

Constitutional Court Authority in Adjudicating Dissolution of Local Political Parties

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Abstract

The dissolution of political parties constitutes a constitutional authority of the Constitutional Court in safeguarding constitutional supremacy, democracy, and the integrity of the Unitary State of the Republic of Indonesia.¹ However, the existence of local political parties in Aceh under Law Number 11 of 2006 concerning the Governance of Aceh raises legal uncertainty regarding the Constitutional Court's authority to adjudicate their dissolution, as such authority has not been explicitly regulated in the prevailing legislation. This study aims to analyze the constitutional basis of the Constitutional Court's authority to adjudicate the dissolution of local political parties, identify the existing legal vacuum, and formulate a framework for regulatory harmonization. This research employs a normative legal research method using statutory, conceptual, and case approaches. The analysis is conducted qualitatively through the interpretation of legislation, Constitutional Court decisions, and relevant legal doctrines. The findings indicate that, from a constitutional perspective, the Constitutional Court's authority may be interpreted to include the dissolution of local political parties. Nevertheless, the absence of clear legal regulation gives rise to legal uncertainty.² This study proposes regulatory harmonization as a form of legal reconstruction to strengthen legal certainty, protect the freedom of association, and reinforce constitutional democracy.

Introduction

Indonesia is a state governed by the rule of law,³ in which the Constitution serves as the highest legal norm in the administration of national

¹ Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia* (Surabaya: Bina Ilmu, 1987), 68–74.

² Maria Farida Indrati, *Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan* (Yogyakarta: Kanisius, 2020), 45–51.

³ Jimly Asshiddiqie, *Constitutional Law of Indonesia* (Jakarta: Konstitusi Press, 2006), 55–60.

governance. As a consequence of the principle of *constitutional supremacy*,⁴ all state institutions, including political parties, are required to exercise their functions and authority in accordance with the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution). Within a constitutional democracy, political parties play a strategic role as instruments of public political participation, national leadership recruitment, and the realization of popular sovereignty.⁵ Therefore, political parties must operate within the framework of the Constitution. Where a political party is found to be contrary to the state ideology, the Constitution, or poses a threat to the integrity of the Unitary State of the Republic of Indonesia, legal mechanisms are available to impose sanctions, including the dissolution of political parties.

The dissolution of political parties constitutes one of the constitutional powers of the Constitutional Court, as stipulated in Article 24C paragraph (1) of the 1945 Constitution. This authority represents a safeguard for the principles of the rule of law (*rechtstaat*), constitutional democracy, and the guarantee that restrictions on the freedom of association may only be imposed through an independent judicial process. Accordingly, the Constitutional Court functions not only as the *guardian of the Constitution* but also as the *guardian of democracy* within Indonesia's constitutional system.⁶

The development of Indonesia's constitutional law has introduced a new legal dynamic through the recognition of local political parties in Aceh under Law Number 11 of 2006 concerning the Governance of Aceh, as an implementation of the asymmetric decentralization policy following the 2005 Helsinki Memorandum of Understanding (MoU). Within this framework, Aceh is granted special autonomy to establish local political parties as part of its regional democratic system while remaining an integral component of Indonesia's constitutional order.⁷

Nevertheless, the legal framework governing local political parties continues to present legal issues, particularly regarding the mechanism for their dissolution. The 1945 Constitution and the Constitutional Court Law regulate the Constitutional Court's authority to dissolve political parties only in general terms without explicitly extending such authority to local political parties. On the other hand, the Law on the Governance of Aceh recognizes the existence of local political parties but does not specify either the competent

⁴ Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley: University of California Press, 1967), 221–223.

⁵ Richard S. Katz and William Crotty, eds., *Handbook of Party Politics* (London: SAGE Publications, 2006), 1–12.

⁶ Donald P. Kommers and Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany*, 3rd ed. (Durham: Duke University Press, 2012), 35–43.

⁷ Kirsten E. Schulze, *The Helsinki Peace Process: Rebuilding Peace in Aceh, Indonesia* (London: Routledge, 2007), 81–96.

authority or the procedures for their dissolution. This situation has created a legal vacuum that has the potential to give rise to legal uncertainty should an application for the dissolution of a local political party be submitted in the future.⁸

Several previous studies have examined the Constitutional Court's authority concerning the dissolution of political parties as well as the legal status of local political parties in Aceh. Antoni (2024) focused on strengthening political party integrity through expanding the categories of applicants authorized to petition for the dissolution of political parties before the Constitutional Court. Putra Perdana Ahmad Saifulloh, Beni Kurnia Illahi, and Sonia Ivana Barus (2023) examined the possibility of granting legal standing to the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*) to file petitions for the dissolution of political parties. Muhammad Fachrurrozi (2020) analyzed the Constitutional Court's authority from the perspective of positive law, while F. Ilham Yulian (2021) examined the legal consequences of political party dissolution by the Constitutional Court. Although these studies have addressed the dissolution of political parties from various perspectives, none has specifically analyzed the constitutional basis of the Constitutional Court's authority to adjudicate the dissolution of local political parties as a consequence of the special legal framework established under the Law on the Governance of Aceh, nor have they proposed a harmonized regulatory model for this issue. Accordingly, this study fills that research gap by analyzing the constitutional basis of the Constitutional Court's authority over the dissolution of local political parties and formulating a harmonized regulatory model to achieve legal certainty.⁹

Based on the foregoing, this study aims to analyze the constitutional basis of the Constitutional Court's authority to adjudicate the dissolution of local political parties, identify the existing legal vacuum within the prevailing legal framework, and formulate a harmonization model among the 1945 Constitution, the Constitutional Court Law, the Political Parties Law, and the Law on the Governance of Aceh to strengthen legal certainty within Indonesia's regional governance system. The novelty of this study lies in the formulation of a harmonized model concerning the Constitutional Court's authority over the dissolution of local political parties by integrating constitutional law and regional governance law approaches as a solution to the legal vacuum that has not yet been explicitly regulated.

Methods

⁸ H.L.A. Hart, *The Concept of Law*, 3rd ed. (Oxford: Oxford University Press, 2012), 123–136.

⁹ Creswell, John W., and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Los Angeles: Sage Publications, 2018), 7–10.

This study employs normative legal research using a statutory approach, a conceptual approach, and a case approach.¹⁰ The legal materials consist of primary legal materials in the form of legislation and relevant Constitutional Court decisions, secondary legal materials including books, scholarly journal articles, research reports, and expert opinions, as well as tertiary legal materials such as legal dictionaries and legal encyclopedias. Legal materials were collected through library research and subsequently analyzed qualitatively using grammatical, systematic, historical, and teleological methods of interpretation to develop comprehensive legal arguments concerning the Constitutional Court's authority to adjudicate the dissolution of local political parties.

Results and Discussion

The Constitutional Court's Authority in the Dissolution of Political Parties under the Constitution

The Constitutional Court's authority to adjudicate the dissolution of political parties is an attributed constitutional power granted directly by Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia as part of the exercise of judicial power within Indonesia's constitutional system. This authority is a consequence of the constitutional amendments to the 1945 Constitution, which established the Constitutional Court as both the *guardian of the Constitution* and the *guardian of democracy*. Accordingly, the dissolution of political parties is not regarded as an administrative action of the government but rather as a constitutional mechanism that may only be carried out through the decision of an independent judicial institution, thereby ensuring constitutional supremacy and the principle of due process of law.

The Constitutional Court's role in the dissolution of political parties cannot be separated from the function of political parties as instruments for the exercise of citizens' constitutional rights to freedom of association, assembly, and participation in government, as guaranteed under Article 28E paragraph (3) of the 1945 Constitution. Nevertheless, these rights are not absolute. In a democratic state governed by the rule of law, restrictions on the freedom of association may only be imposed in accordance with the Constitution, pursue a legitimate objective, and be implemented through judicial proceedings that guarantee the protection of human rights. Accordingly, the dissolution of political parties constitutes a constitutional

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2021), 133–172.

instrument for preserving democracy and the constitutional order rather than an arbitrary restriction on political freedom.¹¹

This argument is consistent with the concept of *rechtstaat*, which places the law as the basis for the legitimacy of every act of government. From this perspective, the government has no authority to dissolve political parties unilaterally, as such action would undermine the rule of law and threaten citizens' political freedoms. Entrusting this authority to the Constitutional Court demonstrates that restrictions on constitutional rights may only be imposed through judicial review based on clear, proportionate, and legally justifiable grounds.

This view is reinforced by Hans Kelsen's theory, which positions the Constitutional Court as a *negative legislator* responsible for safeguarding the purity of the Constitution through constitutional review of legal norms. In the context of political party dissolution, this function extends beyond reviewing the constitutionality of legal norms to protecting constitutional democracy from political organizations that are contrary to the state ideology and constitutional principles. Similarly, Jimly Asshiddiqie argues that the Constitutional Court serves both as the *guardian of the Constitution* and the *guardian of democracy*, making its authority to dissolve political parties an essential instrument for maintaining the stability of the constitutional system and upholding the Constitution.

Based on this constitutional construction, Article 24C paragraph (1) of the 1945 Constitution employs the term "political parties" without distinguishing between national political parties and local political parties. From a systematic interpretation, the use of this term indicates that the Constitution confers authority upon the Constitutional Court over all political parties recognized within Indonesia's legal system. Therefore, the scope of the Constitutional Court's authority should not be interpreted solely on the basis of the organizational form of a political party but must also be understood in relation to its status as a legal entity recognized by the Constitution and statutory legislation.

These findings demonstrate that, from a constitutional perspective, the Constitutional Court's authority to dissolve political parties has a clear constitutional foundation. The principal issue is therefore not the existence of such authority but rather the constitutional status of local political parties within Indonesia's constitutional system as objects of that constitutional authority. Accordingly, the following discussion examines the legal status of local political parties within Indonesia's constitutional framework in order to

¹¹ Jimly Asshiddiqie, *Constitutional Law of Indonesia* (Jakarta: Konstitusi Press, 2006), 289–305.

determine the relationship between the recognition of Aceh's special autonomy and the Constitutional Court's authority to adjudicate the dissolution of political parties.

The Position of Local Political Parties within Indonesia's Constitutional System

The existence of local political parties within Indonesia's constitutional system is a legal consequence of the special autonomous status granted to the Province of Aceh under Law Number 11 of 2006 concerning the Governance of Aceh. This legal framework implements the Memorandum of Understanding (MoU) Helsinki of 15 August 2005, which served as the basis for resolving the conflict between the Government of the Republic of Indonesia and the Free Aceh Movement (Gerakan Aceh Merdeka/GAM). One of the key provisions of the agreement was the recognition of the Acehnese people's right to establish local political parties as a means of political participation within the framework of the Unitary State of the Republic of Indonesia. Accordingly, the existence of local political parties should not be regarded as an exception to Indonesia's constitutional system but rather as a constitutional recognition of regional special autonomy within the framework of a unitary state.

Unlike national political parties, which are governed by Law Number 2 of 2008 on Political Parties as amended by Law Number 2 of 2011, local political parties have a limited scope of operation confined to the Province of Aceh, including their establishment, organizational structure, and participation in elections. Despite these distinctive characteristics, such differences do not alter their status as an integral part of Indonesia's national party system. Local political parties derive their legitimacy from statutory legislation and continue to perform constitutional functions as instruments of political participation, political education, leadership recruitment, and the representation of public aspirations at the regional level.

The recognition of local political parties reflects the implementation of asymmetric decentralization, whereby special authority is granted to certain regions based on their historical, political, social, and cultural characteristics. From the perspective of constitutional law, asymmetric decentralization does not constitute a deviation from the principle of the Unitary State of the Republic of Indonesia but rather serves as a constitutional instrument for preserving national unity through the recognition of regional special characteristics. Consequently, the regulation of local political parties should be understood as an implementation of Article 18B paragraph (1) of the 1945 Constitution, which recognizes and respects regional governmental units possessing special or distinctive status.

As part of Indonesia's national legal system, local political parties remain subject to the constitutional principles that apply nationwide. Their existence does not place them outside Indonesia's constitutional framework; rather, they remain bound by Pancasila, the 1945 Constitution, democratic principles, respect for human rights, and commitment to the integrity of the Unitary State of the Republic of Indonesia. Therefore, differences in their scope of authority and territorial jurisdiction do not alter the legal status of local political parties as components of the national political party regime.

This constitutional position demonstrates that the recognition of local political parties constitutes a special regulatory arrangement within the administration of regional government without diminishing the principle of constitutional supremacy. The special status granted to Aceh relates solely to institutional arrangements and the administration of regional governance, whereas all activities of local political parties remain subject to Indonesia's national legal system and must be conducted in accordance with constitutional norms. Accordingly, the existence of local political parties cannot be separated from Indonesia's constitutional system or from the rule of law that underpins the exercise of state power.

These findings indicate that, from a constitutional perspective, local political parties are legal entities recognized within Indonesia's national legal system and therefore remain subject to the country's constitutional regime. Nevertheless, such recognition has not been accompanied by an integrated legal framework governing the mechanism for their dissolution. This legal gap underscores the need for further analysis of the normative inconsistency and legal vacuum surrounding the regulation of the dissolution of local political parties.

Normative Disharmony and the Legal Vacuum in the Regulation of the Dissolution of Local Political Parties

The regulation governing the dissolution of local political parties within Indonesia's legal system demonstrates the absence of normative coherence among the relevant statutory regulations. This condition is reflected in the lack of harmonization between the 1945 Constitution of the Republic of Indonesia, the Constitutional Court Law, the Political Parties Law, and Law Number 11 of 2006 concerning the Governance of Aceh. Although each of these legal instruments regulates different aspects of political parties, they have not established an integrated legal mechanism that explicitly governs the dissolution of local political parties. Consequently, a legal vacuum has emerged, creating legal uncertainty in the exercise of the Constitutional Court's constitutional authority.

Article 24C paragraph (1) of the 1945 Constitution grants the Constitutional Court the authority to adjudicate the dissolution of political parties as a means of safeguarding the Constitution and constitutional democracy. However, the provision does not clarify whether the term "political parties" also encompasses local political parties recognized under Law Number 11 of 2006 concerning the Governance of Aceh. This ambiguity is further reflected in the Constitutional Court Law, which regulates the procedural law governing the dissolution of political parties but does not accommodate local political parties as potential subjects of dissolution proceedings.

On the other hand, Law Number 11 of 2006 concerning the Governance of Aceh provides the legal basis for the establishment and operation of local political parties, including provisions relating to their formation, organizational structure, membership, rights, obligations, and participation in regional elections. Nevertheless, the Law does not regulate the mechanism for their dissolution, the legal grounds for dissolution, the parties authorized to submit petitions, or the institution competent to examine and adjudicate cases where local political parties violate constitutional principles or democratic values. As a result, the legal system recognizes the existence of local political parties without providing a constitutional mechanism through which their legal status may be terminated when required.

This situation demonstrates that the resulting legal uncertainty does not arise from a conflict of norms but rather from the absence of normative linkage among the statutory regulations governing local political parties. The 1945 Constitution provides the constitutional basis for the Constitutional Court's authority, the Constitutional Court Law establishes the procedural framework, the Political Parties Law regulates the dissolution of national political parties, while the Law on the Governance of Aceh merely recognizes the existence of local political parties. The absence of legal provisions connecting these four regulatory frameworks has prevented the establishment of a comprehensive legal mechanism governing the dissolution of local political parties.

This analysis is consistent with Maria Farida Indrati's theory of legislative harmonization, which emphasizes that harmonization seeks to establish coherence among legislative provisions in order to create a national legal system that ensures legal certainty, justice, and legal utility. In the context of this study, the lack of harmonization among the Constitutional Court Law, the Political Parties Law, and the Law on the Governance of Aceh has resulted in the absence of an operational legal basis for the Constitutional Court to exercise its authority in adjudicating the dissolution of local political parties.

This conclusion is further supported by Lawrence M. Friedman's legal system theory, which identifies legal substance as one of the essential elements determining the effectiveness of a legal system. The principal issue identified in this study lies within the substantive dimension of the law, as there is no explicit legal norm governing the dissolution of local political parties. Consequently, although the Constitutional Court has been constitutionally empowered to exercise such authority, the existing legal structure is not supported by an adequate normative framework capable of ensuring the effective implementation of that constitutional authority.

Table 1. Analysis of Disharmony in Regulations for the Dissolution of Local Political Parties

No	Regulation	Related Settings	Problems
1	The 1945 Constitution of the Republic of Indonesia	Constitutional Court's authority to dissolve political parties	Does not specify whether the authority extends to local political parties
2	Constitutional Court Law	Procedural law governing the dissolution of political parties	Does not recognize local political parties as subjects of dissolution proceedings
3	Political Parties Law	Regulation of national political parties	Does not accommodate local political parties
4	Law on the Governance of Aceh	Recognition of local political parties	Does not regulate the mechanism for their dissolution

Source: Processed by the Author

Table 1 demonstrates that each legal instrument regulates matters within its respective scope; however, they do not establish a coherent normative framework governing the dissolution of local political parties. Consequently, the issue is not one of normative conflict among statutory regulations but rather the incompleteness of the legal framework, which has resulted in a legal vacuum.

From the perspective of the principle of legal certainty, this situation is inconsistent with the principle of *lex certa*, which requires legal norms to be formulated in a clear, precise, and unambiguous manner. The absence of explicit provisions governing the dissolution of local political parties may give rise to differing interpretations regarding the competent authority, the applicable procedures, and the legal consequences of such dissolution. Ultimately, this legal uncertainty may undermine both the effectiveness of

constitutional protection and the protection of citizens' constitutional rights to freedom of association and political participation.

Figure 1. Mapping of Normative Disharmony
The 1945 Constitution of the Republic of Indonesia
(Article 24C paragraph (1))

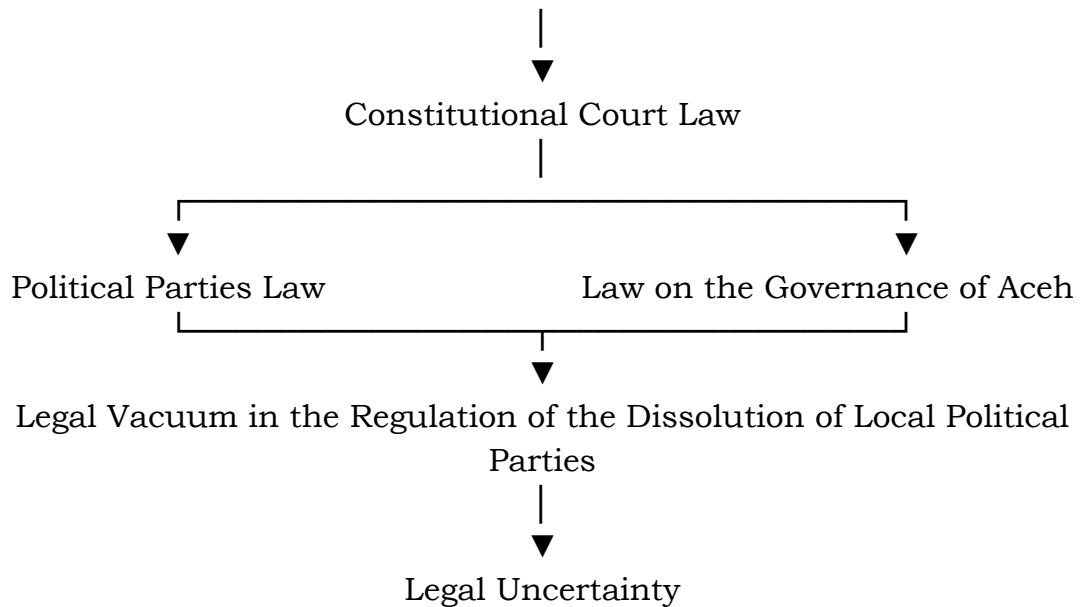


Figure 1 illustrates that the legal vacuum arises from the absence of normative linkage between the Constitutional Court's constitutional authority and the legal recognition of local political parties. Accordingly, the principal issue addressed in this study is not whether the Constitutional Court possesses the constitutional authority to dissolve political parties, but rather the absence of legal provisions connecting that constitutional authority with the mechanism governing the dissolution of local political parties. This situation necessitates further analysis through constitutional interpretation to determine whether the Constitutional Court's constitutional authority may be interpreted as extending to the dissolution of local political parties.

Constitutional Interpretation of the Constitutional Court's Authority to Adjudicate the Dissolution of Local Political Parties

The absence of explicit legal provisions governing the mechanism for the dissolution of local political parties does not automatically negate the Constitutional Court's authority as stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. As an authority directly attributed by the Constitution, the Constitutional Court's jurisdiction cannot be restricted merely because no implementing legislation has yet been

enacted. Therefore, determining whether such authority also extends to the dissolution of local political parties requires constitutional interpretation through grammatical, systematic, historical, and teleological approaches in order to ascertain a meaning consistent with the objectives of the Constitution.

1. Grammatical Interpretation

From a grammatical perspective, Article 24C paragraph (1) of the 1945 Constitution employs the phrase "political parties" without distinguishing between different forms or scopes of political organizations. The absence of such limitation indicates that the Constitution uses a general term which, linguistically, may be interpreted as encompassing all political parties recognized under Indonesia's legal system. Accordingly, local political parties cannot be excluded solely because their political activities are confined to the Province of Aceh.

Nevertheless, grammatical interpretation alone is insufficient to resolve the legal issues arising from the special regulation of local political parties under Law Number 11 of 2006 concerning the Governance of Aceh. Therefore, additional methods of constitutional interpretation are required to fully determine the constitutional meaning of the term "political parties."

2. Systematic Interpretation

Systematic interpretation considers a legal norm as an integral part of the national legal system. In this context, Article 24C paragraph (1) of the 1945 Constitution must be interpreted together with Article 18B paragraph (1), which recognizes and respects regions possessing special or distinctive autonomy. This constitutional recognition is implemented through Law Number 11 of 2006, which provides the legal basis for establishing local political parties in Aceh.

The relationship between these constitutional provisions demonstrates that local political parties form part of Indonesia's constitutional system rather than an independent legal regime. Consequently, local political parties remain subject to the same constitutional framework applicable to national political parties. This systematic interpretation indicates that the Constitutional Court's authority should not be construed as applying exclusively to national political parties but should extend to all political parties recognized under the national legal system.

3. Historical Interpretation

From a historical perspective, the establishment of the Constitutional Court resulted from Indonesia's constitutional reforms aimed at strengthening the rule of law and the system of checks and

balances. One of the principal reasons for granting the Constitutional Court authority to dissolve political parties was to prevent arbitrary dissolution by the executive branch, as had occurred during previous political regimes. Accordingly, the dissolution of political parties was designed as a judicial process ensuring the protection of citizens' constitutional rights.

Meanwhile, local political parties emerged as an implementation of the 2005 Helsinki Memorandum of Understanding (MoU) and were subsequently legalized through Law Number 11 of 2006 concerning the Governance of Aceh. Although these institutions originated from different historical contexts, both the establishment of the Constitutional Court and the recognition of local political parties share the common objectives of strengthening democracy, maintaining political stability, and preserving the integrity of the Unitary State of the Republic of Indonesia. Therefore, historical interpretation reinforces the conclusion that the dissolution of local political parties should likewise fall within the Constitutional Court's constitutional jurisdiction.

4. Teleological Interpretation

Teleological interpretation focuses on the purpose underlying a legal norm. The principal objective of granting the Constitutional Court authority to dissolve political parties is to safeguard constitutional supremacy, protect constitutional democracy, and ensure that any restriction on the freedom of association is imposed only through an independent judicial process.

If this authority were interpreted as applying solely to national political parties while local political parties lacked a clear dissolution mechanism, a legal vacuum would arise that contradicts the very purpose of establishing the Constitutional Court. Such a situation could result in unequal legal treatment of legal entities that are equally recognized by the state. Accordingly, teleological interpretation supports a broad interpretation of the Constitutional Court's authority so as to ensure effective constitutional protection for all political parties operating within Indonesia's legal system.

5. Analysis Based on the Theory of Authority

These interpretative findings are consistent with Philipus M. Hadjon's theory of governmental authority, which distinguishes authority into attribution, delegation, and mandate. The Constitutional Court's authority to adjudicate the dissolution of political parties constitutes attributed authority because it is directly conferred by Article 24C paragraph (1) of the 1945 Constitution. As an attributed constitutional authority, its validity does not depend upon the existence of implementing

legislation but remains effective unless amended by the Constitution itself.

Accordingly, the absence of explicit provisions concerning the dissolution of local political parties in the Constitutional Court Law and Law Number 11 of 2006 concerning the Governance of Aceh should not be interpreted as indicating that the Constitutional Court lacks jurisdiction. Rather, it demonstrates the necessity for regulatory harmonization to provide a clearer operational framework for exercising this constitutional authority and to enhance legal certainty within Indonesia's constitutional system.

Figure 2. Comparison of Constitutional Interpretation Methods

No.	Method of Interpretation	Analytical Findings	Conclusion
1	Grammatical Interpretation	The phrase "political parties" is not expressly limited.	It may include local political parties.
2	Systematic Interpretation	Interpreted in conjunction with Article 18B of the 1945 Constitution and the Law on the Governance of Aceh.	Local political parties form part of the national legal system.
3	Historical Interpretation	Prevents arbitrary dissolution by the government and safeguards democracy.	The Constitutional Court is the competent authority.
4	Teleological Interpretation	Protects constitutional supremacy and constitutional democracy.	The Constitutional Court's authority should be interpreted broadly.

Table 2 demonstrates that all methods of constitutional interpretation consistently lead to the same conclusion. Grammatical interpretation indicates that the phrase "*political parties*" in Article 24C paragraph (1) of the 1945 Constitution is not restricted solely to national political parties. Systematic interpretation recognizes local political parties as an integral part of Indonesia's national legal system through Article 18B of the 1945 Constitution and Law Number 11 of 2006 concerning the Governance of Aceh. Furthermore, both historical and teleological interpretations confirm that the Constitutional Court's authority was established to safeguard constitutional democracy and constitutional supremacy through an independent judicial process.

Based on these interpretative approaches, this study concludes that, from a constitutional perspective, the Constitutional Court's authority may reasonably be interpreted as extending to the dissolution of local political parties. Accordingly, the primary legal issue does not concern the existence of the Constitutional Court's constitutional authority, but rather the absence of explicit statutory provisions linking that authority to the mechanism for dissolving local political parties.

These findings reinforce the central argument of this study that the current priority is not to expand the Constitutional Court's constitutional authority, but to harmonize the Constitutional Court Law, the Political Parties Law, and Law Number 11 of 2006 concerning the Governance of Aceh. Such harmonization would provide a clear operational legal framework for exercising the Constitutional Court's constitutional authority, strengthen legal certainty, and at the same time preserve Aceh's special autonomous status within the framework of the Unitary State of the Republic of Indonesia.

Reconstruction of the Regulatory Framework Governing the Constitutional Court's Authority in the Dissolution of Local Political Parties as an Effort toward Legal Harmonization

The findings of this study demonstrate that, from a constitutional perspective, the Constitutional Court possesses the authority to adjudicate the dissolution of political parties, including local political parties recognized under Indonesia's legal system. However, the exercise of this authority has not been supported by an integrated regulatory framework among the 1945 Constitution of the Republic of Indonesia, the Constitutional Court Law, the Political Parties Law, and Law Number 11 of 2006 concerning the Governance of Aceh. This condition has created a legal vacuum, resulting in the absence of a clear legal mechanism governing the dissolution of local political parties. Accordingly, resolving this issue should focus on reconstructing the existing regulatory framework through legislative harmonization rather than expanding the Constitutional Court's constitutional authority.¹²

From the perspective of the rule of law (*rechtstaat*), every constitutional authority must be supported by clear legal norms to ensure its effective implementation and to uphold the principles of legal certainty, justice, and legal utility. Accordingly, regulatory harmonization is necessary to establish coherence among the legal provisions governing the Constitutional Court, political parties, and Aceh's special autonomy, thereby creating a consistent

¹² Maria Farida Indrati, *Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan* (Yogyakarta: Kanisius, 2020), 34–45.

legal system without diminishing Aceh's constitutionally recognized special autonomous status.

This proposed reconstruction is founded upon three fundamental principles: constitutional supremacy, legal certainty, and legislative harmonization.¹³ The principle of constitutional supremacy affirms that the Constitutional Court's authority derives directly from Article 24C paragraph (1) of the 1945 Constitution and therefore cannot be negated by the absence of statutory regulation. The principle of legal certainty requires explicit provisions governing the mechanism for dissolving local political parties. Meanwhile, the principle of harmonization seeks to integrate the legal framework governing the Constitutional Court, political parties, and Aceh's special autonomy into a coherent legal system.

1. Harmonization of the Constitutional Court Law

The first step involves amending the Constitutional Court Law by incorporating provisions expressly stating that the object of political party dissolution encompasses all political parties recognized under Indonesia's national legal system, including local political parties established pursuant to Law Number 11 of 2006 concerning the Governance of Aceh. Such clarification would provide legal certainty regarding the scope of the Constitutional Court's constitutionally attributed authority and eliminate differing interpretations concerning the objects subject to dissolution proceedings.

2. Harmonization of the Political Parties Law

The Political Parties Law should likewise be amended to recognize that Indonesia's party system consists of both national political parties and local political parties established under special legislation. Such recognition is essential to eliminate the dichotomy between national and local political parties within the constitutional oversight framework. Consequently, all political parties recognized by Indonesia's legal system would become subject to a single constitutional supervisory regime.

3. Harmonization of the Law on the Governance of Aceh

Further reconstruction should focus on revising Law Number 11 of 2006 concerning the Governance of Aceh by incorporating provisions governing the dissolution of local political parties. At a minimum, these provisions should specify the grounds for dissolution, the parties authorized to submit petitions, the Constitutional Court's jurisdiction to examine and adjudicate such petitions, and the legal consequences following a final and binding judgment. The inclusion of these provisions would eliminate the legal vacuum that has

¹³ Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley: University of California Press, 1967), 193–201.

long been the source of legal uncertainty within Indonesia's constitutional system.

4. Adoption of a Constitutional Court Regulation

In addition to legislative amendments, a Constitutional Court Regulation should be enacted to govern procedural law concerning the dissolution of local political parties. Such regulation should establish the requirements for filing petitions, the legal standing of the parties, evidentiary procedures, hearing procedures, the forms of judicial decisions, and the legal consequences affecting the management, membership, and assets of local political parties. The adoption of such procedural rules would provide practical guidance for exercising the Constitutional Court's authority while ensuring the protection of the constitutional rights of all parties involved.¹⁴

Table 3. Proposed Harmonization Model

No.	Issue	Current Condition	Proposed Reconstruction
1	Scope of the Constitutional Court's authority	Does not explicitly include local political parties	Amend the Constitutional Court Law to clarify that the Court's authority extends to all political parties recognized under the national legal system
2	Political Parties Law	Primarily regulates national political parties	Introduce provisions recognizing local political parties as part of the national political party system
3	Law on the Governance of Aceh	Does not regulate dissolution procedures	Add provisions governing the grounds, procedures, and the Constitutional Court's jurisdiction
4	Procedural law	No procedural framework exists	Adopt a Constitutional Court Regulation governing the dissolution of local political parties

¹⁴ Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia* (Surabaya: Bina Ilmu, 1987), 72–81.

The proposed harmonization model demonstrates that resolving the existing legal vacuum cannot be achieved merely by amending a single statute. Rather, reconstruction must be undertaken comprehensively through the harmonization of the Constitutional Court Law, the Political Parties Law, Law Number 11 of 2006 concerning the Governance of Aceh, and a Constitutional Court Regulation governing procedural matters. Through this integrated framework, the mechanism for dissolving local political parties would no longer rely solely upon constitutional interpretation but would instead rest upon a clear, coherent, and legally certain normative foundation.

Figure 3. Proposed Regulatory Reconstruction Model

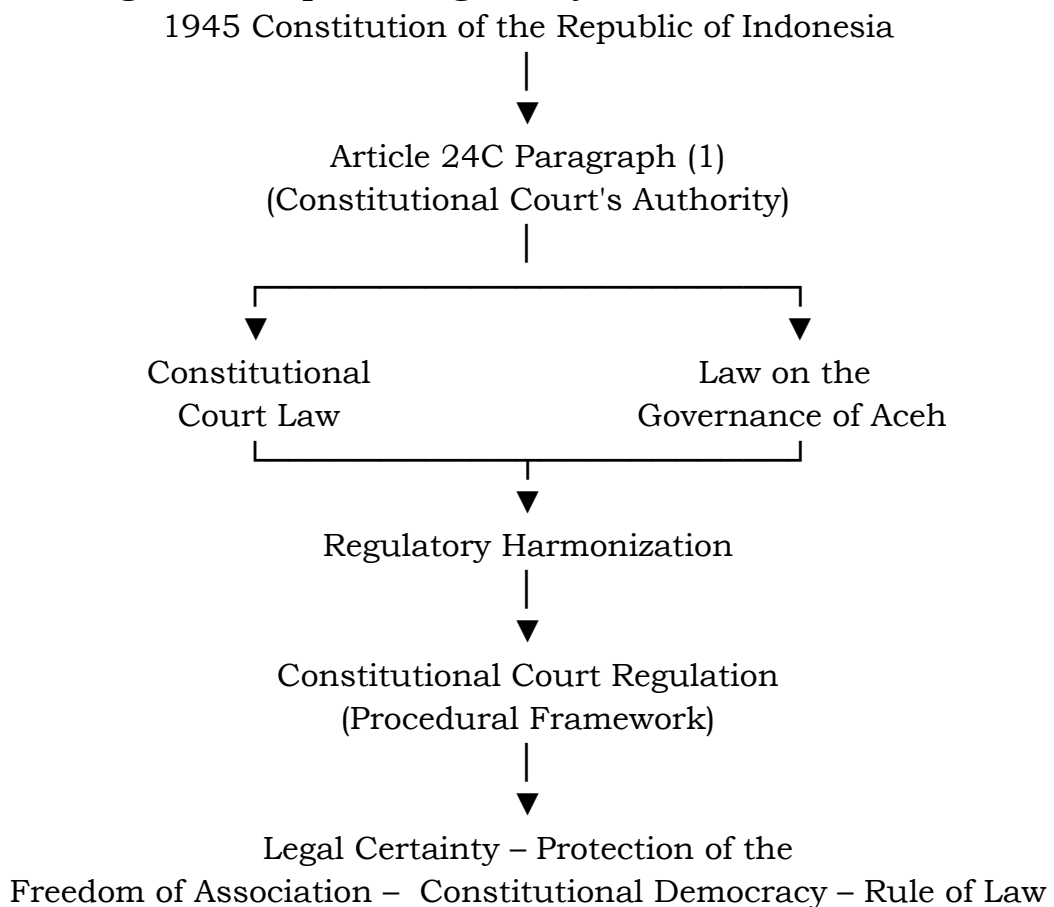


Figure 3 illustrates that the 1945 Constitution remains the primary source of the Constitutional Court's authority through Article 24C paragraph (1), while harmonization at the statutory level and the adoption of a Constitutional Court Regulation serve as instruments for implementing that constitutional authority. Accordingly, the relationship among constitutional provisions, statutes, and implementing regulations establishes a comprehensive legal framework that provides a clear legal basis, definite procedures, and implementation consistent with the principles of the rule of law and constitutional democracy.

This reconstruction further demonstrates that the protection of Aceh's special autonomous status can coexist with the principle of constitutional supremacy. Regulatory harmonization does not diminish Aceh's special status; rather, it ensures that all political parties recognized under Indonesia's legal system are subject to the same constitutional supervisory mechanism. Accordingly, the proposed reconstruction does not expand the Constitutional Court's constitutional authority but instead clarifies the implementation of its constitutionally attributed authority through a more comprehensive and integrated regulatory framework.

The principal contribution (novelty) of this study lies in its proposed regulatory reconstruction model, which not only identifies the existing legal vacuum but also offers an integrated harmonization framework linking the Constitutional Court Law, the Political Parties Law, Law Number 11 of 2006 concerning the Governance of Aceh, and the Constitutional Court Regulation into a coherent legal system. This model provides a roadmap for law reform by clarifying the implementation of the Constitutional Court's constitutional authority over the dissolution of local political parties while simultaneously strengthening legal certainty, protecting the freedom of association, and reinforcing constitutional democracy within the framework of the Unitary State of the Republic of Indonesia.¹⁵

Conclusions

This study concludes that the Constitutional Court's authority to adjudicate the dissolution of political parties is constitutionally not limited to national political parties but may also be interpreted to encompass local political parties recognized under the Indonesian legal system. Nevertheless, the absence of explicit legal provisions linking such authority to the existence of local political parties in the Law on the Constitutional Court, the Law on Political Parties, and Law Number 11 of 2006 concerning the Governance of Aceh has resulted in a legal vacuum, giving rise to legal uncertainty.

Based on these findings, this study proposes a regulatory reconstruction through the harmonization of legislation by expressly clarifying the scope of the Constitutional Court's authority over the dissolution of local political parties, aligning the provisions of the Law on the Constitutional Court, the Law on Political Parties, and the Law concerning the Governance of Aceh, and supporting such harmonization through the enactment of a Constitutional Court Regulation governing the procedural law for the dissolution of local political parties. This proposed reconstruction is expected to enhance legal certainty, strengthen the protection of the freedom of association, and

¹⁵ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Rajawali Pers, 2016), 312–321.

reinforce the consistency of constitutional democracy within the framework of the Unitary State of the Republic of Indonesia.

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