

AUTOCRATIC LEGALISM IN THE 2024 ELECTIONS: DISTORTIONS OF THE RULE OF LAW IN INDONESIA'S DEMOCRACY

^{1,2}Alfeus Jebabun

¹The Researcher of the Institute for the Study and Advocacy of Judicial Independence (LeIP), ²Student of
Doctoral Program of Law, Universitas Kristen Indonesia

¹*alfeusjebabunn@gmail.com*

ABSTRACT

This study examines the rise of autocratic legalism in Indonesia's 2024 elections, highlighting how legal mechanisms were manipulated to consolidate power, suppress dissent, undermine electoral fairness, and weaken public accountability. The research identifies five core patterns of autocratic legalism: (1) manipulation of judicial institutions, (2) misuse of internal political party mechanisms, (3) enactment of manipulative legislation, (4) politicization of public policy, and (5) instrumentalization of the state bureaucracy. Using a normative legal method, this study applies statutory, case-based, and conceptual approaches, relying on legal documents, court rulings, and scholarly works on constitutional democracy. It draws from both primary and secondary legal sources, as well as governance indicators, to demonstrate the impact of autocratic tendencies on Indonesia's democratic quality. The findings reveal that autocratic legalism, when normalized, endangers the foundation of Indonesia's constitutional democracy. Theoretically, this study contributes to understanding how autocratic regimes weaponize legal frameworks to dismantle democratic norms from within, accelerating processes of democratic backsliding. It emphasizes the need to reconceptualize democratic resilience, not merely as institutional endurance, but as the capacity to resist legal manipulations from within. Accordingly, the study recommends reforms to secure judicial independence, revise the Political Party Law, expand civil liberties, and foster meaningful public participation. These measures are vital to restoring democratic integrity and upholding the rule of law as mandated by the 1945 Constitution.

Keywords: autocratic legalism, 2024 elections, sustainable democracy, electoral integrity, rule of law

1. Introduction

1.1. Background

The 2024 Simultaneous General Election (Pemilu) and Regional Head Election (Pilkada) marked a critical juncture in Indonesia's constitutional democracy. Although procedurally conducted according to schedule and existing mechanisms, numerous irregularities signaled a departure from the principles of the rule of law and substantive democracy. Former Vice President Jusuf Kalla even described it as the worst election since 1955, citing interference by powerful individuals, the government, and moneyed interests (Singgih Wiryo and Dani Prabowo, 2024).

These deviations reflect symptoms of autocratic legalism, where law functions not to restrain power but to legitimize authoritarian control (Kim Lane Scheppele, 2018).

One of the real manifestations of autocratic legalism in the context of the 2024 Election is the Constitutional Court (MK) decision Number 90/PUU-XXI/2023. This decision adds an exception to the minimum age limit for presidential and vice presidential candidates, allowing individuals who are not yet 40 years old but have served or are currently serving as regional heads to run (Constitutional Court Decision, 2023). This decision was controversial because it was considered full of conflict of interest, considering that the Chief Justice of the Constitutional Court at that time, Anwar Usman, was the uncle of Gibran Rakabuming Raka, who later ran for vice president. The Constitutional Court's Honorary Council then imposed sanctions on Anwar Usman for ethical violations in the decision-making process (Decision of the Honorary Council of the Constitutional Court, 2023).

The Simultaneous General and Regional Elections have prompted questions about the impartiality of state officials, particularly regarding actions that may have benefited specific candidate pairs. A report from The Indonesian National Human Rights Commission (Komnas HAM) noted irregularities by state officials in the implementation of the 2024 General Election, which has the potential to threaten the neutrality and integrity of the democratic process (Rahma, SP, and IW, 2023). There are indications that the exercise of state authority may have included forms of institutional pressure directed at lower-level officials and members of the public. In addition, there is also misuse of social assistance to support one of the candidate pairs (Mohamad Final Daeng, 2024). Amnesty International (2025) also documented restrictions on freedom of expression, including arbitrary arrests and excessive use of force against demonstrators. These phenomena suggest a deliberate erosion of democratic integrity through the strategic use of legal mechanisms—a hallmark of autocratic legalism. Understanding these trends is crucial for assessing the health of Indonesia's democratic system and proposing institutional safeguards.

1.2. Research Question

How do manifestations of autocratic legalism during Indonesia's 2024 elections affect the principles of substantive democracy and the rule of law?

1.3. Purpose and Objective

This article investigates how autocratic legalism shaped Indonesia's 2024 elections, focusing on the Constitutional Court's role, the misuse of state resources, and the erosion of democratic norms. It aims to propose reforms to protect institutional integrity and promote sustainable democracy. By analyzing the legal and institutional mechanisms that enabled democratic backsliding, the study offers critical insights into how formal legal structures can be co-opted to serve authoritarian interests. The findings are significant not only for understanding Indonesia's current democratic challenges but also for contributing to broader theoretical discussions on authoritarian consolidation through legal means.

2. Literature Review

2.1. Defining Autocratic Legalism

The term autocratic legalism is used to explain the phenomenon of how authoritarian leaders use legal instruments legitimately but for purposes that substantially damage democracy. According to Kim Lane Scheppele, a law expert at Princeton University in the United States, the process towards authoritarianism is no longer carried out by military coups or the overt dissolution of democratic institutions, but through legal means that appear constitutional. These regimes change the constitution, control the courts, and use the law to suppress opposition, all under the guise of formal legality that appears procedurally legitimate (Kim Lane Scheppele, 2018). Drawing from developments in Hungary under Viktor Orbán and Poland under the Law and Justice Party, Scheppele conceptualizes autocratic legalism as a means by which democratic institutions are co-opted to serve authoritarian rule. In both cases, political leaders gained power through legitimate elections, but then weakened democratic institutions through constitutional changes, control of judicial institutions, and restrictions on civil liberties. The law is still enforced, but no longer to protect citizens from the state, but rather the opposite: to strengthen state control over citizens.

Autocratic legalism illustrates how legal systems can transition from upholding the rule of law, which constrains authority, to endorsing rule by law, where legal frameworks are manipulated to legitimize and consolidate power. Rather than being dismantled, the legal system is strategically manipulated. Courts remain operational and elections continue to take place, but these processes are engineered to sustain the control of a dominant political faction. Legal formalities are used to disguise the gradual decline of constitutional norms and the weakening of substantive democracy (Landau, 2013).

A similar opinion was expressed by Isabel Carlota Roby of Robert F. Kennedy Human Rights, who described autocratic legalism as the “new playbook” for authoritarian regimes around the world. In her report, Roby explained that law has changed from being an instrument of democratic protection to a subtle but effective tool of power. In this form, law is no longer used to uphold democracy, the rule of law, and human rights, but rather to legitimize the institutionalization of exclusive power (Isabel Carlota Roby, 2022). Meanwhile, Zainal Arifin Mochtar and Idul Rishan explained that in the process of making laws, there are three indicators of autocratic legalism, namely: the co-optation of the ruling party in parliament; violations of the law and the constitution; and the weakening of the independence of the judiciary (Zainal Arifin Mochtar and Idul Rishan, 2022).

Autocratic legalism, as described above, refers to the strategic use of law to exercise power in ways that maintain procedural legitimacy while eroding the core values of the rule of law and democratic governance. The law is no longer used to limit power, but is instead used as a tool to legitimize political domination, silence the opposition, and control judicial institutions. In this context, while the constitutional framework and electoral processes remain intact on the surface, their core democratic values—such as accountability, civic participation, and judicial independence—have been progressively eroded. The election referred to in this article is the 2024 election as referred to in Article 22E of the 1945 Constitution,

namely an election that is carried out directly, generally, freely, secretly, honestly, and fairly every five years, which is held to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President and the Regional People's Representative Council (DPRD). Meanwhile, the 2024 simultaneous regional elections are regional elections held based on Article 18 paragraph (4) of the 1945 Constitution, namely the election of governors, regents, and mayors which is carried out democratically.

3. Research Methods

3.1. Type of Research

This study employs a normative legal research method, actively analyzing legal norms as expressed in laws, judicial decisions, and legal doctrines to understand how autocratic legalism shaped Indonesia's 2024 elections. The research team applies three complementary approaches: the statutory approach examines key legal instruments, including the 1945 Constitution, the Election Law, and related regulations; the case approach analyzes judicial decisions from the Constitutional Court, Supreme Court, and lower courts pertaining to the 2024 elections; and the conceptual approach constructs a theoretical framework of autocratic legalism by engaging with scholarly works on constitutional law and democracy.

3.2. Data Collection

Researchers collect and organize secondary legal data, which include: (1) primary legal materials, such as legislation and court rulings relevant to the 2024 elections; (2) secondary legal materials, including books, peer-reviewed articles, and dissertations discussing autocratic legalism and constitutional democracy in Indonesia; and (3) tertiary legal materials, such as legal dictionaries, legal encyclopaedias, and the Great Dictionary of the Indonesian Language (KBBI).

3.3. Data Analysis

The analysis proceeds qualitatively, with the researchers interpreting legal texts normatively while critically examining how legal mechanisms may have been used to consolidate power. Through this method, the study identifies patterns of deviation from rule-of-law principles and assesses how legal formalities were possibly instrumentalized to legitimize authoritarian control. To ensure interpretive validity, the study cross-checks doctrinal analysis with jurisprudence and theoretical literature, engages in peer checking to review findings, and uses triangulation among statutory texts, court decisions, and academic concepts to reinforce the credibility of its conclusions.

4. Research Findings and Discussion

4.1. Indications of Autocratic Legalism Symptoms in the 2024 Simultaneous Elections and Regional Elections in Indonesia

The President and Vice President, members of the DPR, DPD, Provincial DPRD and Regency/City DPRD, and regional heads resulting from the 2024 simultaneous General Election and Regional Election have now begun carrying out their duties. However, the process of implementing the General Election and Regional Election is still very relevant to evaluate, considering the many critical notes, especially from a legal perspective. The 2024 General Election was even called the worst in Indonesian history by former Vice President Jusuf Kalla, due to various ethical and procedural violations that tarnished the quality of democracy.

From the perspective of constitutional law, the 2024 General Election and Regional Elections show strong indications of autocratic legalism, namely the formalistic use of law by those in power to maintain and expand political dominance, legitimize elite interests, while reducing the basic principles of the rule of law and substantive democracy. In the principle of the rule of law, law should be used to limit power, protect human rights, and guarantee the implementation of government based on law (Peter F. Drucker, 1933).

Indonesia has constitutionally declared itself a state of law, as stated in Article 1 paragraph (3) of the 1945 Constitution. According to Jimly Ashiddiqie, Indonesia's state of law contains elements of the supremacy of law and constitution, limitations of power through the principle of division and limitation of power; protection of human rights; the principle of an independent and impartial judiciary that guarantees equality before the law; and guarantees of justice for every individual, including protection from abuse of power by the authorities (Jimly Ashiddiqie, 2007). In addition, Article 1 paragraph (2) of the 1945 Constitution expressly states that sovereignty lies in the hands of the people and is implemented according to the Constitution (Constitution stipulates, 1945). Unfortunately, the practice of autocratic legalism in the 2024 General Election and Regional Elections has eroded the principles of the rule of law and people's sovereignty as mandated in the constitution.

This study found 5 (five) forms of autocratic legalism throughout the 2024 General Election and Regional Election. First, judicial manipulation (Judicial Capture), as seen in the Constitutional Court (MK) decision 90/PUU-XXI/2023 regarding the age of presidential candidates as regulated in Article 169 letter q of Law Number 7 of 2017 concerning General Elections (Election Law). The article stipulates that one of the requirements to become a presidential and vice presidential candidate is to be at least 40 (forty) years old. In its decision, the Constitutional Court added a new norm, namely by adding the phrase "or have/are currently holding a position elected through general elections including regional head elections". Thus, the text of Article 169 letter q of the Election Law becomes: "The requirements to become a presidential and vice presidential candidate are: ... q. at least 40 (forty) years old or have/are currently holding a position elected through general elections including regional head elections." (Constitutional Court (MK), 2023). This decision resulted in Gibran Rakabuming Raka, who at that time was not yet 40 years old, being able to become a vice presidential candidate (and was eventually elected as vice president) because he had previously held/was currently

holding the position of Mayor of Solo, thus fulfilling the requirements as decided by the Constitutional Court.

This decision was made by an authorized institution, produced through a legitimate judicial review mechanism, but its substance shows serious deviations from the principles of the rule of law and judicial independence. The panel of judges issued a decision in an unindependent manner, violating ethics, and leading to a conflict of interest because it was directly related to the nomination of Gibran Rakabuming Raka, who in addition to being the son of President Joko Widodo, was also a relative of the Chief Justice of the Constitutional Court when the review was carried out. This is proven through the decision of the Honorary Council of the Constitutional Court that the process of making decision 90/PUU-XXI/2023 was born from a process that violated ethics (Council of the Constitutional Court Number, 2023).

Conceptually, the process of the birth of the Constitutional Court Decision 90/PUU-XXI/2023 fulfills the elements of autocratic legalism as explained by Kim Lane Scheppele, namely when a leader or political power uses legal and constitutional mechanisms legally procedurally, but for purposes that actually damage the substance of democracy. In this case, the Constitutional Court no longer functions as an impartial guardian of the constitution and guardian of electoral justice, but instead becomes a tool of legitimacy for the expansion of political power within the ruling family circle. Thus, the Constitutional Court Decision No. 90/PUU-XXI/2023 is not merely a shift in legal norms, but reflects the hijacking of judicial institutions by political interests, a main characteristic of autocratic legalism in a democratic system that is experiencing decline.

The second form of autocratic legalism in the 2024 General Election and Regional Election is the manipulation of internal political party law (instrumentalization of the Political Party Law and AD/ART), which is marked by the dismissal of elected legislative candidates (caleg) from political party membership, so that these candidates do not meet the requirements to become members of the DPR (Haryanti Puspa Sari and Bagus Santosa, 2024). Most of these dismissals were carried out in the name of organizational discipline, for example violating the Articles of Association (AD) or Bylaws (ART), but it was strongly suspected that they were motivated by elite interests to replace them with favorite candidates or relatives who failed to be elected (Titi Anggrain, 2024). The dismissal of the elected legislative candidates uses the space provided in Article 16 paragraph (1) letter d of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties (Parpol Law). This article stipulates that "Members of Political Parties will have their membership of the Political Party dismissed if: d. Violates the Articles of Association and Bylaws." In the case of members who are dismissed being elected as members of the DPRD or DPRD, then the dismissal from political party membership is followed by the dismissal from the DPR membership (Political Parties Law, 2011). This regulation on the dismissal of political party members has the potential to be used by party elites to carry out autocratic legalism.

The third form of autocratic legalism is the drafting of manipulative legislation. This happened when the DPR revised the Regional Election Law in a short time, which was suspected of accommodating the political interests of the rulers. One of the controversial issues is the age requirements for regional head candidates. The polemic began with the Supreme Court's decision Number 23 P/HUM/2024 dated May 29, 2024, (Susana Rita Kumalasanti and Iqbal Basyari, 2024) which revokes Article 4 paragraph (1) letter d of the General Election Commission (KPU) Regulation Number 9 of 2020 concerning the Fourth Amendment to the General Election Commission Regulation Number 3 of 2017 concerning the Nomination of the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor. The Supreme Court decided that the minimum age of 30 years for gubernatorial candidates and 25 years for regent or mayoral candidates must be calculated from the inauguration, (supreme court, 2025) not since the determination of the candidate pairs. This decision is considered controversial and is suspected of being politically charged, especially related to the possible nomination of Kaesang Pangarep, the son of President Joko Widodo (Topan Yuniarto, 2024). This prompted a number of parties to file a judicial review with the Constitutional Court (MK). On August 20, 2024, the Constitutional Court issued decision Number 70/PUU-XXII/2024 which decided that the minimum age requirement must be met when determining candidates, Constitutional Court Decision, 2024) not during the inauguration as per the Supreme Court ruling. In the process of discussing the Pilkada Bill, the DPR submitted a revision that defied the Constitutional Court ruling, and followed the Supreme Court ruling. As a result, this triggered protests from various elements of society, which were then manifested in a wave of demonstrations. The public was disappointed with the revision of the Pilkada Law which was considered to have violated the constitution and the spirit of the rule of law, urging the DPR and the government to comply with the Constitutional Court ruling. The ratification of the revised Pilkada Bill was finally canceled after receiving massive rejection from students and the public (Isa and Fra, 2024).

The fourth form of autocratic legalism is the politicization of public policy, seen in actions such as the distribution of social assistance (bansos) (Viriya Singgih, 2024) ahead of the 2024 General Election and Regional Election, (Zackir L. Makmur, 2024) appointment of Acting (Pj) regional heads and rotation of sub-district heads, (M. Harry Mulya Zein, 2024) and policy issuance. The provision of social assistance is the authority of the government, but it becomes very political and unethical when distributed ahead of the general election and regional elections. What happened in the policy of appointing acting regional heads and rotating sub-district heads, seemed very political, considering that Jokowi had a conflict of interest at that time. In the 2024 General Election and Regional Election stage, President Joko Widodo issued Government Regulation Number 53 of 2023 concerning Amendments to Government Regulation Number 32 of 2018 concerning Procedures for Resignation in Nominations for Members of the People's Representative Council, Members of the Regional Representative Council, Members of the Regional People's Representative Council, President, and Vice

President, Requests for Permission in Nominations for President and Vice President, and Leave in the Implementation of the General Election Campaign (PP No. 53 of 2023). This regulation paves the way for Prabowo Subianto and Gibran Rakabuming Raka not to have to resign from their respective positions as minister and mayor even though they have entered the 2024 presidential election (Viriya Singgih, 2024).

Fifth, politicization of bureaucracy and state apparatus. The 2024 General Election and Regional Elections were marked by non-neutral actions from state apparatus, such as the emergence of the term Chocolate Party (Parcok), which is suspected of being directed at criticism of the neutrality of the Indonesian National Police (Polri). The term Parcok emerged because the Polri was suspected of using its authority to win certain candidates, for example by investigating corruption cases allegedly committed by village heads (Madina Nusrat, 2024). The timing of the law enforcement was deemed inappropriate because it coincided with the holding of elections.

4.2. The Impact of Autocratic Legalism in Elections and Regional Elections on the Principles of the Rule of Law and Democracy

The phenomenon of autocratic legalism that emerged in the 2024 Simultaneous General Election and Regional Elections has had a serious impact on the integrity of democracy and the sustainability of the principle of the rule of law in Indonesia. When the law is used formally by those in power—not to limit power, but to legitimize and perpetuate political domination—then the function of the law as an instrument of justice and protection of citizens' rights experiences a fundamental deviation. In this context, the law no longer works as "the rule of law", but as "rule by law", namely the law that is hijacked to serve the interests of power. This directly violates the principle of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution.

The occurrence of autocratic legalism also worsens Indonesia's rule of law index. In 2024, Indonesia's rule of law index score dropped two levels, from 66th to 68th out of 142 countries (Dian Dewi Purnamasari, 2024). In fact, Indonesia is considered to be a country that is entering an authoritarian phase, as has become a global trend in the past year. The decline in scores is seen in two indicators, namely restrictions on government power (constraints on government) and protection of basic rights (fundamental rights).

The practice of autocratic legalism also has a significant impact on the decline in the quality of democracy in Indonesia. Referring to the report of The Economist Intelligence Unit (EIU) in 2025, Indonesia's Democracy Index score in 2024 has decreased again compared to the previous year, so that Indonesia remains classified as a flawed democracy. Of the five dimensions used to measure the quality of democracy, the two aspects with the lowest scores are political culture and protection of civil liberties. In the report, Indonesia scored 6.44 on a maximum scale of 10, placing it in 59th position out of 167 countries assessed (Nino Citra Anugrahanto and Kurnia Yunita, 2025).

The most obvious impact of autocratic legalism is the weakening of horizontal accountability in state governance. When institutions such as the Constitutional Court, the Supreme Court, or the General Election Commission are used to accommodate the political interests of the elite, then the inter-institutional control mechanism that is the heart of the checks and balances system is lost. As emphasized by Kim Lane Scheppele, autocratic legalism occurs when democratically elected leaders use legal procedures to dismantle the democratic system from within (Kim Lane Scheppele, 2018). Another impact is the loss of public trust in democratic institutions, which in turn gives rise to political apathy and delegitimization of election results. This was very evident in the implementation of the 2024 Jakarta Pilkada, which was only attended by 58% of voters (NN, 2014).

4.3. Preventing Autocratic Legalism in Elections and Regional Elections in Indonesia

Autocratic legalism can be ended by re-establishing the rule of law. In the concept of *rechtsstaat* as put forward by Julius Stahl, a rule of law state must contain four main elements, namely the protection of human rights, the division of power, government based on law, and the existence of state administrative courts (Jimly Ashiddiqie, 2003). Meanwhile, a state of law in the context of the rule of law, as stated by AV Dicey, a state of law must have three foundations, namely the supremacy of law, equality before the law, and the existence of guarantees and mechanisms for protecting human rights (AV Dicey, 1979). The International Commission of Juris characterizes the concept of a state of law, namely: the existence of constitutional protection; an independent and impartial judiciary; free elections; freedom of expression; freedom of association and opposition; and civic education (Lili Rasjidi and B. Arief Sidharta, 1989).

The context of the rule of law above, if linked to ending autocratic legalism in the General Election and Regional Election, can be done in three ways: first, enforcing the independence of the judicial institution. In this case, independence is not only the freedom of the judicial institution from intervention by other institutions or powers, such as the legislative or executive (institutional independence), but also the personal or individual independence of judges, working relations and professionalism between judges in the judicial institution, and the judicial institution from external pressure (Alfeus Jebabun, 2024). The independence of the judiciary in the context of elections and regional elections is very important considering the vulnerability of judicial power to abuse and intervention as happened to the Constitutional Court in decision number 90/PUU-XXI/2023, as explained above. There will be no “rule of a good law” without an independent judicial institution. In this context, the Constitutional Court is a pillar of reform that must be free from any political interests. The Constitutional Court will ultimately adjudicate policies made by the government. This court must not only be an institution that legitimizes the unilateral actions of lawmakers (Zainal Arifin Mochtar and Idul Rishan, 2022).

Second, it is necessary to reorganize the relationship between political parties and constituents, especially regarding the people's rights to representatives they have directly elected. The dismissal of elected legislative candidates by parties without a transparent legal mechanism is a form of disregard for the people's sovereignty. Therefore, a revision to the Political Party Law is crucial. The General Election Commission (KPU) should also not automatically replace elected legislative candidates dismissed by parties without an accountable and fair process. Replacement must be based on the principles of openness, legality, and respect for the people's voice. In this context, Article 241 of Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, as amended several times, most recently through Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council (MD3 Law) needs to be used as a reference, which regulates that the dismissal of members of the DPR/DPRD is only valid if there has been a court decision that has permanent legal force (Article 241 of the MD3, 2014). Thus, the provisions in the Election Law and the KPU Regulation regarding the replacement of elected candidates should be aligned (*mutatis mutandis*) with the interim replacement mechanism as regulated in the MD3 Law to guarantee the protection of constituent rights in a democratic and just manner (Titi Anggraini, 2024).

Third, expanding the space for public participation and protecting freedom of expression, both through strengthening civil society, independent media, and advocacy for human rights-based policies. As noted by Isabel Carlota Roby of Robert F. Kennedy Human Rights, the most effective response to autocratic legalism is the consolidation of a strong civil society and collective legal consciousness to monitor deviant practices of power (Isabel Carlota Roby, 2022). This is also proven by the three students and the community who succeeded in thwarting the DPR's efforts to pass the Pilkada Bill which is full of political interests and has no benefits.

Finally, the parliament and the President as lawmakers must demonstrate a commitment to the principle of the rule of law, not to make legislation a short-term political tool. The discussion of laws must be carried out by upholding the principle of democratic public deliberation, not as an elite accommodation project.

5. Conclusion and Recommendations

The 2024 Simultaneous General and Regional Elections in Indonesia illustrate a deepening pattern of autocratic legalism, in which democratic laws and procedures are not abolished but strategically manipulated to entrench the power of dominant political actors. This phenomenon is manifested through five key patterns: the manipulation of judicial institutions, the misuse of internal legal instruments within political parties, the enactment of manipulative legislation, the politicization of public policy, and the instrumentalization of the bureaucracy and state apparatus. These developments have

significantly undermined the rule of law as guaranteed in Article 1(3) of the 1945 Constitution and eroded the substance of Indonesia's democratic framework. Empirical evidence, including the declining scores on the Rule of Law Index and the Democracy Index as reported by the World Justice Project and the Economist Intelligence Unit, alongside rising political apathy and public distrust, further underscores the urgency of addressing this democratic backsliding.

To counter these threats and promote democratic resilience, this study offers several concrete recommendations. First, judicial independence must be protected through transparent appointments and stronger ethical oversight mechanisms, particularly in the Constitutional Court. Second, the Political Party Law should be reformed to reduce internal authoritarianism and ensure that mechanisms like interim replacement (PAW) uphold democratic accountability. Third, the protection of civil liberties—such as freedom of expression, assembly, and participation—must be reinforced to revitalize public engagement. Fourth, the legislative process requires greater transparency and public involvement to prevent elite-driven, opaque lawmaking. Lastly, a culture of democratic vigilance must be cultivated through collaboration among civil society, academic institutions, and the media to monitor legal developments and guard against authoritarian encroachment.

In addition to these policy recommendations, future research should explore the local-level manifestations of autocratic legalism, assess the role of regional courts and political dynamics, and conduct comparative studies with other democracies experiencing similar challenges. Further empirical inquiry is also needed to evaluate the effectiveness of legal safeguards and civic resistance in maintaining constitutional democracy under conditions of authoritarian drift.

Bibliography

- Amnesty International. 2025. *Amnesty International Human Rights Report: 2024: The Year of Strengthening Authoritarian Practices in Indonesia and the World*. April 29. Accessed April 10, 2025. https://www.amnesty.id/kabar-terbaru/siaran-pers/laporan-ham-amnesty-international-2024-tahun-menguatnya-praktik-otoriter-di-indonesia-dan-dunia/04/2025/?utm_source=chatgpt.com.
- Anugrahanto, Nino Citra, and Kurnia Yunita. 2025. "A Decade of Declining Trends in Indonesia's Democracy Index." *Kompas.id*, March 5. Accessed May 5, 2025. <https://www.kompas.id/artikel/satu-dekade-tren-indeks-demokrasi-indonesia-menurun>.
- Ashiddiqie, Jimly. 2003. *Constitution and Constitutionalism*. Jakarta: Konstitusi Press.
- . 2007. *Principles of Post-Reformation Constitutional Law*. Jakarta: Buana Ilmu Populer.
- Carlota Roby, Isabel. 2022. "Legal Autocracies under the Guise of 'Democracies.'" *RFK Human Rights*, February 11. Accessed April 30, 2025. <https://rfkhumanrights.org/our-voices/legal-autocracies-under-the-guise-of-democracies/>.
- Constitutional Court of Indonesia. 2023. *Decision Number 90/PUU-XXI/2023*, p. 58.
- . 2024. *Decision Number 70/PUU-XXII/2024*, pp. 43–51. Accessed May 2, 2025. https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_10997_1724127749.pdf.
- Daeng, Mohamad Final. 2024. "Abuse of Power in Elections Signs of Abuse of Power After Elections." *Kompas.id*, February 9. Accessed April 12, 2025. <https://www.kompas.id/baca/polhuk/2024/02/09/jaringan-gusdurian-penyalahgunaan-kekuasaan-dalam-pemilu-tanda-penyalahgunaan-kekuasaan-setelah-pemilu>.
- Dicey, A. V. 1979. *An Introduction to the Study of the Law of the Constitution*. London: The Macmillan Press Ltd.
- Drucker, Peter F. n.d. "Friedrich Julius Stahl: Conservative Theory of the State and Historical Development." Accessed March 17, 2025. https://www.druckerforum.org/fileadmin/user_upload/PD_biography/texts_pdf_files/p_drucker_stahl_en.pdf.
- Government of Indonesia. 1945. *Constitution of the Republic of Indonesia*, Article 1 paragraph (2).
- . n.d. *Government Regulation*, Article 18 paragraph (1a).
- . n.d. *Political Parties Law*, Article 16 paragraph (3).
- Honorary Council of the Constitutional Court. 2023. *Decision Number 2/MKMK/L/11/2023*, pp. 380–381.
- Isa, and Fra. 2024. "DPR: Ratification of Regional Election Bill Canceled, 2024 Regional Elections Follow Constitutional Court Decision." *CNNIndonesia.com*, August 22. Accessed May 2, 2025. <https://www.cnnindonesia.com/nasional/20240822173810-617-1136351/dpr-pengesahan-ruu-pilkada-batal-pilkada-2024-ikuti-putusan-mk>.
- Jebabun, Alfeus, et al. 2024. *Demarcation Line of Judicial Technical Supervision and Judge Behavior*. Jakarta: Institute for the Study and Advocacy of Judicial Independence.

- Kumalasanti, Susana Rita, and Iqbal Basyari. 2024. "MA Urged to Investigate Two Versions of the Copy of the Decision on Age Requirements for Regional Head Candidates." *Kompas.id*, June 4. Accessed May 2, 2025. <https://www.kompas.id/baca/polhuk/2024/06/04/ma-didesak-usut-dua-versi-salinan-putusan-syarat-usia-calon-pulau-daerah>.
- Landau, David. 2013. "Abusive Constitutionalism." *UC Davis Law Review* 47 (1): 189–260.
- Makmur, Zackir L. 2024. "Social Assistance Ahead of the 2024 Regional Elections." *Kompas.com*, March 28. Accessed May 5, 2025. <https://nasional.kompas.com/read/2024/03/28/14575201/bantuan-sosial-jelang-pilkada-2024?page=all>.
- Mochtar, Zainal Arifin, and Idul Rishan. 2022. "Autocratic Legalism: the Making of Indonesian Omnibus Law." *Yustisia Jurnal Hukum* 11 (1): 29–41.
- NN. 2024. "Voter Participation in Jakarta Pilkada Only 58 Percent, DKI KPU Does This." *Tempo.co*, December 6. Accessed May 5, 2025. <https://www.tempo.co/politik/partisipasi-pemilih-di-pilkada-jakarta-hanya-58-persen-kpu-dki-lakukan-this-1177823>.
- Nusrat, Madina. 2024. "Why Did the 'Brown Party' Polemic Emerge?" *Kompas.id*, December 3. Accessed May 5, 2025. <https://www.kompas.id/artikel/mengapa-polemic-partai-coklat-mencuat>.
- Purnamasari, Dian Dewi. 2024. "The Last Decade of the Legal State Index Has Stagnant, Mahfud: There is Hope from the Prabowo Government." *Kompas.id*, December 12. Accessed May 5, 2025. <https://www.kompas.id/artikel/indeks-negara-hukum-stagnant-dibutukan-komitmen-konsisten-dan-ketegasan-dari-presiden-untuk-perbaikan>.
- Rahma, SP, and IW. 2024. "Komnas HAM Highlights State Apparatus Deviations in the 2024 Election." *Komnas HAM*, April 4. Accessed April 12, 2025. <https://www.komnasham.go.id/index.php/news/2024/4/4/2503/komnas-ham-soroti-penyimpangan-aparatur-negara-dalam-pemilu-2024.html>.
- Rasjidi, Lili, and B. Arief Sidharta, eds. 1989. *Philosophy of Law of the Schools and Its Reflections*. Bandung: Remaja Karya.
- Sari, Haryanti Puspa, and Bagus Santosa. 2024. "List of Elected Members of the DPR Who Were Dismissed by Their Parties Ahead of Their Inauguration." *Kompas.com*, September 27. Accessed May 2, 2025. <https://nasional.kompas.com/read/2024/09/27/07594151/daftar-anggota-dpr-terpilih-yang-dipecat-partainya-jelang-pelantikan?page=all>.
- Scheppele, Kim Lane. 2018. "Autocratic Legalism." *The University of Chicago Law Review* 85 (2): 545–584. https://www.jstor.org/stable/26455917?read-now=1&seq=2#page_scan_tab_contents.
- Singgih, Viriya. 2024. "Politicization of Social Assistance Considered Increasingly Massive Ahead of the 2024 Presidential Election – 'Bawaslu Has Given an Appeal to the President'." *BBC.com*, January 30. Accessed May 2, 2025. <https://www.bbc.com/indonesia/articles/cpw7enedn39o>.
- Supreme Court of Indonesia. 2024. *Decision Number 23 P/HUM/2024*, p. 68. Accessed May 4, 2025.

- <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaef21887b3c4de28717313630353533.html>.
- Titi Anggraini. 2024. "Half-Hearted Election System." *Media Indonesia*, October 6. Accessed April 30, 2025. <https://mediaindonesia.com/opini/709429/sistem-pemilu-setengah-hati>.
- Topan, Yuniarto. 2024. "Polemic of Regional Head Nomination Requirements in the 2024 Regional Elections." *Kompas.id*, August 28. Accessed May 1, 2025. <https://kompaspedia.kompas.id/baca/infografik/kronologi/polemic-syarat-pencalonan-pulau-daerah-pada-pilkada-2024>.
- Wiryono, Singgih, and Dani Prabowo. 2024. "JK Says 2024 Election is the Worst in History: Arranged by Government Officials and Those with Money." *Kompas.com*, March 7. Accessed April 10, 2025. <https://nasional.kompas.com/read/2024/03/07/14414061/jk-sebut-pemilu-2024-terburuk-dalam-sejarah-diatur-orang-pemerintahan-dan>.
- Zein, M. Harry Mulya. 2024. "The Appointment of Acting Regional Heads Should Be Open." *Kompas.id*, January 9. Accessed May 4, 2025. <https://www.kompas.id/baca/opini/2024/01/09/penjabat-pulau-daerah>.