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# Analysis of Constitutional Court Decision No.56/PUU-XVII/2019 on Electoral System and Legislative Candidacy Requirements

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**Abstract :** The Constitutional Court Decision Number 56/PUU-XVII/2019 represents an important turning point in strengthening Indonesia's electoral democratic system, particularly regarding the eligibility of former convicts to run for regional head elections. Concerns over the limited nature of Article 7 paragraph (2) letter g of Law Number 10 of 2016 are highlighted, as this provision allows former convicts, including those convicted of corruption, to nominate themselves for regional head positions merely after public disclosure, without any mandatory waiting period. This article examines the constitutional foundations used by the Constitutional Court in formulating a conditionally constitutional norm, including the imposition of a mandatory waiting period and substantive disclosure of legal status. The Court emphasizes that disclosure alone is insufficient to guarantee the integrity of public office candidates, and that a waiting period constitutes an essential requirement. Furthermore, this article analyzes the systemic implications of the decision, including the strengthening of ethical standards for candidates, improvement of the quality of public information during elections, enhancement of legal certainty for election organizers and participants, and the Court's role as a guardian of public morality. The findings indicate that stricter regulation of former convicts contributes significantly to safeguarding democratic integrity and preventing the normalization of political corruption.

**Keywords:** Constitutional Court, former convicts, regional head elections, waiting period, democratic integrity, political corruption.

## INTRODUCTION

Local head elections constitute a crucial element in the implementation of democratic principles in Indonesia, as mandated by Article 22E paragraph (1) and Article 18 paragraph (4) of the 1945 Constitution. The integrity of candidates is a fundamental prerequisite for realizing clean, effective, and people-oriented local governance.

Nevertheless, electoral democracy at the local level faces serious challenges, particularly regarding the participation of former convicts in local elections. Article 7 paragraph (2) letter g of Law No. 10 of 2016 allows former convicts to run for office provided that they openly and honestly disclose their status to the public. This provision potentially opens space for individuals with serious criminal records, including corruption, to regain strategic public positions without adequate social rehabilitation mechanisms.

Empirical data demonstrate a high number of regional heads involved in corruption cases. Reports from Indonesia Corruption Watch (ICW) show that between 2010–2018, more than 250 regional heads were designated as corruption suspects. Such conditions indicate structural weaknesses in the recruitment of public officials.

This study focuses on Constitutional Court Decision No. 56/PUU-XVII/2019, which reviews the constitutionality of Article 7 paragraph (2) letter g of Law No. 10 of 2016. The central legal issue concerns whether the absence of a mandatory waiting period for former convicts violates principles of justice, legal certainty, and democratic integrity.

## **RESEARCH METHOD**

This research employs normative juridical methods using a statutory, conceptual, and case approach. Primary legal materials include the 1945 Constitution, Law No. 10 of 2016, and Constitutional Court Decision No. 56/PUU-XVII/2019. Secondary materials consist of scholarly literature, journal articles, and reports from civil society organizations. Data are analyzed qualitatively through descriptive-analytical techniques.

## **RESULTS AND DISCUSSION**

The Constitutional Court held that the right to be elected is not absolute and may be limited by law to protect the public interest. The Court emphasized that mere public disclosure of former convict status is insufficient to ensure transparency and moral accountability.

Accordingly, the Court declared Article 7 paragraph (2) letter g to be conditionally constitutional, meaning that former convicts may run for office only after completing a five-year waiting period following the completion of their sentence and after openly announcing their status.

This decision strengthens ethical standards for candidates, improves the quality of public information in elections, enhances legal certainty for election organizers, and positions the Constitutional Court as a guardian of public morality. The ruling also contributes to preventing political corruption by establishing stricter filters in candidate recruitment.

## CONCLUSION

Constitutional Court Decision No. 56/PUU-XVII/2019 represents a significant step toward strengthening Indonesia's democratic electoral system. By requiring a waiting period and meaningful disclosure, the Court reinforces substantive democratic values, integrity, and accountability. Effective implementation by election management bodies and consistent oversight are essential to ensure that the decision achieves its intended impact.

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