

LEGAL POLITICS OF ELECTORAL DISTRICT STRUCTURING AFTER THE DECISION OF THE CONSTITUTIONAL COURT

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Abstract: *The implications of Constitutional Court Decision Number 80 of 2022 on Indonesian elections are substantial. The effective organization of electoral districts (Dapil) is pivotal for upholding democratic principles and realizing the sovereignty of the people. This study investigates the repercussions of the aforementioned court decision on the arrangement of electoral districts in Indonesia and explores how the General Election Commission (KPU) restructured these districts post-decision. Employing a normative approach, the research underscores the decision's finding of the unconstitutionality of Appendices III and IV of Law Number 7 of 2017, which governs electoral district organization. Despite KPU's attempt at rearranging Dapil through KPU Regulation Number 6 of 2023, the alterations have proven to be insignificant. The KPU contends that the newly established electoral districts are optimal, despite facing challenges, including time constraints that compelled a swift restructuring to avoid disruptions in the 2024 election stages. To address these issues, it is recommended to harmonize legal regulations governing electoral district arrangements, incorporating more specific guidelines for Dapil delineation to prevent potential abuses of power. Additionally, implementing a regular evaluation mechanism for Dapil becomes imperative to adapt to demographic and administrative changes in the region.*

Kata kunci: Legal Politics, General Elections, Electoral Districts

I. INTRODUCTION

The manifestation of popular sovereignty is realized through the implementation of general elections (Pemilu) as a mechanism that allows citizens to choose their leaders and representatives in running the government. Elections are also a means of channeling the fundamental rights of citizens. Since independence in 1945, Indonesia has held elections twelve times, starting from the first election in 1955 to the election in 2024 (Subiyanto, 2020: 356). In regulating elections, the Constitution understands the concepts of organization and implementation. Article 1 paragraph (2) of the 1945 Constitution (UUD 1945) asserts that the people hold sovereignty and must exercise it in accordance with the Constitution.

Article 22E paragraph (2) of the 1945 Constitution regulates elections for legislative and executive bodies, involving the election of members of the House of Representatives (DPR), members of the Regional Representatives Council (DPD), the President and Vice President, and members of the Regional Representatives Council (DPRD). Meanwhile, Article 18 paragraph (4) of the 1945 Constitution stipulates that the election of regional heads, including governors, regents, and mayors, as heads of government at the provincial, district, and city levels is carried out democratically.

One of the things that is always discussed in every election is the arrangement of electoral districts (dapil). The arrangement of Dapil is an important indicator in order to realize the implementation of a democratic 2024 simultaneous election. The enactment of Law Number 14 of 2022, Law Number 15 of 2022, and Law Number 16 of 2022, which underlie the establishment of three new expansion provinces, namely, South Papua, Central Papua, and Papua Pegunungan, has had consequences for the adjustment of seat allocations and the arrangement of Dapil. The relationship between DPRD and local government is inseparable.

The consequences of Dapil changes are not only for the DPR RI, as specified in Appendix III of the Election Law. The rearrangement of seat allocations and Dapil is also required for the election of Provincial DPRD members in Papua, Central Papua, Mountainous Papua, South Papua, and possibly Southwest Papua, which will have consequences for changes to Appendix IV of the Election Law.

Dapil formation involves several crucial dimensions, including: 1) ensuring fairness in representing the population; 2) guaranteeing equal opportunities for each party to obtain seats; 3) identifying systematic patterns that can benefit certain parties; 4) setting thresholds that must be overcome by each party to obtain seats; 5) ensuring the common goals and interests of the communities represented; 6) paying attention to the suitability of Dapil with the party structure; and 7) requiring periodic adjustments in accordance with population growth (Mellaz, 2012: 272).

Since the reform era, the elections held every five years by the General Election Commission (KPU) have always been a hot topic of discussion regarding the observance of Dapil. The upcoming elections in 2024 will not escape the discussion of the same problem regarding the arrangement of Dapil. Until 2022, the Association for Elections and Democracy (Perludem) filed a lawsuit against Law Number 7 of 2017 concerning general elections, especially on articles relating to the observance of Dapil and the allocation of seats for members of the DPR and DPRD. Perludem put forward a number of arguments in the petition. First, the urgency of delineating electoral districts that fulfill the principles of popular sovereignty and elections that are honest, fair, direct, general, free, and secret.

With the arguments of the applicant, there are inconsistencies and legal uncertainty in the arrangement of electoral districts. Article 185 of Law Number 7 Year 2017 regulates seven principles of electoral district arrangement. The electoral districts and seat allocations must adhere to these seven cumulative principles. The seven principles are: 1) equality of vote value, 2) adherence to the proportional electoral system, 3) proportionality, 4) regional integrity, 5) being in the same area, 6) cohesiveness, and 7) continuity.

In Constitutional Court Decision Number 80 of 2022, the applicant emphasized several crucial points. First, elections are considered a means to realize the principle of popular sovereignty, as described in Article 1 paragraph (2) of the 1945 Constitution. Second, all aspects and stages of organizing elections must guarantee the principle of popular sovereignty, direct, general, free, secret, honest, fair, and comply with the principle of legal certainty in accordance with the 1945 Constitution. Third, the delineation of electoral districts is considered a crucial early stage in the organization of elections, ensuring the principle of representation in accordance with the principles of honest, fair, proportional, and democratic elections. Fourth, Dapil is considered an important variable in the electoral system, functioning as an administrative area coverage, competition arena, seat allocation, and political representation arena. Fifth, the amount of seat allocation in Dapil is explained as a characteristic of the difference between the majority plurality electoral system and the proportional electoral system. Sixth, the arrangement of Dapil is considered a determinant of whether the principle of representation is in accordance with Article 22E paragraph (1) of the 1945 Constitution.

With the arguments of the applicant, there are inconsistencies and legal uncertainty in the arrangement of the electoral districts. Article 185 of Law Number 7 Year 2017 regulates seven principles for the arrangement of electoral districts. Compiling the electoral districts and seat allocations requires the fulfillment of these seven principles. The seven principles are: 1) equality of vote value; 2) adherence to a proportional electoral system; 3) proportionality; 4) regional integrity; 5) being in the same area of coverage; 6) cohesiveness; and 7) continuity.

Constitutional Court Decision Number 80 of 2022 states: first, granting part of the petition from the petitioner; second, stating that Article 187 paragraph (5) of Law Number 7/2017 on General Elections is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force as long as it is not interpreted. The article states, "The electoral districts as referred to in paragraph (1) and the number of seats for each electoral district for members of the DPR are regulated in KPU Regulations." Third, Article 189, paragraph 5, of Law Number 7/2017 on General Elections is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force as long as it is not interpreted. The article states, "The electoral districts as referred to in paragraph (1) and the number of seats in each electoral district for members of the provincial DPRD are regulated in KPU Regulations"; fourth, stating that Appendix III and Appendix IV of Law Number 7/2017 on General Elections are contrary to the 1945 Constitution of the Republic of Indonesia and have no binding legal force; fifth, ordering the publication of this decision in the State Gazette of the Republic of Indonesia; and sixth, rejecting the petitioner's request other than what has been granted.

KPU has the responsibility to discuss with the government and parliament formulating the General Election Commission Regulation (PKPU). However, this does not mean that KPU must work together with the government and the DPR in determining the substance of PKPU, because KPU is an institution that has autonomy. If there is an agreement between the KPU, the government, and the DPR not to make changes or reorganize the electoral districts, this is unfortunate. KPU should utilize this opportunity independently to rearrange the electoral districts.

Apart from previous studies that discuss various aspects of election regulations in Indonesia, there are still important research gaps that need to be filled by this study. Previous studies, such as Diniyanto's (2019) exploration of the legal policy, background, and enforcement of Law No. 7/2017, provide valuable insights. However, it does not explicitly explore the specific political-legal intricacies of the consequences of Constitutional Court Decision No. 80 of 2022 regarding the reorganization of electoral districts in Indonesia. In addition, although Wijaya's (2020) research examines the legal certainty of Law Number 7 of 2017, this research only focuses on election laws in general and does not explicitly discuss the

rearrangement of Dapil. So, this study adds something new by looking at the political and legal changes that happened after the Constitutional Court Decision Number 80 of 2022 about how Dapil should be set up. It does this by looking at problems, issues, and how well it worked in more detail.

In the legal context, this research has great urgency as it relates to the fundamentality of law and the constitution in Indonesia as a democratic country. This research examines the legal consequences arising from the ruling, including how the redistricting of electoral districts affects elections and the democratic process in Indonesia. This research will explore the possibilities of legal policies that need to be adjusted in response to changes in the rules of election implementation.

II. RESEARCH METHODS

This research is descriptive research, which is a method to describe, explain, and provide answers about current phenomena. The goal is to understand the situation, identify problems, and utilize the experiences of others in similar situations to plan future actions (Tampubolon, 2023: 14–15). Based on the place, this research falls into the category of library research, which is a research method conducted in libraries using written sources such as books, manuscripts, magazines, newspapers, and other documents as research materials (Tampubolon, 2023: 14–15).

This research, specifically in the field of law, falls under the category of normative juridical research (Soekanto, 2014: 15). In normative juridical research, analysis is carried out through the steps of inventory, identification, classification, and systematization. The systematization process aims to avoid contradictions between legal sources. After collecting and grouping legal materials, analysis is carried out using various approaches, including conceptual and statutory approaches. The processing of legal materials involves selection, classification, and qualitative analysis to identify lacunae, antinomies, and ambiguities of legal norms in primary legal materials, with the aim of providing an overview and systematic answers to the research focus (Muhaimin, 2020: 67–68).

III. RESULT AND DISCUSSION

Consequences of Constitutional Court Decision Number 80 of 2022 on the Reorganization of Electoral Districts in General Elections in Indonesia

Since the era of political reform in 1998, Indonesia has experienced significant changes in its political system. Periodic elections have become one of the main pillars of Indonesia's rapidly growing democracy. These reforms created a demand for better representation and accountability in the political process.

In 2017, Indonesia passed Law No. 7/2017 on General Elections. This law sets out the rules related to the election of the President and Vice President, members of the DPR, Provincial DPRD, and Regency/City DPRD. One of the important changes in this law is related to the division of electoral districts for members of the DPR and DPRD. Article 187, paragraph 1, of the law states that the electoral districts for DPR members are provinces, regencies, or a combination of regencies and cities. This became the basis for the establishment of Dapil throughout Indonesia.

On June 25, 2022, a civil society organization called Persatuan untuk Pemilu dan Demokrasi (Perludem) filed a petition to the Constitutional Court regarding Law No. 7/2017. In the Constitutional Court Decision Number 80 of 2022, the scope of the articles that were challenged for their constitutionality was explained, including: (1) Article 187 paragraph (1), "The electoral districts for members of the DPR are provinces, regencies/cities, or a combination of regencies/cities"; (2) Article 187 paragraph (5), "The electoral districts as referred to in paragraph (1) and the number of seats for each electoral district for members of

the DPR as referred to in paragraph (2) are listed in Appendix III which is an inseparable part of this law"; (3) Article 189 paragraph (1), "The electoral districts for members of the Provincial DPRD are regencies/cities or a combination of regencies/cities; (4) Article 189 paragraph (5), "The electoral districts as referred to in paragraph (1) and the number of seats for each electoral district for members of the provincial DPRD as referred to in paragraph (2) are listed in Appendix IV which is an integral part of this law"; (5) Article 192 paragraph (1), "The electoral districts for members of the district/city DPRD are sub-districts or a combination of sub-districts".

While the basis of constitutionality used, including: (1) Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Sovereignty is vested in the people and exercised according to the Constitution"; (2) Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, "The State of Indonesia is a state of law"; (3) Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, "General elections shall be held directly, generally, freely, secretly, honestly and fairly every five years"; (4) Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, "Every person shall have the right to recognition, guarantees, protection and certainty of a just law and equal treatment before the law".

The petition basically claims that some of the articles in question are contrary to the 1945 Constitution. Perludem's submission of the petition to the Constitutional Court reflects an effort to ensure that elections follow democratic principles and electoral principles, namely that elections are direct, general, free, secret, honest, and fair. More specifically, the debate on the division of electoral districts and the number of seats for members of parliament affects the principle of representation. Fair and proportional Dapil arrangements are an important aspect of ensuring that all citizens have equal representation in government, in accordance with the principle of popular sovereignty, which is the foundation for a representative system in a democracy.

In addition, the applicant's position that Article 1(2) and Article 1(3) of the 1945 Constitution, which emphasize popular sovereignty and the rule of law, reflect the Theory of Representation in a broader context. This confirms that in a representative system, changes to the law must be in line with the basic principles of democracy and popular sovereignty. In addition, reference to Article 28D paragraph (1) of the 1945 Constitution, which underlines the right of everyone to equal protection and treatment before the law, shows the urgency of maintaining equality in elections.

Constitutional Court Decision Number 80 of 2022 discusses a number of key issues that became the focus of debate and consideration in the decision-making process. Some of the main issues include:

- 1) The legal standing of the applicant. One of the issues that became a major concern was the legal standing of the applicant, in this case Perludem, in submitting the application to the Constitutional Court. The DPR was of the opinion that the applicant did not have legal standing to file the application. Therefore, the initial debate in this case was whether or not the applicant had the right to file the application.
- 2) Interpretation of Articles 187 and 189, Constitutional Court Decision No. 80 of 2022 also addressed the interpretation of key articles in Law No. 7 of 2017, namely Articles 187 and 189. These articles regulate the electoral districts of members of the DPR and Provincial DPRD. The applicant argued that these provisions were contrary to the 1945 Constitution of the Republic of Indonesia. Therefore, the Constitutional Court must decide whether or not the interpretation of these articles is in accordance with the Constitution.
- 3) The arrangement or structuring of electoral districts: another issue discussed in this decision is the arrangement of electoral districts. Article 187, paragraph 5, of Law No. 7/2017 states that the electoral districts for members of the DPR and provincial DPRD are determined

in Appendices III and IV, which are integral parts of the law. However, whether this arrangement is in accordance with the Constitution or should be regulated in the KPU Regulation is one of the questions faced by the Constitutional Court.

- 4) The legal force of the appendices to the law: there is an issue regarding the legal force of Appendices III and IV of Law Number 7 Year 2017. Whether these appendices have binding legal force or should only be a reference that can then be regulated in more technical regulations is an important debate in the decision-making process.

Constitutional interpretation: Constitutional Court Decision Number 80 of 2022 also reflects the efforts of the Constitutional Court in interpreting the Constitution correctly and consistently. The Constitutional Court must ensure that the legal interpretations given are not only in accordance with the constitution but also provide clear guidance for the organization of elections based on the principles of direct, general, free, secret, honest, and fair.

The issue of the applicant's legal standing reflects an important element of representativeness theory. Representativeness theory emphasizes the need for the rights of citizens and civil society organizations to play a role in the electoral process and oversight of the government. In this context, Perludem, as the petitioner, tries to play a role as an element of society to ensure that elections take place in accordance with democratic principles.

The issue of interpretation of Articles 187 and 189 reflects efforts within the framework of constitutionalism theory. Constitutionalism emphasizes the importance of ensuring that every law or regulation must be in accordance with the constitution, which is the highest legal foundation. In this case, the Constitutional Court acts as the guardian of the constitution to ensure that the interpretation of these articles is in accordance with the constitution. The issue of constitutional interpretation reflects the Constitutional Court's commitment to carrying out its role as the interpreter of the Constitution. This is related to the theory of constitutionalism and the rule of law, in which the Constitutional Court must ensure that its interpretation is not only in accordance with the text of the constitution but also provides clear and consistent guidelines for the organization of elections that follow democratic principles.

The issue of the consistency of Appendices III and IV with the substance of Article 185 of Law 7 of 2017 highlights the legal and policy aspects. This reflects an understanding of legal theory and the theory of the rule of law, which emphasizes the need for consistency between law and policy within the framework of the rule of law. That the actual structuring of the electoral process should be left to the KPU as an independent institution reflects considerations of political theory of law, which emphasizes the need for separation of powers and a focus on fairness, independence, and integrity of relevant institutions in the political system. The expert witness supports the argument that the parliament (DPR) has a conflict of interest as an election participant, and therefore, the delineation of electoral districts should be the responsibility of the KPU as an independent institution.

The government, in this case the President of the Republic of Indonesia, briefly affirmed compliance with the Constitution, emphasizing the importance of maintaining consistency of laws and regulations and other legal products with the 1945 Constitution of the Republic of Indonesia. The government argues that the articles in dispute in this case are in accordance with the 1945 Constitution and therefore must be maintained. Recognizing the legal force, the government is of the view that Law No. 7/2017 still has binding legal force and is not unconstitutional. They highlighted the importance of maintaining legal continuity to maintain legal and political stability. The government's recognition of the legal force of Law No. 7/2017 highlights a positive law that emphasizes the importance of respecting existing laws, including those that have been passed by the legislature. The government argues that Law No. 7/2017 still has binding legal force and does not contradict the constitution. This argument reflects confidence in the legality of the applicable laws.

KPU, as the election organizing agency, submits arguments, among others: first, the limited authority of the KPU; the KPU recognizes that they have limited authority in the arrangement of Dapil. KPU realizes that their authority must be subject to the provisions in the law governing the applicable elections, in this case Law Number 7 Year 2017. In the frame of political theory of law, KPU's argument regarding the limitations of their authority reflects the complex relationship between state institutions in the Indonesian political system. In this system, the role and authority of each institution have been determined by law. This reflects the principles of power sharing and checks and balances in the constitution. On the other hand, an imbalance of authority or arbitrary use of authority can have adverse implications for the implementation of the constitution, particularly in the electoral process as an embodiment of state sovereignty, which is expressly and straightforwardly written in the 1945 Constitution.

After considering all the arguments submitted by the relevant parties, the Constitutional Court issued its Decision No. 80 of 2022, which included several key points. First, the Constitutional Court rejected the petitioner's (perlude) request for provision, stating that the petition had no basis in law and therefore could not be accepted. Second, while rejecting the provision, the Constitutional Court also granted some of the petitioners' requests, especially regarding Article 187 paragraph (5) and Article 189 paragraph (5) of Law Number 7 Year 2017, which were deemed contrary to the 1945 Constitution of the Republic of Indonesia. Thirdly, the Constitutional Court stated that Appendix III and Appendix IV of Law Number 7 Year 2017 are contrary to the 1945 Constitution, indicating that these provisions do not have binding legal force. Finally, the Court ordered the publication of this decision in the State Gazette of the Republic of Indonesia, an important action to disseminate information about the decision to the public. The Constitutional Court's decision as a judicial body reflects an in-depth analysis and assessment of the case, providing an important legal foundation and opening up opportunities for change in the structuring of the Dapil, potentially affecting the distribution of power and political representation in Indonesia.

The Constitutional Court Decision No. 80 of 2022 has a significant impact on elections in Indonesia, especially in terms of changes to the arrangement of DPR electoral districts. This decision opens up the opportunity for Dapil for DPR members to not only be limited to the provincial, district, or city level but can also include a combination of districts or cities, in accordance with the provisions of Article 185. Thus, there is a change in the distribution of seats and political representation at the national level. In addition, the impact is also felt in the Dapil of Provincial DPRD members, where the Dapil arrangement is no longer limited to the district or city level but can include a combination of districts or cities in accordance with the reference to Article 185. This opens up space for further changes in the distribution of seats and political representation at the provincial level. The Constitutional Court's decision also emphasizes that the delineation of Dapil regulated in Appendix III and IV of Law No. 7/2017 must be regulated in a General Election Commission Regulation, shifting the responsibility from the law to more detailed regulations.

The impact of Constitutional Court Decision No. 80 of 2022 on Indonesian elections includes several crucial aspects. First, there is increased flexibility in political representation, allowing for quick adjustments in Dapil to reflect demographic and administrative changes. Second, there is an opportunity to increase the representation of minority groups with the possibility of smaller or specific Dapil arrangements. Third, the role of the KPU becomes more important, as the KPU is required to organize the DPR and Provincial DPRD Dapil in accordance with Article 185 of Law No. 7/2017. This changes the KPU's role in determining the boundaries of Dapil and the number of seats in it, encouraging the formulation of more detailed regulations. Fourth, the potential for increased democratic participation arises with more accurate and representative Dapil divisions, strengthening voter participation and overall democracy in Indonesia.

Reorganization of Electoral Districts by the KPU after Constitutional Court Decision Number 80 of 2022

In General Election Commission Regulation (PKPU) Number 6 of 2023 concerning Electoral Regions and Allocation of Seats for Members of the DPR, Provincial DPRD, and Regency/CCity DPRD in the 2024 General Elections, it is not explicitly explained about the process or stages of rearrangement of Electoral Regions and allocation of seats for DPR and Provincial DPRD. However, referring to PKPU No. 6 of 2022 concerning Electoral Regions and Allocation of Seats for Members of the Regency or City Regional House of Representatives in the 2024 General Elections, assuming there are no changes, the process or stages of delineating Dapil for the DPR include:

- 1) Receiving aggregate population data: the process begins with the receipt of aggregate population data from various Ministries of Home Affairs (MoHA). This data is the main basis for determining the new electoral district structure.
- 2) Examination and synchronization of population data and government administration areas with maps of government administration areas: KPU examines and synchronizes population data with existing government administration areas. It is important to ensure that population data and administrative areas are in accordance with actual conditions.
- 3) Preparation and determination of the draft number of seats for DPR members: KPU then compiles and determines the number of DPR member seats that will be contested in the elections based on the verified data.
- 4) Preparation and determination of the draft arrangement of Dapil and the allocation of DPR seats by the KPU: the KPU designs the new Dapil along with the allocation of DPR seats based on population data and administrative areas that have been adjusted.
- 5) Announcement of the determination of the draft arrangement of Dapil and the allocation of DPR seats by the KPU. The draft arrangement of Dapil and the allocation of DPR seats are announced by the KPU to provide an opportunity for the public to know and study the draft arrangement of Dapil and the allocation of DPR seats.
- 6) Public input and responses, The public can provide input and responses to the draft electoral district arrangement that has been announced. This encourages transparency and public participation in the process.
- 7) Public test of the draft arrangement of electoral districts and the allocation of seats for DPR members by KPU: KPU conducts a public test to evaluate the draft arrangement of electoral districts and the allocation of seats for DPR members that have been announced. In this process, the KPU involves the DPR, the government, experts, Bawaslu, and other relevant parties.
- 8) Finalization and determination of the draft arrangement of electoral districts and the allocation of seats for DPR members by the KPU, After considering public input and the results of the public test, the KPU finalizes the draft arrangement of electoral districts and the allocation of seats for DPR members.
- 9) Structuring and determination of DPR electoral districts by the KPU, This process includes the official determination of the new DPR electoral districts based on KPU regulations.

The process of reorganizing provincial DPRD electoral districts by the KPU involves a series of steps similar to reorganizing DPR electoral districts. The initial stage begins with receiving aggregate population data from the Ministry of Home Affairs. The KPU then reviews and synchronizes population data with government administrative areas, ensuring conformity between population data and actual conditions in administrative areas. Next, the KPU prepares and determines a draft of the number of seats to be contested in the election based on verified data. The next process involves preparing a draft of the electoral district arrangement and the

allocation of seats for provincial DPRD members, which is announced to give the public the opportunity to provide input and responses. After that, the KPU conducted a public test and considered public input and the results of the public test in finalizing the draft electoral district arrangement and seat allocation. The next step is for the Provincial KPU to coordinate with the Indonesian KPU to review, recapitulate, and determine the new electoral district, then enter the stage of officially determining the new electoral district through KPU regulations. In these findings, the process of reorganizing electoral districts for the DPR and provincial DPRD involves a series of structured stages. This process is based on verified population data and considers input from the community. Apart from that, the involvement of various parties, such as government agencies, experts, and related institutions, is an indication of commitment to running general elections that are transparent and based on accurate data. The electoral district structuring process also reflects close cooperation between the provincial and central levels in an effort to maintain the integrity and consistency of the process. Public participation through detailed steps ensures that community interests and democratic principles guide changes to electoral districts. This is an important step in supporting a fair and trustworthy election system (Mahyudin et al., 2023: 62). After going through a series of processes for reorganizing the DPR and Provincial DPRD electoral districts, the KPU determined the DPR and Provincial DPRD electoral districts through KPU Regulation Number 6 of 2023 concerning Electoral Districts and Allocation of Seats for Members of the People's Representative Council, Provincial People's Representative Council, and Regency/City Regional People's Representative Council in the General Election in 2024. In attachments I and II of KPU Regulation Number 6 of 2023, it can be seen that there are changes to the DPR and Provincial DPRD electoral districts after being compared with attachments III and IV of Law Number 7 of 2017, which regulate DPR and Provincial DPRD electoral districts before the Constitutional Court's decision. . This change includes the number of electoral districts for members of the DPR from a total of 80 electoral districts to 84 electoral districts and the number of electoral districts for members of the Provincial DPRD from 272 total electoral districts to 301 electoral districts.

The changes in this case include the addition of four DPR member electoral districts, consisting of the South Papua, Central Papua, Mountain Papua, and Southwest Papua electoral districts, which were previously incorporated into the Papua and West Papua electoral districts before the formation of the New Autonomous Region (DOB). Meanwhile, the changes in this case are the addition of 29 electoral districts for Provincial DPRD members, consisting of the addition of electoral districts in Banten Province from 10 to 12 electoral districts, Central Sulawesi from 6 to 7 electoral districts, and South Papua, which was previously combined with electoral districts in Papua Province to become a new province with 5 electoral districts. Central Papua, which was previously combined with the electoral district in Papua Province, became a new province with 8 electoral districts; Papua Mountains, which was previously combined with the electoral district in Papua Province, became a new province with 7 electoral districts; and Southwest Papua, which was previously combined with the electoral district in West Papua Province, became a new province. with 6 electoral districts.

In the results of this research, it was revealed that the KPU has completed the reorganization of the DPR and Provincial DPRD electoral districts in accordance with the decision of Constitutional Court Number 80 of 2022. KPU Regulation Number 6 of 2023 regulates this process, allocating seats for members of the People's Representative Council, Representative Council Provincial People, and District/City Regional People's Representative Councils in the 2024 General Election. The addition of electoral districts reflects changes in the administrative structure of the Indonesian government and population growth in several regions. Thus, adjusting electoral districts is a step that needs to be taken to ensure fair and equitable political representation at the national and provincial levels. Organizing general elections in accordance with these changes will require careful coordination, including

organizing logistics and accurate voter mapping. The electoral district restructuring process is an important effort to ensure that general elections take place fairly, transparently, and in accordance with applicable legal provisions.

Even though the Constitutional Court gives the KPU authority, in practice, changes to electoral districts can be a politically complex problem. This is mainly related to political considerations at regional and national levels. Various political interests need to be considered, including ensuring the representation of certain groups, maintaining political stability, and minimizing dissatisfaction or protests from certain political parties or community groups (Walter and Emmenegger, 2023: 1124). Therefore, despite its authority, the KPU may have to deal with political pressures and obstacles that limit significant change. The obstacles or issues faced by the KPU in the process of reorganizing electoral districts will be explained in the next section.

The KPU faces complex challenges in carrying out its responsibilities regarding the arrangement and determination of electoral districts for members of the DPR and Provincial DPRD. Constitutional Court Decision Number 80 of 2022 has a significant impact by requiring substantial changes in the arrangement of electoral districts, including the allocation of seats, the number of electoral districts, and the possibility of merging or splitting electoral districts. Limited time constraints according to the election schedule add complexity, considering that delays could potentially make the implementation of the election unconstitutional. Coordination with various stakeholders, complex data synchronization, complex public testing and consultation processes, as well as efforts to maintain election principles, are all challenges that require significant effort and time.

This challenge reflects the high level of complexity in carrying out the KPU's duties regarding the reorganization of electoral districts. This process involves complex political, legal, and technical aspects. The KPU is faced with the need to maintain integrity and transparency in carrying out its duties, as well as consider democratic principles such as fair representation. In facing this complexity, the KPU needs to carry out its responsibilities with full vigilance, integrating political, legal, and technical considerations in a way that ensures public trust and the successful implementation of elections in accordance with democratic principles.

The rearrangement of electoral districts by the KPU following Constitutional Court Decision Number 80 of 2022 reflects legal political events that have had a major impact in the field of elections in Indonesia. The legal-political analysis in this research highlights several key points. First, the Constitutional Court's decision is the main legal basis for the restructuring, replacing attachments III and IV of Law Number 7 of 2017. This decision emphasizes the importance of election principles, which include direct, public, free, secret, honest, and fair. Meanwhile, give authority to the KPU to execute the restructuring. Second, the principles of democracy and general elections guaranteed by law are the main guidelines. The reorganization process must ensure equal voting value, proportionality, territorial integrity, and other democratic principles are maintained.

This process is not only the foundation for democracy but also places power directly in the hands of the people, ensuring fair representation and more effective accountability (Supriyanto, 2021: 11–12). Its success depends on active public participation and community understanding of the impact of these changes. By considering the allocation of seats, the number of electoral districts, and the representation of minority groups, the reorganization of electoral districts can shape elections, which remain a crucial instrument in building a government that is responsive and has a positive impact on society. Consistent with the statement by Salameh and Aldabbas (2023:7), who emphasize the importance of structuring electoral districts with ideal considerations, meeting the standards of distributive justice.

In line with legal political theory, which emphasizes the important role of political institutions in drafting laws, Constitutional Court Decision Number 80 of 2022 is the legal basis that influences the process of reorganizing electoral districts (Maffud, 2023: 1). The Constitutional Court's decision is a strong legal instrument that directs the KPU to make changes to electoral districts, replacing attachments III and IV of Law Number 7 of 2017. The Constitutional Court's decision shows the interplay between law and politics in the context of structuring electoral districts, which reflects a commitment to the principles of free general elections, and fairness. Changes in electoral districts must take into account the basic principles of elections in Indonesia. These principles include equality of vote value, proportional elections, and so on (Mutawalli and Paidi, 2023: 357). In line with legal political theory, which emphasizes the use of law as a tool to achieve ideal social, economic, and political goals (Maffud, 2023: 1).

Reorganizing electoral districts must uphold these principles, laying the groundwork for fair and representative elections. Changes in seat allocation and the number of electoral districts affect the distribution of political power and political representation at the national and regional levels (Pukelsheim and Grimmett, 2018: 150). Legal and political principles related to the distribution of power and community representation become relevant in this context. These changes reflect how the law is a tool to achieve social and political goals, as well as ensuring that changes in electoral districts reflect constitutional principles. In the context of the reorganization of electoral districts and the allocation of seats in elections in Indonesia, Wolhoff's understanding of democratic theory becomes relevant. The concept of democracy, which focuses on government by the people, for the people, and on behalf of the people, highlights the importance of general elections as a mechanism in indirect democracy (Saputra, 2019: 19). The process of reorganizing electoral districts must reflect efforts to ensure that political representation in government more accurately reflects the aspirations of the people.

IV. CONCLUSION

The main problem that triggered the lawsuit was the inconsistency between Law Number 7 of 2017 concerning elections and the 1945 Constitution. The petitioner and expert witnesses succeeded in proving that the arrangement of electoral districts in Attachments III and IV to Law Number 7 of 2017 was not in line with the principles for structuring electoral districts, which are regulated in the same law. Indeed, compelling arguments suggest the possibility of gerrymandering, where political interests can manipulate the electoral district arrangement. Constitutional Court (MK) Decision Number 80 of 2022 has restored the KPU's authority to reorganize electoral districts for the DPR and Provincial DPRD. The main implications are substantial changes in seat allocation, the number of electoral districts, and the impact on political representation in parliament, especially at the national and provincial levels.

The process of reorganizing electoral districts by the General Election Commission is a task full of challenges. Some of the challenges faced include fundamental changes in organization, limited time limits, coordination with related parties, complex data synchronization, and efforts to maintain election principles. This complexity reflects the importance of carrying out this task carefully, paying attention to legal and political aspects, fostering public understanding, and involving active participation from various parties to maintain the integrity of the election process in Indonesia. The results of the restructuring carried out by the KPU in PKPU Number 6 of 2023 have not resulted in significant changes in the arrangement of electoral districts. Most of the changes are limited to adding electoral districts for new autonomous regions and a small number of adjustments to new non-autonomous regions. The KPU is of the opinion that this arrangement is optimal after considering various factors, including the available grace period. Furthermore, the KPU asserted that it was challenging to fully implement the law's prescribed principles for electoral

district structuring in an electoral district due to inherent conflicts, necessitating the sacrifice of some principles for those deemed more suitable in a specific context.

The recommendations that researchers can provide based on the results of the analysis include efforts to harmonize legal regulations related to elections, especially the arrangement of electoral districts, by paying attention to the basic principles of justice, representation, and democracy. To avoid inconsistencies, more specific arrangements regarding the electoral district structuring process are recommended, such as determining a principle hierarchy or priority matrix. Routine evaluation mechanisms related to electoral districts also need to be set up for dynamic responses to regional demographic and administrative changes. Increasing public awareness about the importance of fair and democratic electoral planning is key, with voter education and public understanding as a means of ensuring better elections.

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