

Interim Election as a Constitutional Bridge for Aceh's Legislative Vacuum after Decision No. 135/PUU-XXII/2024

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Abstract

The Constitutional Court Decision No. 135/PUU-XXII/2024, which establishes unified concurrent local elections (Pemilu Daerah), creates a two-year legislative vacuum (2029–2031) in the Aceh House of Representatives (DPRA) and the Regency/Municipal House of Representatives (DPRK). This issue originates from a systematic domino effect caused by the fixed-term executive rule under Article 65 of the Law of Aceh Governance (UUPA) clashing with the rescheduled 2031 local electoral calendar. Therefore, this normative-doctrinal legal study aimed to reconstruct the transitional legal mechanisms governing the occupation of local legislative seats. In the process, statute, conceptual, case, and comparative methods were adopted. Brazil's 1988 ADCT, Nepal's 2007 Interim Constitution, and the legal mindsets of Constitutional Court Decisions No. 55/2019 and 143/2023 served as comparative legal analogies. Furthermore, data were analysed qualitatively using a prescriptive method. The results showed that Model 1 (Limited Extension) and Model 2 (Collective Parliament) contained fundamental democratic deficits, as both bypassed direct electoral mandates. Model 3 proposed institutionalising an Interim Election with a one-off shortened term leading up to the 2031 concurrent cycle and was considered the most rational and constitutional solution. This scheme is technically viable for integration into the 2029 elections, supported by the General Elections Commission (KPU) Regulation No. 10/2023 and the digital infrastructure of the Aceh Independent Election Commission (KIP). In conclusion, the Interim Election served as a solid jural bridge to safeguard popular sovereignty while fully protecting the exclusive political recruitment rights of local political parties under Article 76 of the UUPA.

Keywords: Aceh; constitutional; interim election; local legislative; parliament.

Abstrak

Putusan Mahkamah Konstitusi Nomor 135/PUU-XXII/2024 yang mengamankan unifikasi Pemilu Daerah (Pemilu Lokal) serentak memicu *rechtsvacuum* berupa parlemen hampa (*legislative vacuum*) selama dua tahun (2029–2031) pada Dewan Perwakilan Rakyat Aceh (DPRA) dan Dewan Perwakilan Rakyat Kabupaten/Kota (DPRK). Masalah ini bersumber dari efek domino sistemik antara aturan *fixed-term* eksekutif dalam Pasal 65 Undang-Undang Pemerintahan Aceh (UUPA) dan pergeseran kalender pemilu lokal ke tahun 2031. Penelitian hukum normatif-doktrinal ini bertujuan merekonstruksi mekanisme hukum transisional dalam pengisian kursi di Dewan Lokal. Dengan menggunakan pendekatan perundang-undangan, konseptual, kasus, dan perbandingan—berparameter pada ADCT Konstitusi Brasil 1988, Konstitusi Sementara Nepal 2007, serta analogi pola pikir Putusan MK No. 55/2019 dan No. 143/2023—data dianalisis secara kualitatif-preskriptif. Hasil penelitian

menunjukkan bahwa Model 1 (Perpanjangan Terbatas) dan Model 2 (Parlemen Kolektif) mengandung defisit demokrasi karena secara langsung mengabaikan mandat elektoral. Sebagai solusi, Model 3 berupa pelembagaan Pemilu Antara (*interim election*) khusus dengan masa jabatan terpotong (*one-off*) menuju siklus serentak 2031 merupakan pilihan yang paling rasional dan konstitusional. Skema ini secara teknis dapat diintegrasikan ke dalam Pemilu 2029 melalui kesiapan PKPU Nomor 10/2023 dan infrastruktur digital KIP Aceh. Penelitian ini menyimpulkan bahwa Pemilu Antara berfungsi sebagai jembatan yuridis (*jural bridges*) yang kokoh untuk menyelamatkan kedaulatan rakyat sekaligus memproteksi hak eksklusif rekrutmen politik partai politik lokal berdasarkan Pasal 76 UUPA.

Kata Kunci: Aceh; konstitusional; pemilu antara; legislatif daerah; parlemen.

Introduction

Asymmetric decentralisation in Indonesia grants Aceh Province a unique and privileged legal standing in regional governance. This constitutional feature is explicitly institutionalised through Law No. 11 of 2006 on the Law of Aceh Governance (UUPA), which establishes distinctive regional representative institutions, namely the Aceh People's Representative Council (DPRA) and the Regency/Municipal People's Representative Council (DPRK).¹ The legitimacy of socio-political legislative institutions in Aceh is distinctive because of support from local political parties, which have authority over political recruitment and the appointment of regional public officeholders.² The institutionalisation of these local pillars was not only intended to strengthen special autonomy but also to articulate people's sovereignty post-conflict. Consequently, the certainty of the periodicity and continuity of the mandate of these representative institutions becomes an absolutely protected constitutional mandate.

The stability of local election governance in Aceh has been shaken by a dogmatic challenge following the enactment of Constitutional Court Decision No. 135/PUU-XXII/2024, which mandates a clear separation between the national and regional election regimes.³ The Constitutional Court discovered that the full concurrent elections model, comprising five ballots in a single electoral process, created substantial technical complexity, exceeded the administrative capacity of election organisers, and weakened the effective exercise of popular sovereignty at the local level.⁴ The implications of this change in state design have

¹ M. Alkaf and Shafrida Wati, "Pembentukan Demokrasi Lokal Di Aceh," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 9, no. 2 (2022): 58–70, <https://doi.org/10.32505/politica.v9i2.4764>.

² Nurlaina Nurlaina, Muryanto Amin, and Warjio Warjio, "Motif Aktor Lokal Dalam Kuota Pencalonan 120 PERSER PARTAI POLITIK LOKAL PADA PEMILU 2019," *Perspektif* 10, no. 2 (2021): 441–49, <https://doi.org/10.31289/perspektif.v10i2.4604>.

³ Constitutional Court Decision Number 135/PUU-XXII/2024 concerning the Judicial Review of Law Number 7 of 2017 concerning General Elections against the 1945 Constitution of the Republic of Indonesia, December 18, 2024, p. 104.

⁴ Gugun Gunawan, Deny Guntara, and M Abas, "Implikasi Konstitusional Putusan Mk Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Pemilu Daerah," *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 2025, <https://doi.org/10.38035/jihhp.v6i1.6351>.

created complex transitional problems, including normative gaps or legal vacuums (*rechtsvacuum*) within the UUPA and Aceh Qanun No. 12 of 2016.⁵ Without definitive transitional regulations, the terms of office of DPRA and DPRK members elected in the 2024 elections are at risk of ending prematurely, before the next regional legislative election cycle can be held independently.⁶

The uncertainty surrounding the periodisation of power at the local level, due to the de-parallelisation of the general election regime, can be observed in an objective simulation of the term-of-office calendar (periodisation).⁷ Based on the material provisions of Law No. 11 of 2006 concerning the UUPA, the term of office of DPRA and DPRK members elected in the 2024 General Election will, normatively, end in 2029. On the contrary, the Constitutional Court Decision No. 135/PUU-XXII/2024 mandates that new regional elections be held two to two and a half years after the inauguration of national officials. The linear consequence of the division of electoral clusters changes the implementation of local legislative elections in Aceh until 2031, thereby creating paralysis of the people's representative function, or a legislative vacuum, for approximately two years.⁸ The existence of this long-lasting empty period (legislative vacuum) clearly threatens the realisation of the principle of periodicity of power, interrupts the routine legislative cycle, and degrades the essence of people's sovereignty in the regions.⁹

To mitigate the risk of paralysis in regional governance, a new legal framework grounded in the doctrine of transitional constitutionalism is required. This restructuring of transitional instruments requires a comparative method to assess how the international legal order manages anomalies in the periodisation of power. The empirical experience of Brazilian constitutional law, through the institutionalisation of basic norms (*Constituição da República Federativa do Brasil*), provides a solid foundation for the importance of protecting human rights and maintaining a balanced separation of powers during the transition period.¹⁰ Synergistically, the transitional provisions in Brazil's 1988 Act of Temporary Constitutional Provisions (ADCT) and the 2007 Interim Constitution of Nepal

⁵ Ahmad Ari Fatullah, M Maghfur Agung, and Rahmah Meladiah, "Implikasi Konstitusional Dan Sistemik: Analisis Putusan MK Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Pilkada," *ELQONUN: Jurnal Hukum Ketatanegaraan* 3, no. 1 (2025): 37–45, <https://doi.org/10.19109/elqonun.v3i1.30988>.

⁶ Kadimuddin Bachaki, "Masa Depan Pemilu Indonesia: Refleksi Putusan Mahkamah Konstitusi Nomor 135/PUU-XII/2024," *Jurnal Media Hukum* 13, no. 2 (2025): 265–74, <https://doi.org/10.59414/jmh.v13i2.1042>.

⁷ Indra Bayu Nugroho, "Politik Hukum Pengesahan Undang-Undang Sistem Pemilihan Umum Nasional: Studi Teoritis Unifikasi Rezim Pemilihan Umum Dan Pemilihan Kepala Daerah," *PUSKAPSI Law Review* 4, no. 2 (2024): 125–144, <https://doi.org/10.19184/plr.v4i2.2590>.

⁸ Ari Fatullah, Agung, and Meladiah, "Implikasi Konstitusional Dan Sistemik: Analisis Putusan MK Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Pilkada."

⁹ Seni Kamalia Rizki Fathullah and Ni Ketut Sari Adnyani, "Parlemen Daerah Tanpa Anggota: Legislative Vacuum Di Balik Putusan MK Nomor 135/PUU-XXII/2024," *KOHCEHCYC*, 2026, <https://doi.org/10.62383/konsensus.v3i2.1622>.

¹⁰ Senado Federal Do Brasil, "Constituição Da República Federativa Do Brasil," *Brasília: Senado Federal, Centro Gráfico*, 1988.

provide useful parameters for formulating default rules to bridge institutional gaps.¹¹ Through this comparative synthesis, interim legislative positions can be designed proportionally to maintain local political stability without undermining the special autonomy and asymmetric rights of Aceh Province.

Methods

This legal study adopted a normative-doctrinal method, focusing on the analysis of the harmony of norms, legal principles, and systemic consistency within the Constitutional Law system.¹² The statutory method was applied rigorously to examine vertical and horizontal conflicts of norms among the 1945 Constitution of the Republic of Indonesia, the General Election Law, the Regional Government Law, and UUPA.¹³ Additionally, a conceptual method was used as an analytical tool to dissect the transition phase after the Constitutional Court decision. The concepts of constitutional ambivalence (constitutional liminality) and institutional resilience were adopted to formulate a *jural* bridge that ensures the sustainability of the regional legislative function.¹⁴

To achieve comprehensive analytical depth, the analysis integrated a case study and comparative methods.¹⁵ The case study method was not based solely on Constitutional Court Decision No. 135/PUU-XXII/2024 but was also strengthened by tracing the jurisprudence on transitional provisions in Constitutional Court Decisions Nos. 55/PUU-XVII/2019 and 143/PUU-XXI/2023.¹⁶ Meanwhile, the comparative method was used functionally by examining the practical application of the Act of Temporary Constitutional Provisions (ADCT) in the 1988 Brazilian Constitution and the 2007 Interim Constitution of Nepal as comparative parameters for state administration.¹⁷ All

¹¹ UNDP Nepal, *The Interim Constitution of Nepal 2063 (2007)*. (Government of Nepal, Ministry of Law, Justice, and Parliamentary Affairs ..., 2007).

¹² Windri Meyla Helisha, Siti Pusella Putri, and Stella Anugrah Apriliani, "Negara Hukum Indonesia Dalam Perspektif Pancasila," *Sultan Adam: Jurnal Hukum Dan Sosial* 4, no. 1 (2026): 202–9, <https://doi.org/10.71456/sultan.v4i1.1729>.

¹³ Eza Aulia, Putri Kemala Sari, and Adella Yuana, "Analisis Pelaksanaan Pemilihan Kepala Daerah Serentak Pada Tahun 2024 Berdasarkan Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh," *Jurnal Hukum Samudra Keadilan* 19, no. 2 (2025): 271–85, <https://doi.org/10.33059/jhsk.v19i2.10664>.

¹⁴ Ikhsan Setiawan and Muchammad Daing Azimattara, "Between Legal Certainty and Democratic Legitimacy: The Normative Void of the Constitutional Court Decision No. 135/PUU-XXII/2024 in Indonesia's Constitutional System," *Constitutionale* 6, no. 2 (2026): 153–64, <https://doi.org/10.25041/constitutionale.v6i2.4647>.

¹⁵ Geofani Milthree Saragih, Mirza Nasution, and Eka N A M Sihombing, "Analisis Pelaksanaan Pemilihan Kepala Daerah Serentak Pada Tahun 2024 Berdasarkan Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh," *Masalah-Masalah Hukum* 53, no. 3 (2024): 335–44, <https://doi.org/10.14710/mmh.53.3.2024.335-344>.

¹⁶ Arsul Sani, "Rekonfigurasi Desain Pemilu Pasca Putusan Mk 135/Puu-Xxii/2024: Prospek Partisipasi Pilih Bermakna," *Jurnal Konstitusi* 22, no. 4 (2025), <https://doi.org/10.31078/jk22410>.

¹⁷ *The Interim Constitution of Nepal 2063 (2007) as Amended by the First Two Amendment Acts 2063 and 2064 (2007)*, Part 23, p. 75; bandingkan dengan keselarasan hak fundamental pada *Constituição da República Federativa do Brasil*, Capítulo I, pp. 1-2.

primary and secondary legal materials collected through the literature review were then analysed qualitatively and prescriptively using systematic and teleological interpretation methods.

Result and Discussion

Positioning Transition Mechanism for the DPRA and DPRK Following Constitutional Court Decision No. 135/PUU-XXII/2024

A simulation of the periodisation of power objectively showed that the de-parallelisation of the general election regime through Constitutional Court Decision No. 135/PUU-XXII/2024 has triggered a state of constitutional liminality threatening the stability of regional governance in Aceh.¹⁸ The root of this conflict over constitutional norms lies in the unification of local election (*Pemilu*) clusters following Constitutional Court Decision No. 135/PUU-XXII/2024, which systematically conflicted with the material content of Article 65 of Law No. 11 of 2006 concerning the UUPA.

Although Article 65 of the UUPA textually applied only to executive terms (fixed at 5 years) for Governors, Regents, and Mayors, the implications of merging local simultaneity designs required that the regional legislative election calendar (DPRA/DPRK) follow the same local electoral cycle.¹⁹ When the Constitutional Court rescheduled the local election to 2031, a massive chronological anomaly occurred. The mandate of the regional parliament elected in 2024 will expire in 2029. However, the subsequent election cannot be held until 2031 to maintain synchronisation with regional elections. As a result, a legislative vacuum was created for approximately two years.²⁰

The time lag triggered a period of constitutional suspension in the form of a legislative vacuum, which, according to Deputy Chief Justice of the Constitutional Court, Saldi Isra, needs to be implemented to protect citizens' voting rights from extreme cognitive burden (*voter fatigue*) and to reduce the high No. of invalid votes.²¹ This restructuring of transitional instruments required a comparative method to examine how the international legal order appropriately managed the anomaly of the periodisation of local council power. Brazil's constitutional experience provides a useful precedent. Article 4, paragraph 4 of the transitional provisions of the *1988 Brazilian Ato das Disposições Constitucionais Transitórias* (ADCT) reduced the terms of office of local legislators to synchronise

¹⁸ Ahmad Ari Fatullah, M Maghfur Agung, dan Rahmah Meladiah, "Implikasi Konstitusional Dan Sistemik: Analisis Putusan MK Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Pilkada," *ELQONUN: Jurnal Hukum Ketatanegaraan* 3, no. 1 (2025): 37–45.

¹⁹ Law of the Republic of Indonesia Number 11 of 2006 concerning the Government of Aceh (State Gazette of the Republic of Indonesia 2006 Number 62, Supplement to the State Gazette of the Republic of Indonesia Number 4633), Article 65.

²⁰ Kadimuddin Baehaki, "Masa Depan Pemilu Indonesia: Refleksi Putusan Mahkamah Konstitusi Nomor 135/PUU-XII/2024," *Jurnal Media Hukum* 13, no. 2 (2025): 265–74.

²¹ Arsul Sani, "Rekonfigurasi Desain Pemilu Pasca Putusan Mk 135/Puu-Xxii/2024: Prospek Partisipasi Pemilih Bermakna," *Jurnal Konstitusi* 22, no. 4 (2025).

electoral cycles.²² Furthermore, Article 5, Paragraph 2 of the ADCT mandated emergency regulations (default rules) for the Supreme Election Court to anticipate the vacuum in written law. This principle corresponds to the doctrine of international necessity (constitutional necessity) in Article 64 of the Interim Constitution of Nepal 2007, which, to a limited extent, extends the term of office of the transitional parliament to maintain the country's institutional resilience.²³

At the national level, the rationale for resolving the vacancies can be drawn from the fundamental principles set forth in Constitutional Court Decisions Nos. 55/PUU-XVII/2019 and 143/PUU-XXI/2023. Although Decision 143/2023 originally examined the terms of office of regional heads (executives), the key takeaway is the Constitutional Court's firm protection of tenure when cut short by changes to the simultaneous election schedule.²⁴ This logic of protecting tenure was highly relevant when applied to preserving the transitional period of the DPRA and DPRK in Aceh, which is threatened by a two-year vacancy. Through Decision 55/2019, the Constitutional Court also reminded that the transitional election schedule should be rational to avoid imposing an impossible workload on organisers in the field.²⁵ Based on the Constitutional Court's reasoning in these two decisions, the institutionalisation of transitional regulations for the Acehnese legislature needs to be achieved in a fair and equitable legal framework rather than unilateral bureaucratic policies.

This comparative analysis with other countries required the creation of new, proportional legal bridges (*jural bridges*) that do not undermine the asymmetrical autonomy characteristic of Aceh Province.²⁶ Occupying a transitional parliament through unilateral administrative appointments was considered politically flawed because it risked diminishing the meaning of direct popular sovereignty that underpins the philosophy of Article 65 of the UUPA. Therefore, the most democratic option, consistent with the spirit of historical constitutional pragmatism, was the institutionalization of interim elections (*Pemilu Antara*) specifically to compete the remaining terms of office leading up to the 2031

²² Constituição da República Federativa do Brasil de 1988: Extraído do Ato das Disposições Constitucionais Transitórias (ADCT), Art. 4, Paragraph 4.

²³ Ikhsan Setiawan dan Muchammad Daing Azimattara, "Between Legal Certainty and Democratic Legitimacy: The Normative Void of the Constitutional Court Decision No. 135/PUU-XXII/2024 in Indonesia's Constitutional System," *Constitutionale* 6, no. 2 (2026): 153–64; lihat pula keselarasan formula pada ADCT Brasil 1988, Art. 5, Paragraph 2 dan penanggalan batas waktu parlemen transisi pada UNDP Nepal, *The Interim Constitution of Nepal 2063 (2007)*, Art. 33 dan Art. 64.

²⁴ Decision Number 143/PUU-XXI/2023 Concerning the Judicial Review of Law Number 10 of 2016 Concerning the Second Amendment to Law Number 1 of 2015 Concerning the Determination of Perppu Number 1 of 2014.

²⁵ Decision Number 55/PUU-XVII/2019 Concerning the Judicial Review of Law Number 7 of 2017 Concerning General Elections Against the 1945 Constitution of the Republic of Indonesia.

²⁶ Taufik, Ayu Mega Sukma, dan Elviandri, "Analisis Yuridis Putusan Mahkamah Konstitusi Nomor 135/PUU-XXI/2024 Tentang Perubahan Desain Konstitusional Kecerentakan Pemilu Di Indonesia," *Collegium Studiosum Journal* 8, no. 2 (Desember 2025): 444–50.

simultaneous regional elections²⁷ This option did not only safeguards the principle of regional autonomy but also fully protected the exclusive political recruitment rights of local political parties in Aceh, which were legally protected through the registration and legalization mechanism for legal entities under Article 76 of UUPA..²⁸

Dialectics of Operational Parameters for Three Models of Legislative and Executive Transition in Aceh

To reduce uncertainty regarding constitutional law at the local level, the selection of models for occupying transitional legislative and executive positions in Aceh should be precisely formulated using the following operational matrix:

Table 1. Operational Analysis of Parameters of the Aceh Legislative Transition Model

Operational Parameters	Model 1: Limited Extension (Necessity-Based)	Model 2: Collective Parliament (Institutional Continuity)	Model 3: Interim Election
Legal Basis	Limited revision of Article 76 of the UUPA and the addition of Transitional Provisions by the House of Representatives (DPR) and the President.	Amendment of the UUPA and codification of transitional Qanun by the Aceh Government and DPRA.	Establishment of an Electoral Regulation in Lieu of Law (Perpu) by the President or a derivative regulation of the UUPA.
Source of Legitimacy	The doctrine of constitutional necessity.	The theory of parliamentary institutional continuity.	The principle of purifying popular sovereignty through a direct electoral mandate.
Appointing Body	The Minister of Home Affairs, acting on behalf of the President of the Republic of Indonesia, issued a Decree extending membership.	The Minister of Home Affairs is appointed based on collective proposals and recommendations from local political parties.	The Aceh Independent Election Commission (KIP) is the official election organiser.
Dismissing Body	The Minister of Home Affairs, upon the recommendation of the Honorary Council or after the transition period has concluded.	The Minister of Home Affairs is appointed based on the expiration of the transitional legal bridge.	The Aceh KIP will be inaugurated after the inauguration of the definitive council members resulting from the next election.

²⁷ Devi Yulida and Rini Anggreini, "Interim Election as a Transitional Electoral Design in Indonesia," *Acta Law Journal* 4, no. 1 (2026): 32–44, <https://doi.org/10.32734/alj.v4i1.23554>.

²⁸ Muhammad Fahmi Islami, "A Juridical Analysis of Constitutional Court Decision No. 135/PUU-XXII/2024: The Separation of National and Regional Elections from a Constitutional Perspective," *Nusantara*, 2025, <https://doi.org/10.65101/nusantara.v1i1.29>.

Official Status	Regional officials are subject to numerous restraints on power.	Ad-interim regional officials with limited authority.	Regional officials will be fully vested with a specific, truncated (one-off) term.
Financial Rights	Legitimate financial rights continue to be received in accordance with the Aceh Revenue and Expenditure Budget (APBA) and the Regency/Municipal Revenue and Expenditure Budget (APBK).	Receive limited functional financial rights without strategic allowances.	Full financial rights will be received due to the plenary legislative function exercised.

Source: Processed Data, 2026.

A matrix analysis of the transitional options showed that Models 1 and 2 have weaknesses in the substantive dimension of democracy (meaningful democracy).²⁹ The use of the Necessity-Based Extension scheme (Model 1) and the formation of a Collective Parliament (Model 2) clearly ignored the need for a direct electoral mandate from the Acehnese people, thereby reflecting the spirit of subnational sovereignty.³⁰ Administrative appointments or term extensions without public participation through elections risk triggering a severe crisis of political legitimacy. The occupancy of regional public offices, including executive offices under the democratic principles of Article 65 of the UUPA and legislative seats, should be determined by an electoral process.³¹

Institutionalising the Interim Election as Model 3 was the most rational and integrity-based constitutional middle ground to avoid the flaws in the legitimacy of power.³² Through a transitional voting scheme that can be held concurrently with the 2029 National Election (by adding special DPRA/DPRK ballot boxes), the sanctity of the people's voting rights remains protected and fully respected.³³ This *jural bridge* was fully capable of ending the debate on special regional autonomy, as Model 3 ensured sovereign control over interim parliament by local

²⁹ Taufik, Ayu Mega Sukma, dan Elviandri, "Analisis Yuridis Putusan Mahkamah Konstitusi Nomor 135/Puu-Xxi/2024 Tentang Perubahan Desain Konstitusional Kesenjangan Pemilu Di Indonesia," *Collegium Studiosum Journal* 8, no. 2 (Desember 2025): 444–50.

³⁰ Law of the Republic of Indonesia Number 11 of 2006 concerning the Government of Aceh (State Gazette of the Republic of Indonesia 2006 Number 62, Supplement to the State Gazette of the Republic of Indonesia Number 4633), Article 65.

³¹ Devi Yulida dan Rini Anggreini, "Interim Election as a Transitional Electoral Design in Indonesia," *Acta Law Journal* 4, no. 1 (2026): 32–34; lihat pula problematika penunjukan administratif pada Agil Almunawar, "Implikasi Hukum Putusan Mahkamah Konstitusi Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional dan Lokal," *Jurnal Hukum Berkeadaban* 1, no. 1 (2025): 18–25.

³² Muhammad Fahmi Islami, "A Juridical Analysis of Constitutional Court Decision No. 135/PUU-XXII/2024: The Separation of National and Regional Elections from a Constitutional Perspective," *Nusantara: Journal of Law and Islamic Law* 1, no. 1 (August 2025): 46–48.

³³ MH. Isaeni, "Reconstruction of the Election System Following Constitutional Court Decision Number 135/PUU-XXII/2024: A Legal-Normative Review of the Separation of National and Regional Elections," *JIHAD: Jurnal Ilmu Hukum dan Administrasi* 7, no. 3 (September 2025): 746–748.

political parties (*parlok*). Article 76 of the UUPA granted these parties exclusive authority over political recruitment in asymmetric regions.

Claims that the Interim Election scheme was technically impossible were refuted by the readiness of the applicable formal election regulations. Under KPU Regulation No. 10 of 2023, the organizers had institutionally recognized the uniqueness of the asymmetric legislative nomination process by granting the Aceh Independent Election Commission (KIP) a full mandate to establish its own technical guidelines³⁴ Furthermore, the Aceh KIP's established use of digital infrastructure, particularly the Nomination Information System (Silon), for managing candidate nominations shows its institutional and technological readiness to support the accurate administration of local political party nominations when the Interim Election is integrated into the 2029 electoral calendar.³⁵

Synchronising Aceh's Asymmetric Decentralisation within the Framework of National Institutional Resilience

The institutionalisation of transitional norms for organising the local electoral calendar in Aceh should not be viewed in isolation but rather within the framework of national institutional resilience. The existence of asymmetric decentralisation, institutionalised through the UUPA and Qanun, recognises the constitutional identity of special regions, which is legally guaranteed by Article 18B of the 1945 Constitution of the Republic of Indonesia.³⁶ Therefore, the integration of the election calendar following Constitutional Court Decision No. 135/PUU-XXII/2024 needs to be treated as an opportunity to strengthen subnational sovereignty. The arrangement of the national election schedule should also not diminish the special rights of asymmetric regions.³⁷ The establishment of harmonious transitional regulations is an absolute requirement for harmonising national and local development without sacrificing the guarantee of constitutional legal certainty in the regions.

As a prescriptive conclusion, electoral law reform during this transitional period requires a statesmanlike commitment from lawmakers to draft orderly

³⁴ General Election Commission Regulation Number 10 of 2023 concerning the Nomination of Members of the People's Representative Council, Provincial People's Representative Council, and Regency/Municipal People's Representative Council, Article 90 paragraph (1) and Article 91 paragraph (2).

³⁵ General Election Commission Regulation Number 10 of 2023 concerning the Nomination of Members of the People's Representative Council, Provincial People's Representative Council, and Regency/Municipal People's Representative Council, Article 1 number 19 and Article 92.

³⁶ Ahmad Ari Fatullah, M Maghfur Agung, dan Rahmah Meladiah, "Implikasi Konstitusional Dan Sistemik: Analisis Putusan MK Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Pilkada," *ELQONUN: Jurnal Hukum Ketatanegaraan* 3, no. 1 (2025): 37–45.

³⁷ Ikhsan Setiawan dan Muchammad Daing Azimattara, "Between Legal Certainty and Democratic Legitimacy: The Normative Void of the Constitutional Court Decision No. 135/PUU-XXII/2024 in Indonesia's Constitutional System," *Constitutionale* 6, no. 2 (2026): 153–164.

transitional regulations.³⁸ The restructuring of the simultaneity model by separating National and Local Elections should be guided by the principle of continuity in the legitimacy of power. Interim elections constituted the most constitutionally appropriate mechanism for bridging the parliamentary *rechtsvacuum* without violating the periodicity of power.³⁹ A solid normative bridge, achieved through the revision of the UUPA and Qanun, would enable the separation of the electoral regime, thereby preserving the legitimacy of representative institutions. These reforms strengthen the quality of substantive democracy, purify popular sovereignty, and confirm the effectiveness of special autonomy governance in Aceh Province.

Conclusion

In conclusion, Constitutional Court Decision No. 135/PUU-XXII/2024, which separated the national and regional general election regimes, has created a chronological anomaly: legislative and executive vacuums in Aceh Province for approximately two years after 2029. This institutional uncertainty arose from the interaction between the fixed-term executive principle under Article 65 of the UUPA and the Constitutional Court's decision to reschedule concurrent local elections to 2031, thereby creating a two-year legislative vacuum in the DPRA and DPRK electoral cycle.

As a prescriptive measure, the most proportionate constitutional middle ground for occupying the transitional vacancies was to institutionalise an interim election specifically to elect members of the DPRA and DPRK, with a truncated (one-off) term leading to the 2031 simultaneous cycle. The Interim Election model could be conducted concurrently with the 2029 National Election, ensuring administrative efficiency. The model represented the most constitutionally appropriate option because it preserved the integrity of popular sovereignty. Furthermore, this scheme provides full protection for the asymmetric electoral rights of Aceh Province by ensuring that the occupation of temporary legislative positions remains under the control of political recruitment by local political parties (*parlok*), as legally protected by Article 76 of the UUPA.

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³⁸ Devi Yulida dan Rini Anggreini, "Interim Election as a Transitional Electoral Design in Indonesia," *Acta Law Journal* 4, no. 1 (2026): 32–44.

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