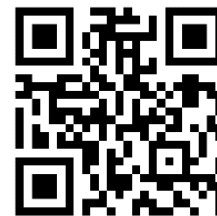


Political Legal Dissenting Opinion Ruling in the Dispute Cases on the Results of the 2024 Presidential General Election by Constitutional Judges



Doni Pratama Siregar¹, Fifiana Wisnaeni²

¹Diponegoro University Master of Law student. Semarang.

²Lecturer at the Faculty of Law, Diponegoro University. Semarang.

ABSTRACT: The Constitutional Court is a state institution formed after reform. One of the powers of the Constitutional Court is to decide disputes over general election results. Disputes regarding general election results are closely related to political practices or national political conditions. Political conditions will greatly influence the Constitutional Court's decision regarding disputes over general election results. The political configuration resulting from the intersection between law and politics occurred in the Constitutional Court in deciding disputes over general election results. This research uses normative legal research. The approaches taken are a statutory approach and a case approach. Data was collected through library research. In the case of dispute over the results of the 2024 general election, the emergence of dissenting opinions by judges has shown that there are differences in the schools of thought held by constitutional judges. The school of thought held is very closely related to political views. So that PHPU decisions that have a strong political dimension result in the emergence of decisions that have an authoritarian or orthodox character.

KEYWORDS: Constitutional court, Constitutional judges, Dissenting Opinion, General Election Results Disputes

I. INTRODUCTION

The Constitutional Court is a state institution whose authority is granted directly by the 1945 Constitution of the Republic of Indonesia (UUD NRI). The Constitutional Court was born after reforms in Indonesia as a result of widespread practices of corruption, collusion, nepotism and abuse of law by the authorities. The Constitutional Court was formed with the aim of implementing the constitution responsibly by the authorities in accordance with the wishes and ideals of the Indonesian people. Apart from that, the Constitutional Court also guarantees the administration of government based on the principle of checks and balances so that government administration is carried out stably (Rustam, Marlina, & Handoko, 2022). The Constitutional Court is a judicial authority other than the Supreme Court. In carrying out their authority and obligations, the Constitutional Court and the Supreme Court have significant differences so that the Constitutional Court is in another dimension and is not included in the scope of the Supreme Court.

The authority and obligations of the Constitutional Court are regulated in the 1945 NRI Constitution. Article 24C of the 1945 NRI Constitution clearly regulates the scope of authority and obligations of the Constitutional Court. This is regulated so that there is no overlapping of powers between the Constitutional Court and the Supreme Court in the future. The function of the Constitutional Court in general is as the guardian of the constitution, the final interpreter of the constitution, the guardian of the democracy, the protector of the citizens' constitutional rights, and the protector of the human rights so that the authority and obligations of the Constitutional Court will not free from matters relating to constitutional duties. The authority of the Constitutional Court, namely:

1. Examining the Law against the 1945 Constitution of the Republic of Indonesia.
2. Decide disputes over the authority of state institutions whose authority is granted by the 1945 Constitution of the Republic of Indonesia.
3. Decide on the dissolution of political parties.
4. Resolving disputes about general election results.

Apart from the authority granted by the 1945 NRI Constitution, the Constitutional Court has obligations directly mandated by the 1945 NRI Constitution. The obligation in this case means that the Constitutional Court must decide on the case if a decision is requested. The obligation of the Constitutional Court is to provide a decision on the opinion of the People's Representative Council of the Republic of Indonesia (DPR-RI) regarding alleged violations by the President and/or Vice President according to the Constitution. In the development of state administration, the Constitutional Court was given additional authority in the midst of a

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legal vacuum regarding the institution authorized to adjudicate disputes over regional head election results (PHPKADA). PHPKADA began to become an additional authority of the Constitutional Court since the establishment of Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 concerning Regional Government. Even though the general election regime for regional heads is different from the General Election regime, the Constitutional Court still has the authority to adjudicate PHPKADA for up to 5 (five) years before finally decision Number 97/PUU-XI/2013 appears which states that the Constitutional Court no longer has the authority to adjudicate PHPKADA because it is a regime that different from the Presidential Election (Refly Harun, 2016). Until now, the Constitutional Court still has the authority to adjudicate PHPKADA because it is a special judicial body mandated in Government Regulation in Lieu of Law Number 1 of 2014 which was later approved by the DPR RI as Law Number 2015 which was later changed to Law Number 8 of 2014. 2015 concerning the Election of Governors, Regents and Mayors did not receive clarity and failed to take shape. In its development, the Constitutional Court decision Number 85/PUU-XX/2022 permanently made the PHPKADA dispute an additional authority of the Constitutional Court.

One of the most crucial powers of the Constitutional Court is the authority to decide disputes regarding general election results (PHPU). PHPU is a condition when General Election (Pemilu) participants refuse to accept the results of the general election commission's decision regarding the final election results. This rejection can be explained using the pretext of juridical reasons, sociological reasons, and even philosophical reasons so that it aims to declare the general election commission's decision invalid and must be reviewed again. PHPU can be submitted by a pair of candidates for President/Vice President and/or submitted by candidates for legislative members through their supporting parties. The Constitutional Court noted that since the establishment of the constitutional court, there have been 678 requests regarding PHPU. This number includes 19% of the number of decisions issued by the Constitutional Court, which is 3644 until 2024.

PHPU cases are very crucial cases for the Constitutional Court. This is because this case has a very big intersection with practical politics, especially the President's PHPU. Since the first democratic elections were held in Indonesia, namely 2004, until the 2024 elections, the presidential/vice presidential candidate pairs have always asked the Constitutional Court to adjudicate and make a ruling that the general election commission's decision must be reviewed and the election must be repeated for several regions where the applicant believe it was carried out not in accordance with the procedures established by law. Unfortunately, since the first Presidential PHPU in 2004 until the PHPU in the presidential election in 2024, the Constitutional Court's decision was to reject the applicant's application. So it never happened that the applicant's request was granted by the Court, which caused the presidential election to have to be repeated or the total number of votes obtained by each pair of candidates for President/Vice President to change.

The PHPU case is a crucial matter because it is closely related to politics in Indonesia. This is because elections as a political process will be very vulnerable to violations, whether violations relating to campaigns, violations regarding election crimes, money politics, and other fraud that can be identified as election fraud based on statutory regulations (Rahayu, 2009). Election disputes are important to ensure the implementation of a fair and honest election process as mandated in Article 22E of the 1945 Constitution of the Republic of Indonesia. In addition, according to IDEA, election disputes have the meaning of all objections, resistance and claims in any form as long as they are still considered violations. in the election process (Abdurrachman, 2015).

Apart from issues regarding the election process, the role of legal politics is closely related to the decisions that will be issued by constitutional judges. The relevance between politics and the President's PHPU case results in the mixing of legal sub-systems and political sub-systems at one time. So that these sub-systems influence each other. However, as mentioned by professor Satjipto Rahardjo, when there is a meeting between the legal sub-system and the political sub-system, the political sub-system is in a dimension that will influence the legal sub-system (Angraini, 2022). In the Presidential PHPU case, political elements will interfere in the Constitutional Court's decision, resulting in a decision based on greater political power.

From the explanation outlined above, it will be interesting to discuss the 2024 Presidential PHPU case decision, namely the decision with case number I/PHPU.PRES/XXII-2024 and case number II/PHPU.PRES-XXII/2024 concerning General Election Results Disputes. Moreover, in this decision, for the first time the Constitutional Court judges in deciding the President's PHPU had a different view. This is proven by the existence of dissenting opinions or different opinions which do not influence the decision because the number of constitutional judges who reject the President's PHPU application is greater than those who submit dissenting opinion decisions. The Dissenting opinion decision was expressed by 3 (three) judges, so that the composition of judges who accepted was 5 (five) judges and who rejected 3 (three) judges.

As explained above, it is interesting to discuss what is called a dissenting opinion decision, especially in case number 1-2/PHPU.PRES-XXII/2024 concerning disputes over general election results and how the political configuration occurred in the dissenting opinion decision of the Constitutional Court in the case of dispute over the results of the 2024 general election. This writing aims to find out what is meant by a dissenting opinion, especially in the case of dispute over the results of the 2024 general election and to find out what political configuration occurred in the emergence of the Constitutional Court's dissenting opinion decision in the case of dispute over the results of the general election in 2024. 2024.

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II. RESEARCH METHODS

The research method used by the author is normative legal research. Research using normative legal research is based on an approach and analysis of statutory regulations and a case approach. This approach is used by the author to find out and analyze a problem more broadly and more holistically (Jhonny, 2006). The data collection used by the author in this research was by means of library research. The data collected comes from scientific works such as scientific journals, books, dictionaries and so on (Suteki & Galang, 2017). The writing that has been analyzed will be described to see the relationship between variables. In this case, it is the relationship between legal politics and dissenting opinion decisions by the Constitutional Court (Nazir, 1998).

III. RESULTS AND DISCUSSION

Dissenting Opinion Decision of the Constitutional Court in Case Number I-2/PHPU.PRES-XXII/2024 Concerning Disputes over General Election Results

Judges are elements that cannot be separated from a court, in this case the Constitutional Court. In carrying out decisions, the judge is a free and independent element without interference from other parties. This is necessary so that the decision issued by the judge is a decision that meets the will of the people or that fulfills the capability approach. The decision issued by the judge is obtained from the evidence and information that appeared at the trial. In making a decision, the judge will hold a discussion/meeting. As a single entity, the judges can express their differences of opinion. Differences in the judge's opinion in viewing a case can occur due to differences in beliefs during the trial or differences in perspectives used in interpreting a law.

The differences that occur between judges must be recognized as an independent perspective in the decision. Therefore, it is known as a dissenting opinion in a court decision. Dissenting opinion is a new face in judicial practice in Indonesia. This is because dissenting opinions only started to emerge after the reform. This new dissenting opinion appeared for the first time in a civil case in the field of bankruptcy in decision number 71/bankruptcy/2000/PN. Niaga.Jkt.Pst. In this decision, ad hoc Judge Eliyana stated a dissenting opinion and included it in the court decision (Alfiyah, A'yun, & Zein, 2019). A dissenting opinion is a different opinion from a judge, but this opinion does not influence the decision of the majority of judges. Dissenting opinion appears as an indication of the independence of a judge to express a personal opinion in a case (Sunny, Putri, & Rizki, 2020). Dissenting opinions must be included in the decision as an inseparable part of the entire decision in court.

Dissenting opinion decisions are closely related to the judge's beliefs. To clarify the existence of the judge's beliefs, a dissenting opinion is important as a record of a case in court. The opinions of the judges who submit dissenting opinions will later be studied and analyzed, resulting in legal reforms in Indonesia. Despite the recognition and existence of dissenting opinions, courts in Indonesia have not yet fully implemented dissenting opinions, especially in small cases in first and second level courts. This can be seen from the Sleman District Court (PN) Sleman decision directory. Of the 615 civil cases and 2,250 criminal cases in the period 2004-2010, there were only 2 (two) dissenting opinions.

In history, the Constitutional Court decided on the President's PHPU, this is the first time it has issued a decision that is in the nature of a dissenting opinion. This can be interpreted as the emergence of different opinions from judges due to differences in beliefs, differences in interpreting the law, and even differences in the legal schools adhered to by constitutional judges. The decision which was read out on April 22 2024 was decided by 8 (eight) judges who handled the 2024 Presidential PHPU case. Of the 8 (eight) judges, who gave different opinions, there were 3 (three) judges, namely constitutional judges who also served as deputy chairman of the Constitutional Court, Saldi Isra. Then constitutional judge Enny Nurbaningsih and judge Arief Hidayat. So the composition of the 2024 Presidential PHPU will be 5 (five) judges rejecting the applicant's request in its entirety, and 3 (three) judges granting part of the applicant's request.

Saldi Isra in the main consideration of the dissenting opinion stated that election organizers must interpret Article 22E of the 1945 Constitution of the Republic of Indonesia holistically and comprehensively. Elections must be based on the principles of direct, general, free, secret, honest and fair. The concept of justice as intended in Article 22E of the 1945 Constitution of the Republic of Indonesia has become a consequence for anyone to achieve this noble goal. Fairness in the election process is not limited to procedural justice, but must penetrate the boundaries to substantive justice. If election organizers only base themselves on procedural fairness, then the new order government, which is known as an authoritarian government and perpetuates power, will be said to be fair because it does not violate statutory regulations. The concept of fairness in elections must be interpreted more deeply, namely to arrive at substantive justice. Substantively fair, it must be equal to all election participants, there is equality, fairness and no pair of candidates benefits from the authorities' policies during the election contestation.

The aspect of justice should not only be interpreted as procedural fairness, this will lead government administrators to be fixated on legal-formal boundaries only. Justice must be able to penetrate boundaries and exist in another dimension outside the text of statutory regulations, namely ethics. Ethics is defined as the authorities' efforts to refrain from political policies or attitudes that could benefit the candidate pairs currently contesting. Even though the policies of the authorities do not violate procedural justice, in this case the text of statutory regulations, they have violated a higher dimension, namely the ethical dimension. So these efforts resulted in the absence of equality in candidate pairs due to the partiality of the authorities. Saldi Isra in his dissenting opinion

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highlighted 2 (two) things that resulted in the 2024 Presidential Election being flawed in justice. The issue raised by Saldi Isra is the distribution of social assistance funds to win certain candidate pairs and the involvement of state officials in winning certain candidate pairs.

Constitutional judge Enny Nurbaningsih, in a dissenting opinion, was of the opinion that there had clearly been acts of election fraud and violations. He said that the main mission of reform in the implementation of elections as mandated by the 1945 Constitution of the Republic of Indonesia was proven by the regulation of election principles. These principles seek to prevent the occurrence of a new order that uses law as a means of legitimizing the authorities to perpetuate their power and has clearly violated the sovereignty of the people. The implementation of elections in Indonesia as regulated in Law Number 7 of 2017 concerning Elections proves that the implementation of elections in Indonesia is based on the rule of law principle. Apart from the rule of law, the implementation of elections must be interpreted and implemented more broadly to touch on what he calls the rule of ethics. The application of the rule of ethics principle is a consequence and responsibility for state officials, election organizers, election participants and voters to carry out elections fairly and honestly. An honest and fair attitude is interpreted not only in the formal aspect, but also in the material aspect.

Fairness and honesty in material aspects need to be upheld so that no one takes advantage of existing legal loopholes to facilitate acts of fraud and bias towards certain candidate pairs. The rule of ethics must be understood and realized by all humans as the mission of reform. The emergence of the MPR/VI/2001 decree regarding national and state ethics must continue to be implemented. This is to prevent the turmoil of ethical and moral degradation that occurred when the new order came to power. Basing everything on the principle of the rule of law is a mistake in the thinking of government administrators. Because the principle of the rule of law alone is not enough to prevent violations or misuse of the law from occurring. On this side, the importance of implementing TAP MPR/VI/2001 and the importance of morals and ethics for government administrators to restrain their lust for power.

Enny Nurbaningsih, in a dissenting opinion, stated that it was true that there had been a lack of neutrality among government officials, in this case the Acting Regional Head (Pj), as well as the mobilization of state apparatus to win certain candidate pairs. From the perspective of the rule of law and positivism, this is very difficult to prove because it is based on phenomena. In addition, the existence of legal loopholes means that these violations are difficult to prove. However, on the other hand, this action has violated the rules of ethics in democratic life in Indonesia.

Judge Arief Hidayat in his dissenting opinion discussed the legal and democratic nature of the state from two perspectives, namely the ideological-philosophical and sociological-empirical perspectives. The democracy built and designed by the founding fathers of the nation is a democracy with Pancasila characteristics, not a western-style democracy which is more inclined towards the implementation of liberal democracy. Regulations regarding the conception of a democratic state have been mandated through Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty is in the hands of the people and is implemented according to the Constitution. This framework illustrates how popular sovereignty and legal sovereignty are relevant for building democracy with Pancasila characteristics. The values of the principles contained in Pancasila illustrate how the integrity of people's sovereignty and legal sovereignty must be based on an ideological-philosophical perspective to build an ideal democratic state.

The realization of democracy is manifested through holding democratic elections. From a global perspective, Article 21 paragraph (1) of the Universal Declaration of Human Rights (UDHR) emphasizes that every person has the right to take part in the administration of government, either directly or through freely chosen representatives. Apart from the UDHR, The Organization for Security and Co-Operation in Europe's (OSCE) and The United Nations Democracy Fund (UNDEF) formulate the implementation of elections in a fair manner, which is proven, among other things, by integrity, participation, law enforcement, impartialism, professionalism, independence, transparency, , timeslines, periodic and the value of acceptance of election results which were widely accepted. In Indonesia, the principles of holding elections are regulated in Article 22E of the 1945 Constitution of the Republic of Indonesia which mandates that elections must be carried out directly, publicly, freely, secretly, honestly and fairly. From a sociological-empirical perspective, the implementation of elections must be carried out wherever possible by fulfilling the elements of Article 22E of the 1945 Constitution of the Republic of Indonesia. To achieve this, synergy is needed between legal structure, legal substance and legal culture as stated by Lawrence M. Friedman.

The legal structure covers all state administrators relating to elections. To achieve elections in accordance with what is mandated by the 1945 Constitution of the Republic of Indonesia, state administrators and government administrators must not show support or indicate partiality. Especially by doing girls in the Presidential Election.

The legal substance includes the legal instruments that exist in elections to hold elections in accordance with the 1945 Constitution of the Republic of Indonesia. The legal substance must, as far as possible, accommodate possible violations of election principles that occur. Legal instruments must be relevant between *das sollen* and *das sein* so that there are no attempts to take advantage of existing legal loopholes. The relevance between *das sollen* and *das sein* is necessary so that political determinations do not dictate legal determinations.

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Legal culture includes the nature, mentality and legal culture of the Indonesian state. From a sociological-empirical perspective, election legal culture has placed full sovereignty on the people in determining who wins the election. Unfortunately, people who have not been educated with political intelligence cannot refrain from accepting all kinds of election violations such as money politics, social assistance in exchange for votes, and various other instruments to dictate voters' choices in a practical and pragmatic way. Because of this, the existence of social assistance, social protection and other assistance before the election is very crucial for voters in determining their choices. So this kind of legal method must be evaluated and cannot be used in future elections.

Through considerations in the dissenting opinion, judge Arief Hidayat partially granted the applicant's request in the Presidential PHPU case. Furthermore, Arief Hidayat concluded that it was necessary to hold re-elections in several regions because of political intervention, social assistance, social protection and other forms of assistance which he believed could direct voters to choose certain candidate pairs so that there was no equality between each. election participants.

Legal Politics and Political Configuration in the Dissenting Opinion Decision of the Constitutional Court in the 2024 General Election Results Dispute Case

According to Satjipto Rahardjo, legal politics can be described as the activity of choosing and using what method is desired to achieve goals in society. Both social goals and legal goals (Satjipto, 1991). Legal politics can be interpreted as a choice of policy makers to make which legal policies will be implemented in achieving national goals for the implementation of ideal government. Politics will at least influence the style of law applied in a country. So that one country and another will have different legal styles due to different ways of achieving national goals which are manifested through politics.

Indonesia has experienced periodic changes in legal patterns due to the political constellation at that time. For example, reforms in 1998 which changed many aspects of life, such as social values, norms and the implementation of state policies experienced changes due to the large political constellation at that time. The change in legal style from the New Order era to the reform era was marked by fundamental changes to the 1945 NRI Constitution as the constitution in Indonesia. Since the reform, the 1945 Constitution of the Republic of Indonesia has been amended 4 (four) times, indicating that state practices in Indonesia have begun to shift. These changes in legal patterns began with the emergence of mass movements and political constellations, so it can be concluded that politics is closely related to existing laws in Indonesia.

From a political-legal perspective, the dominance of politics over law has resulted in the birth of laws and regulations that are far from the wishes of the community. This was even stated by Satjipto Rahardjo, namely that the political sub-system has greater energy than the legal sub-system. The implication of the large energy of the political sub-system on the legal sub-system means that law is always in a weak position when it encounters the legal sub-system. In a reality like this, legal decisions, be it the formation of legislation or court decisions, are ultimately directed at legitimizing larger political interests.

The domination of politics over law has resulted in the emergence of a political configuration in Indonesia. Political configurations have at least 2 (two) classifications, namely democratic political configurations and authoritarian political configurations. A democratic political configuration will give birth to responsive/conservative legal characters, whereas an authoritarian political configuration will only give birth to repressive/orthodox legal characters (Salam, 2019). Law as a political product means that every legal regulation or court decision will be determined on the dimension where the greatest political power is on the side. In Das Sollen's point of view, the ideal is that politics must be subordinate to the prevailing forces. However, in reality, all legal products that are formed are determined by the political configuration behind them (Bambang, 2021).

The magnitude of political power over the law can be seen in the decision of the Constitutional Court on the PHPU dispute in 2024. The political atmosphere in the PHPU dispute trial has been felt even since the start of the PHPU trial in 2024. The great power of politics seems to have led the Constitutional Court to finally be carried away and submit to the current political forces. . The emergence of legal politics in the PHPU decision is not merely an opinion. The political attitude shown by the highest power holders in Indonesia has become an indication that the 2024 elections will see very strong politicization. For example, as shown in the table below:

Table 1.1 Track Record Of Politization In The 2024 Presidential Election

No.	Proposal	Instrument	Information
1.	Proposed term of office of President for 3 (three) terms	<ul style="list-style-type: none"> - Proposed through the discourse on amendments to the 1945 Constitution of the Republic of Indonesia; - There will be activities of the Association of Indonesian Village Governments (APDESI) in 2022 whose activities include encouraging President Joko Widodo to become President for 3 (three) terms; 	The proposal failed

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2.	Extension of the term of office of President	<ul style="list-style-type: none"> - There was a promotion of opinion to extend President Joko Widodo's term by Ministers (for example: Luhut Binsar Panjaita, Bahlil Lahadalia, and Zulkifli Hasan). This is needed because the government was ineffective during the Covid-19 period, which was the reason for extending President Joko Widodo's term of office until 2027. 	The proposal failed
3.	Abuse of authority	<ul style="list-style-type: none"> - The emergence of the Constitutional Court decision Number 90 of 2023 concerning the Age Limit for Presidential Candidates. Through this decision, Putra Joko Widodo can finally fulfill the requirements to become a Vice Presidential Candidate; - The deployment of state apparatus, in this case, is using the State Intelligence Agency (BIN) to look at surveys, people's choices and the movements of political parties ahead of the elections; - The appointment of acting regional heads in a number of regions is not transparent; - Misuse of social assistance and other forms of assistance to direct choices towards certain candidate pairs; 	The implementation of these policies ultimately has implications for voters' choices due to intervention from state officials to support one of the candidate pairs.

Source: Author's Processed Results

In this table, political forces have succeeded in dictating the law with many proposals that are contrary to the law. President Joko Widodo, who is the incumbent, is not being nationalistic by directing his political choices towards certain candidate pairs. This results in inequality among election participants due to support from the incumbent. In several scientific literature, as contained in Saldi Isra's dissenting opinion, he stated that the emergence of a policy of using state finances in the form of government policy as a strategy to win elections, especially if the contestant is an incumbent. This policy is often referred to as the political budget cycle. In the 2024 election, President Joko Widodo is not a contestant, but the partiality of support for certain candidate pairs has resulted in additional support for supported candidate pairs and can be called a political budget cycle.

Apart from the problems in the 2024 elections, the legal politics in the elections are very strong when we look at the text of the laws and regulations governing the elections. During election contestation, the Law regarding Elections is always subject to change. This is of course not without purpose, but rather to fulfill the objectives of the enormous political power in the DPR RI in the election contestation that will be held.

Decision 1-2/PHPU.PRES-XXII/2024 is a court decision that has enormous political influence. Former Chief Justice of the Constitutional Court, Anwar Usman, who was removed from his position and unable to take part in the Presidential PHPU trial due to ethical violations during the Constitutional Court decision number 90 of 2023 regarding the age limit for Presidential/Vice Presidential Candidates, is an indication that politics is indeed very strong in this Presidential PHPU decision. The absence of Anwar Usman in the Presidential PHPU resulted in the Presidential PHPU dispute in 2024 being attended by only 8 (eight) judges. Interestingly, of the 8 (eight) judges, there has been a change in stance when compared to the Constitutional Court decision number 90 of 2023 concerning the age limit for Presidential/Vice Presidential Candidates. These changes in stance can be seen in the following table:

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Table 1.2 Changes In The Establishment Of Constitutional Judges In Cases Relating To The 2024 Presidential Election

No.	Judge's name	Decision Number 90 of 2023	PHPU Decision in 2024
1.	Anwar Usman	Granted	Ethical violation
2.	Suhartoyo	<i>Dissenting opinion</i>	Reject the application
3.	Isra Balance	<i>Dissenting opinion</i>	<i>Dissenting opinion</i>
4.	Daniel Yusmic	<i>Concurrent opinions</i>	Reject the application
5.	Arsul Sani	Not yet appointed as judge	Reject the application
6.	Enny Nurbaningsih	<i>Concurrent opinions</i>	<i>Dissenting opinion</i>
7.	Guntur Hamzah	Granted	Reject the application
8.	Arief Hidayat	<i>Dissenting opinion</i>	<i>Dissenting opinion</i>
9.	Ridwan Mansyur	Not yet appointed as judge	Reject the application
10.	Wahihuddin Adams	<i>Dissenting opinion</i>	End of term of office
11.	Manahan Sitompul	Granted	End of term of office

Source: Author's Processed Results

The different views on the table can be seen from judge Suhartoyo. Judge Suhartoyo initially rejected the request in the case regarding the age limit for Presidential/Vice Presidential Candidates, but in the PHPU case the President rejected the applicant's request in its entirety. Changing the position of judges is actually not a common thing at the Constitutional Court. The historical journey of the Constitutional Court through its judges has never made improvements in its own decisions. However, the President's PHPU sets a new precedent in the Constitutional Court. In the results of the judge's decision, the emergence of a dissenting opinion, which was the first since the President's PHPU in 2004, indicated that there were differences in the judge's views in interpreting the applicant's petition and the evidence presented before the trial.

Dissenting opinion judges have become proof that the amount of political power in the decisions issued by judges, the law is ultimately only used as a tool to legitimize power. The difference in the judge's belief between the rule of law and the rule of ethics makes the decision that the judge will issue easy to direct. If the greater political power at that time is in the applicant's camp, then the judge only needs to use the rule of law and rule of ethics approach. On the other hand, because President Joko Widodo holds greater political power, the final decision can be directed at winning parties in Joko Widodo's camp using a rule of law approach only.

IV. CONCLUSION

The dissenting opinion decision in case number 1-2/PHPU.PRES-XXII/2024 is the first dissenting opinion decision in the history of the Constitutional Court in adjudicating a Presidential PHPU case. In the period 2004-2019, the Constitutional Court in its Presidential PHPU decisions always rejected the applicant's application. Constitutional judges always agree in rejecting the President's PHPU petition. However, the 2024 election will be a new chapter in how constitutional judges have different views.

The political or legal political configuration in the President's PHPU decision is very visible. Starting from the Constitutional Court's decision regarding the age limit for Presidential/Vice Presidential Candidates which resulted in the elimination of Anwar Usman as Chairman of the Constitutional Court due to ethical violations until finally Anwar Usman was no longer allowed to adjudicate the President's PHPU to reduce the political content in the President's PHPU decision. Various political events that occurred before the nomination of President/Vice President, the campaign period, and even during the trial period have brought the Constitutional Court into a current called practical politics. The dissenting opinion decision indicates how legal politics works very strongly in influencing court decisions, so that the resulting political configuration is one that has an authoritarian or orthodox character. Differences in judges' beliefs occur because of differences in schools of thought, namely between the rule of law school and the rule of ethics school. So the decision was motivated by a political incident that occurred in the 2024 Presidential Election. The big political forces in the camp of the relevant parties finally led the Constitutional Court to reject the applicant's petition. Nevertheless, a breath of fresh air can still be seen in the supremacy of the constitution in Indonesia through the dissenting opinions expressed by 3 (three) judges of the Constitutional Court.

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