10.21776/ub.transformative.2020.006.02.5>
- Fecondo, A. (2020). Derrida: Deconstruction of the Ethical-Legal-Political. Methodological Clarification. *Siberian Journal of Philosophy*, 18(1), 155–170. <https://doi.org/10.25205/2541-7517-2020-18-1-155-170>
- Fikri, S. (2024). *Keputusan MK Soal UU Pilkada, Menguatkan Demokrasi Dengan Pendekatan Pragmatis*. Kempalan.Com.
- Fikri, S., Riqiey, B., Iffatul, M., & Janah, M. (2022). Problematika Konstitusionalitas Presidential Threshold di Indonesia. *Jurnal Hukum Positum*, 7(1), 1–24. <https://doi.org/https://doi.org/10.35706/positum.v7i1.6643>
- Fisch, M. H. (1942). Justice Holmes, the Prediction Theory of Law, and Pragmatism. *The Journal of Philosophy*, 39(4), 85. <https://doi.org/10.2307/2018835>
- Fisher, W. W. (1997). Interpreting Holmes. *Harvard Law Review*, 110(5), 1010. <https://doi.org/10.2307/1342109>
- Frohlich, M. F., Jacobson, C., Fidelman, P., & Smith, T. F. (2018). The relationship between adaptive management of social-ecological systems and law: a systematic review. *Ecology and Society*, 23(2), art23. <https://doi.org/10.5751/ES-10060-230223>
- Grey, T. C. (1989). Holmes and Legal Pragmatism. *Stanford Law Review*, 41(4), 787. <https://doi.org/10.2307/1228740>
- Guinier, L. (1994). The tyranny of the majority: fundamental fairness in representative democracy. *Choice Reviews Online*, 31(11), 31-6309-31–6309.

- <https://doi.org/10.5860/CHOICE.31-6309>
- Hernando Nieto, E. (2022). *Deconstruyendo la legalidad: ensayos de teoría legal y teoría política*. Pontificia Universidad Católica del Perú. <https://doi.org/10.18800/9972423832>
- Kansil, C. S. ., & Nadilatasya, P. M. (2024). Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik dan Kepercayaan Publik di Indonesia: Analisis Implikasi Hukum dan Etika. *UNES Law Review*, 6(2). <https://doi.org/https://doi.org/10.31933/unesrev.v6i4.2039>
- Kharisma, B., & Satria, I. G. S. (2024). Towards Achieving Substantive Justice: The Importance of Extending the Time Limit for Resolving Presidential Election Disputes. *Mimbar Keadilan*, 17(2), 98–114. <https://doi.org/10.30996/mk.v17i2.10924>
- Ladeur, V. K.-H. (2021). Recht und Gerechtigkeit bei Derrida und Luhmann. In *Luhmann and Law* (pp. 417–470). Routledge. <https://doi.org/10.4324/9781003075103-21>
- Lescauwaet, L., Wagner, H., Yoon, C., & Shukla, S. (2022). Adaptive Legal Frameworks and Economic Dynamics in Emerging Tech-nologies: Navigating the Intersection for Responsible Innovation. *Law and Economics*, 16(3), 202–220. <https://doi.org/10.35335/laweco.v16i3.61>
- Lestari, E. P., & Risnain, M. (2020). Evaluasi Norma Kedaulatan Rakyat Dalam Konstitusi Dan Pelaksanaannya Dalam Kerangka Negara Hukum Demokratis. *Indonesian Journal of Law and Policy Studies*, 1(1), 25. <https://doi.org/10.31000/ijlp.v1i1.2633>
- Mallarangeng, A. B., Ruslan, A., Saidi, M. D., & Ilyas, A. (2019). The Essence of the Regional Head Election System in Realizing Clean Government in Indonesia. *Journal of Law, Policy and Globalization*. <https://doi.org/10.7176/JLPG/85-26>
- Milovanovic, D. (2014). *An Introduction to The Sociology of Law*. Criminal Justice Press.
- Mochtar, Z. A., & Hiariej, E. O. . (2023). *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas, dan Filsafat Hukum*. Rajawali Pers.
- Muhammad Anwar Soleh, & Durohim Amnan. (2024). Implikasi Putusan Mahkamah Konstitusi Nomor 60/PUU-XXII/2024 terhadap Demokratisasi Pemilihan Kepala Daerah. *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik*, 1(3), 116–127. <https://doi.org/10.62383/presidensial.v1i3.85>
- Naharuddin, N., & Imran, I. (2024). Deregulating the Nomination Threshold for Regional Head Elections and Local Oligarchy. *Amsir Law Journal*, 6(1), 56–67. <https://doi.org/10.36746/alj.v6i1.588>
- Negara, T. A. S. (2023). Normative Legal Research in Indonesia: Its Originis and Approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1), 1–9. <https://doi.org/10.22219/aclj.v4i1.24855>
- Nuraisyah, R. A., Susanti, E., Puteri, F. A., Pratama, D. M., Setiawati, E., & Pratama, R. I. S. (2024). Pemilu yang Berkualitas: Memahami Hak Pilih dan Dipilih Sebagai Warga Negara. *JALAKOTEK: Journal of Accounting Law Communication and Technology*, 1(2), 822–831. <https://doi.org/10.57235/jalakotek.v1i2.2659>
- Posner, R. A. (2004). Legal Pragmatism. *Metaphilosophy*, 35(1–2), 147–159. <https://doi.org/10.1111/j.1467-9973.2004.00310.x>
- Prihatiningtyas, W. (2018). Konstitusionalitas Model Pengisian Jabatan Wakil Kepala Daerah Dalam Penyelenggaraan Pemilihan Kepala Daerah (Pilkada). *Media Iuris*,

- 1(2), 373. <https://doi.org/10.20473/mi.v1i2.8836>
- Putri, F. D., & Purwanti, A. (2018). Legal Politics In The Amendment Of Regional Head Electoral Law. *Diponegoro Law Review*, 3(1), 122. <https://doi.org/10.14710/dilrev.3.1.2018.122-131>
- Rachbi, M., & Slamet, S. M. I. (2020). Analisis Yuridis Perihal Syarat-Syarat Pencalonan Kepala Daerah Melalui Jalur Independent. *Jurnal Dialektika Hukum*, 2(2), 97–128. <https://doi.org/10.36859/jdh.v2i2.512>
- Ramadhani, R., Kotijah, S., Hidayah, R. Al, & Ventyrina, I. (2023). Pemberlakuan Ambang Batas Suara Dalam Permohonan Perselisihan Hasil Pemilihan Umum Kepala Daerah Dan Wakil Kepala Daerah/ Gubernur, Bupati Dan Wakil Walikota Di Mahkamah Konstitusi. *DEDIKASI*, 24(1), 1. <https://doi.org/10.31293/ddk.v24i1.7046>
- Ren, J. (2024). The Role of Law Under the Social Structure. *Journal of Education, Humanities and Social Sciences*, 42, 710–715. <https://doi.org/10.54097/a5535h97>
- Rizqika, F., & Firdaus, S. U. (2023). Analisis Undang-Undang Nomor 6 Tahun 2020 Tentang Pemilihan Gubernur, Bupati, Dan Walikota Terkait Ambang Batas Pencalonan Kepala Daerah Untuk Mewujudkan Demokrasi Lokal Yang Berkualitas. *Res Publica: Jurnal Hukum Kebijakan Publik*, 7(1), 54. <https://doi.org/10.20961/respublica.v7i1.50702>
- Saleha, D., R.Saragih, B., & Sulistyowati, T. (2024). Reconstruction of the Threshold Setting for Regional Head Candidacy in the Perspective of Electoral Democracy in Indonesia. *International Journal of Social and Human*, 1(3), 207–219. <https://doi.org/10.59613/0bk7w887>
- Saragih, G. M. (2024). A Judges' Role in Pursuing Justice: Oliver Wendell Holmes' Sociological Jurisprudence Perspective. *International Journal of Law Society Services*, 3(2), 58. <https://doi.org/10.26532/ijlss.v3i2.34990>
- Sery, J. (2022). The Rhetorical Roots of Legal Pragmatism. *Journal for the History of Rhetoric*, 25(3), 303–328. <https://doi.org/10.5325/jhistrhetoric.25.3.0303>
- Sokoloff, W. W. (2005). Between Justice and Legality: Derrida on Decision. *Political Research Quarterly*, 58(2), 341. <https://doi.org/10.2307/3595634>
- Soleh, M. A., & Amnan, D. (2024). Implikasi Putusan Mahkamah Konstitusi Nomor 60/PUU-XXII/2024 terhadap Demokratisasi Pemilihan Kepala Daerah. *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik*, 1(3).
- Solum, L. B. (2011). Legal Theory Lexicon 057: Realist Deconstruction of Formal Legal Categories. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1931608>
- Steuer, M. (2024). Understanding the reservoirs of Constitutional Court resilience. *Oñati Socio-Legal Series*. <https://doi.org/10.35295/osls.iisl.1897>
- Turner, C. (2013). Deconstructing Transitional Justice. *Law and Critique*, 24(2), 193–209. <https://doi.org/10.1007/s10978-013-9119-z>
- Tushnet, M. (1984). Critical Legal Studies and Constitutional Law: An Essay in Deconstruction. *Stanford Law Review*, 36(1/2), 623. <https://doi.org/10.2307/1228693>
- Tusseau, G. (Ed.). (2020). *Debating Legal Pluralism and Constitutionalism* (Vol. 41). Springer International Publishing. <https://doi.org/10.1007/978-3-030-34432-0>
- Watts, J. H., & Roberson, C. (2014). *Law and Society: An Introduction*. CRC Press.
- Widodo, A. (2022). Sistem Pemilihan Kepala Daerah Yang Ideal Menurut UUD 1945.

- Awasia: Jurnal Pemilu Dan Demokrasi*, 2(1), 20–33.
<https://doi.org/10.55108/awasia.v2i1.115>
- Yanto, A., & Bariki, Y. (2024). Antara Degradasi dan Ekspektasi: Menuju Pesta Demokrasi Pemilu Tahun 2024 di Indonesia. *Politica: Jurnal Hukum Tata Negara Dan Politik Islam*, 11(1), 21–33.
<https://doi.org/10.32505/politica.v11i1.6246>
- Zuckert, C. (1991). The Politics of Derridean Deconstruction. *Polity*, 23(3), 335–356.
<https://doi.org/10.2307/3235130>