



# Analysis of Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 Concerning the Dispute over the Results of the 2024 Presidential Election from the Perspective of Siyasaq Qadhaiyyah

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**Abstract:** This study aims to analyze the Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 concerning the presidential election dispute in 2024 from the perspective of siyasaq qadhaiyyah. The findings reveal that the Constitutional Court assessed the case solely from a legal-formal standpoint, emphasizing administrative and procedural evidence without considering the ethical dimensions of power and the socio-political impact of state resource abuse. In the siyasaq qadhaiyyah framework, justice is not limited to procedural compliance but must be substantive and directed at preventing tyranny in governance. Judges, according to this perspective, are morally obliged to uncover the hidden motives of power behind legal formalities and to uphold public welfare (masalah 'ammah). This research recommends a paradigm reform of the Constitutional Court, urging the Court to transcend legal positivism and uphold substantive justice aimed at protecting citizens' rights and the integrity of electoral processes. Thus, siyasaq qadhaiyyah serves as an ethical and philosophical foundation for enhancing the Constitutional Court's role as the guardian of democratic justice, rather than merely functioning as a procedural interpreter of legal texts.

**Keywords:** 2024 Presidential Election, Constitutional Court, Power Ethics, Substantive Justice, Siyasaq Qadhaiyyah.

## 1. Introduction

The 2024 Presidential and Vice Presidential Election of the Republic of Indonesia is an important momentum in maintaining the sustainability of the democratic system in Indonesia (Margono, 2024),(Cahyono, nd)The simultaneous elections held on February 14, 2024, involved more than 204 million voters, making it one of the largest elections in the world. Three candidate pairs competed in this contest: Anies Baswedan-Muhaimin Iskandar, Prabowo Subianto-Gibran Rakabuming Raka, and Ganjar Pranowo-Mahfud MD. However, behind the high turnout figures and relatively smooth technical implementation, this election left fundamental issues related to the ethics of power and substantive justice that are the foundation of a healthy democracy (Zainuri, 2019),(AZIS, nd).

Based on the results of the national recapitulation by the General Election Commission (KPU) which was then confirmed through Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024, the Prabowo-Gibran pair was declared the winner with 96,216,691 votes or around 58.59% of the total valid national votes (Ridhanie, 2022),(Ichsan, Yusrizal, & Mukhlis, 2022)The Anies-Muhaimin ticket received 40,971,906 votes (24.96%), while Ganjar-Mahfud received 27,050,878 votes (16.45%). Mathematically, these results indicate a significant victory. However, ethically and substantively, this victory is questionable due to strong allegations of abuse of power in the form of politicization of social assistance, lack of neutrality among state officials, and a conflict of interest because one of the candidates is the son of the incumbent president (SY & Nurwina, 2024),(Firmansyah, Rahmanto, & Purwaningsih, 2021).

In the dispute resolution process, the Constitutional Court is considered to be too focused on administrative evidence and statistical figures, while the socio-political con-

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text and indications of abuse of power are not the main concern. (Wibowo, 2025), (Rasiwan & SH, 2025) The Court considered that the applicant's argument regarding structured, systematic, and massive (TSM) violations could not be substantiated legally. However, from a legal perspective, justice is not measured solely by formal aspects or written evidence, but by the extent to which power is exercised fairly and without oppressing the rights of the people (Main, 2024), (DESTI, 2024).

The 2024 Presidential election process essentially shows how the procedural implementation of the election does not necessarily reflect substantive justice (Fernanda, Karjoko, & Purwadi, 2024), (Raden, n.d.). Good and dignified elections should not only be carried out in accordance with legal procedures, but also free from power intervention, misuse of state resources, and guarantee equal competition between candidates. However, unfortunately, in the 2024 elections, these principles appear to be undermined by the practice of power that exceeds the limits of reasonableness and public ethics, revealing a yawning gap between procedures and the substance of justice. (Karimullah, nd), (Okay, 2024). The ideal principles in holding elections are justice and cleanliness (al-'is wa al-nazahah). This is in line with the values of *siyasah qadhaiyyah* which emphasize the importance of maintaining public benefit and preventing injustice in the exercise of power. (Siddiqy, Saebani, & Sutiana, 2025), (Hilmy, 2024). Ibn Qayyim al-Jauziyyah emphasized that,

«وَدِيَ نَهَ اللهُ شَرَعَ فِ ثَمَ كِ انْ، طَرِيقَ بِ أَيِّ وَجْهٍ وَأَسْفَرَ الِ عَدَلَ أَمَّ اِرَاتِ ظَهَرَ مَ تِي»

Meaning: "When signs of justice appear, that is where Allah's law is established" (Ibn Qayyim, 2001).

This means that fair elections are part of the implementation of sharia, even though they are not explicitly stipulated in religious texts. Several previous studies have highlighted the issue of fairness in elections in Indonesia. Nurhadi (2020), for example, focuses more on how the Constitutional Court exercises its authority within a positive legal framework without addressing the accompanying socio-political context (Budhiati, 2020), (Monteiro & SH, 2025) Meanwhile, Fitriani (2021) criticized the Court's approach for being too legalistic and ignoring substantive justice, although this study has not examined it from an Islamic legal perspective (BODY & NO., nd), (Jahar & Subhan, nd).

Ahmad Rofiq (2018) through a study of *siyasah qadhaiyyah* emphasized the importance of substantive justice in Islamic judicial practice. He pointed out that qadis in Islam must not only assess written facts, but must understand the social context that accompanies the case (Andika, 2023), (Ahida, Hanani, Rozi, Burhanuddin, & Sesmiarni, 2025) However, Rofiq has not yet applied this concept to the context of the Constitutional Court or election disputes in Indonesia. These studies demonstrate that most previous research remains mired in the dichotomy between positive law and the ethics of power, and has not offered an integrative approach to both. This study aims to fill this gap by offering a *siyasah qadhaiyyah* perspective as a transcendental ethical paradigm for assessing disputes over the 2024 presidential election results.

This research objectively does not intend to deny the legal procedures implemented by the Constitutional Court, but rather to emphasize that the judge's duty is not only to assess legal facts, but also to assess the impact of power on social justice. In the context of *siyasah qadhaiyyah*, the judge (qadhi) has a moral responsibility to prevent the oppression of power hidden in formal procedures that appear legitimate (Rofiq, 2018). Furthermore, from the perspective of *siyasah qadhaiyyah*, political power must be directed towards the public good (*maslahah 'ammah*), not to strengthen the interests of a handful of elites. Elections tainted by abuse of power and nepotism cannot be said to be substantively fair, even if they are procedurally valid. Therefore, the Constitutional Court should not only be the guardian of legality, but also the guardian of public morality (Zulfickar, nd).

Thus, this research contributes to broadening Indonesian legal perspectives, making them not merely positivistic but also responsive to the values of universal justice long-herited in the Islamic legal tradition. *Siyasah qadhaiyyah* provides a relevant critical perspective to examine how the judiciary must boldly go beyond legal texts to maintain

more essential justice. This research also proposes a judicial paradigm that is not merely legalistic but also based on transcendental ethical values. This approach is crucial in building an Indonesian democracy that is not only procedurally strong but also substantively dignified. Therefore, this research is not only relevant to criticizing the Constitutional Court's decision in case Number 2/PHPU.PRES-XXII/2024, but also serves as a scientific proposal for building a more just, humane, and dignified Indonesian legal system in accordance with the principles of *siyasah qadhaiyyah*.

## 2. Materials and Methods

This research uses a qualitative method with a normative-juridical approach and a case study. The normative-juridical approach is used to examine relevant legal norms, such as Law Number 7 of 2017 concerning Elections and Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024, as Marzuki emphasized that normative legal research focuses on the analysis of primary legal materials through literature reviews (Marzuki, 2017: 95). The case study was chosen because this research examines a concrete decision in depth with the social and ethical context surrounding it. The data sources used in this study include primary legal materials, namely the Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024, Law Number 7 of 2017, and the 1945 Constitution. Secondary legal materials include classical Islamic literature such as *Al-Ahkam as-Sulthaniyyah* (Al-Mawardi, 1994) and *As-Siyasah Asy-Syar'iyah* (Ibn Taimiyah, 1993), as well as contemporary works that discuss the principles of Islamic justice, such as Ahmad Rofiq's dissertation which emphasizes that the *qadhi* in the Islamic justice system has the responsibility to maintain substantive justice, not just procedural justice (Rofiq, 2018: 97).

The data collection technique in this study was conducted through documentation studies, systematically analyzing relevant legal documents, scientific works, and journal articles. Data analysis was conducted descriptively and analytically to describe the content of the decision, and interpretively to assess the extent to which the Constitutional Court's considerations reflect substantive justice. Furthermore, this study employed a comparative method to compare the Constitutional Court's perspective with the concept of justice in *siyasah qadhaiyyah*, as well as with the results of previous studies. For example, Nurhadi (2020) focused on the procedural aspects of the 2019 Presidential Election dispute, while Fitriani (2021) highlighted the Court's rigidity in assessing substantive electoral justice.

## 3. Results and Discussion

### 3.1. Analysis of the Results of the Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024

Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 is a response to the lawsuit filed by the Presidential and Vice Presidential candidate pair number 03 (Ganjar Pranowo-Mahfud MD) who questioned the integrity of the 2024 Presidential Election results. In their lawsuit, the applicants submitted a number of important arguments related to alleged structured, systematic, and massive (TSM) violations, including: the politicization of social assistance (*bansos*), the lack of neutrality of state officials, the involvement of the incumbent President in supporting certain candidate pairs who are in fact his biological children, and the alleged bias of a number of state institutions (Constitutional Court, 2024). This lawsuit shows that the applicants are not only questioning the technical aspects of the election, but also questioning the ethics of power in the electoral process.

Normatively, the Constitutional Court, in its deliberations, assessed that the applicant's argument regarding the politicization of social assistance did indeed indicate the massive distribution of social assistance in the lead-up to the election. However, the Court held that the social assistance program was a legitimate government program under the law and was not explicitly regulated as a violation in the context of the Presidential Election (Constitutional Court, 2024). The Court also stated that there was insufficient evidence to prove a direct link between the distribution of social assistance and the

increase in votes for a particular candidate pair. In fact, the Court stated that political motives in social assistance policies are difficult to prove legally because social assistance is part of legitimate public policy.

Regarding the President's involvement, the Court emphasized that the incumbent President's bias toward a particular candidate is not explicitly prohibited by the Constitution, as the Presidential office is not subject to neutrality obligations like those of civil servants (ASN), the Indonesian National Armed Forces (TNI), or the Indonesian National Police (Polri). The Court's judges acknowledged that ethically, politically, this is questionable, but from a formal legal perspective, it does not constitute a violation that could result in the annulment of election results (Constitutional Court, 2024). This demonstrates the Court's clear distinction between legal issues and ethical political issues, limiting its authority to the technical aspects of election law.

The Constitutional Court's approach in this case remains trapped in a legal-formal paradigm, examining only the presence or absence of direct, quantitative, and administrative evidence that significantly influenced vote acquisition. The Court appears to have neglected to consider the ethical variables of power, the symbolic influence of the incumbent President, and the structural impact of the misuse of state resources in influencing public political behavior. Yet, in Indonesia's paternalistic and bureaucratic political context, the symbolic influence of a President and social assistance policies in the lead-up to an election are not sociologically neutral (Mochtar, 2023). These are the issues the Court has overlooked in its substantive analysis.

Furthermore, the Court in its ruling only granted a small portion of the lawsuits related to administrative issues at several polling stations (TPS) where procedural violations were proven. The Court ordered a revote (PSU) at those polling stations, but this ruling was minor and did not address the root of the larger problem, namely the alleged abuse of power in the form of the use of state facilities for electoral purposes. In other words, the Court only addressed the surface administrative symptoms, without delving deeper into the structural problems that undermined the integrity of the election.

Academically, this ruling demonstrates the Constitutional Court's limitations in interpreting electoral justice holistically. The Court positions itself more as an institution that assesses vote counts and election procedures, rather than as a bastion of democratic ethics that examines whether the process of power is fair, clean, and free from structural manipulation. This narrow approach marks a positivistic tendency in the Constitutional Court's jurisprudence, as criticized by Fitriani (2021), who believes the Court has not yet been able to transform into an institution that safeguards substantive justice in the electoral context.

From the perspective of progressive legal analysis, the Court should not be limited to narrow legal texts, but rather should be able to interpret the socio-political realities that influence the meaning of electoral justice (Hidayat, 2012). Elections in the Indonesian context are not merely technical procedures, but also a process of legitimizing power, which must be free from nepotism, abuse of power, and symbolic manipulation. When the Court ignores this context, it loses its role as the guardian of democratic ethics.

Judging from the concrete data in the ruling, the Court acknowledged the massive distribution of social assistance and acknowledged that the incumbent President supported one of the candidate pairs. However, the Court stated that this does not necessarily prove a violation of the TSM. The Court also considered that the quantitatively proven violations occurred only in limited areas and did not significantly affect the national election results (Constitutional Court, 2024). This justification raises an epistemological problem, as the Court only accepts evidence in the form of quantitative administrative facts, while ignoring sociological facts about power relations and their impact on voter behavior.

In terms of legal methodology, the Constitutional Court appears to have adopted a positivistic-legalistic paradigm that adheres strictly to formal evidence as stipulated in procedural law. The Court has not yet adopted an integrative approach involving legal hermeneutics and critical analysis of the social context of power, as proposed by sub-

stantive justice theory or the *siyasah qadhaiyyah* approach. However, Islamic law, *siyasah qadhaiyyah*, teaches that a judge must explore not only written facts but also the context of power and its impact on public justice (Rofiq, 2018: 97).

Thus, the results of this decision have formally resolved the election results dispute in accordance with applicable legal mechanisms, but substantively have not addressed public concerns regarding the abuse of power in electoral contests. The Court has succeeded in implementing legal procedures, but failed to restore moral justice in democracy. This has the potential to undermine the social and political legitimacy of the election results, even though they are administratively valid. Referring to the principle of *siyasah qadhaiyyah*, electoral justice is not only measured by compliance with positive legal procedures, but also by the extent to which the election is free from unjust manipulation of power and detrimental to the public interest (*maslahah 'ammah*). Judges from an Islamic perspective are representatives of God who are responsible for ensuring that power is exercised fairly, not merely procedurally legitimate (Al-Mawardi, 1994: 94).

### 3.2. Substantive Justice in the *Siyasah Qadhaiyyah* Perspective

Within the framework of *siyasah qadhaiyyah*, justice is not merely a matter of adherence to legal texts or formal procedures, but rather a divine mandate that obliges judges (*qadi*) to explore the substantive truth behind the apparent facts. *Siyasah qadhaiyyah* is a political dimension of justice oriented towards safeguarding essential justice (*al-'adalah al-haqiqiyyah*) and upholding the public good (*maslahah 'ammah*), not merely on the fulfillment of legal procedures (Rofiq, 2018: 113). Thus, a judge in this perspective is obliged to pay attention to the social, political, and moral impacts of a legal event, not just limiting themselves to formal legality.

When linked to Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024, it appears that the Court focused more on formal proof of the applicant's arguments, without examining the context of power that underpinned the election. The Court failed to examine how the massive social assistance policy and the incumbent President's active support for his own son created a political ecosystem that was not neutral, ultimately influencing the people's free will in voting. From the perspective of *siyasah qadhaiyyah*, this passive attitude of judges contradicts the *qadhi's* proactive principle of preventing structural injustice (*zulm nidzamiy*).

Ibn Taymiyyah firmly stated that power must be based on justice, not merely formal legal force. He said:

«كادت وإن الظالمية الدولة يضر ولا كفارة، كادت وإن العادلة الدولة يضر الله إن  
مسألة»

Meaning: "Indeed, Allah helps just countries even though they are infidels, and does not help unjust countries even though they are Muslims" (Ibnu Taymiyah, 1993: 13).

This principle implies that the sustainability of a state is not solely based on its legality, but also on its justice. Therefore, in the context of elections, if the process of power is built on injustice, then power itself loses its spiritual legitimacy. In *siyasah qadhaiyyah*, the judge's duty is to ensure that state power is not abused for personal or group interests. Judges are tasked with safeguarding the justice of power, not merely procedural justice. Therefore, in cases of disputes over the results of the 2024 Presidential Election, the Court should not stop at considering the legality of social assistance from an administrative perspective, but should also delve deeper into whether the social assistance was used manipulatively to shape public opinion for electoral gain. In other words, the Court has a moral responsibility to unearth the hidden motives of power, not simply verifying figures and procedures.

Furthermore, the principle of legality emphasizes that substantive justice is a manifestation of the *maqasid ash-sharia* (the principle of Islamic law), namely, safeguarding the fundamental rights of the people from being usurped by oppressive powers. Clean elections are part of protecting the right to vote (*hifzh al-hurriyah*), while elections filled with interference from those in power are a form of usurpation of that right. Therefore, a judge cannot be neutral in the face of deviant power, but must side with justice that protects the people.

The Constitutional Court's decisions, which tend to be procedurally neutral but ignore the injustice of power, demonstrate that this institution remains trapped in a legalistic-positivistic paradigm that is inconsistent with the principles of *siyasah qadhaiyyah*. If the Court merely becomes a vote counter and a guardian of procedure, its ethical function as a protector of the people from the injustice of power will be suboptimal. Yet, in Islam, the *qadi* (judge) not only decides cases but also upholds the values of justice in socio-political life.

Thus, the *siyasah qadhaiyyah* approach teaches that resolving election disputes cannot simply stop at procedural examination, but must also include an analysis of substantive justice: whether the election results truly reflect the free will of the people and are not influenced by the manipulation of power. If the Constitutional Court ignores this aspect, its decision is legally valid but morally and spiritually flawed. Therefore, in the context of Decision Number 2/PHPU.PRES-XXII/2024, the *siyasah qadhaiyyah* approach provides normative criticism that the Court should expand its scope of interpreting justice, not only limited to the text of the law, but also paying attention to social realities and the impact of power that exceeds the limits of justice.

### *3.3 Criticism and Evaluation of the Limitations of the Constitutional Court in Assessing the Ethics of Power*

One of the main criticisms of the Constitutional Court in Decision Number 2/PHPU.PRES-XXII/2024 is its tendency to limit its authority solely to the legal-formal aspects, without expanding its interpretation to the realm of the ethics of power. The Court is indeed normatively subject to the authority stipulated in Article 24C of the 1945 Constitution, namely to adjudicate at the first and final instance, with its decisions being final for disputed election results. However, limiting its interpretation solely to vote counts and administrative violations without considering the ethical impact of the use of public power demonstrates a narrow understanding of constitutional justice (Constitutional Court, 2024).

The Court appears to have adopted a positivistic approach that strictly separates law from morality. This perspective aligns with classical legal positivism, which holds that law is merely what is written in regulations, not what morally ought to be (Kelsen, 2017). In the context of election disputes, this approach leads the Court to examine only the validity of procedures, not the substantive truth behind the power process. Yet, in a democracy, electoral justice concerns not only procedural aspects but also how power is exercised fairly, non-manipulatively, and with respect for political ethics.

If the Constitutional Court only assesses whether election procedures are in accordance with the law, without examining whether power is used fairly or abusively, then the Court loses its role as guardian of constitutional morality. In its deliberations, the Court acknowledged that the incumbent President supported one of the candidate pairs, but deemed that this action did not violate the legal prohibition because the President is not an official regulated by the neutrality regime for civil servants (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) (Constitutional Court, 2024). This consideration is legally correct, but morally raises ethical questions about the neutrality of power in elections.

From the perspective of *siyasah qadhaiyyah*, such a separation between law and morality is unknown. Law (*sharia*) and the ethics of power are a unified whole that aims to maintain justice and prevent injustice (*zulm*). A judge is not sufficient to simply assess the validity of formal law, but is also obliged to pay attention to the impact of power on society. Al-Mawardi stated that judges are guardians of social balance whose duty is to prevent power from becoming a tool of oppression: «*ويمنع به العدل الأمر بتيسوس الحاكم*» (Al-Mawardi, 1994: 55). This means that judges regulate society with justice and prevent injustice.

Another relevant criticism is that the Constitutional Court tends to avoid its role as guardian of the ethics of power for fear of exceeding its constitutionally mandated authority. However, modern constitutional justice theory teaches that constitutional judges

are not merely interpreters of the text, but also guardians of fundamental constitutional values such as justice, democracy, and the ethics of power (Tushnet, 2008). In other words, constitutional judges have a moral responsibility to prevent abuse of power, even if the legal loopholes are not explicitly regulated.

This narrow limitation of the Constitutional Court's interpretation contradicts the principle of a living constitution, which positions the constitution as a living instrument that must be able to respond to social dynamics and the challenges of power. In this context, the Court should have the courage to interpret the constitution progressively to uphold substantive justice, not merely procedural legality.

Therefore, the Constitutional Court's limitations in assessing the ethics of power deserve criticism, so that in the future the Court will not only be a procedural institution, but also a guardian of political ethics and the morality of power in a democracy. Thus, the Court will not only resolve election result disputes administratively but also safeguard the purity of Indonesian democracy from manipulative interference by those in power.

### ***3.4 The Relevance of *Siyasah Qadhaiyyah* for Constitutional Court Reform***

The concept of *siyasah qadhaiyyah* provides a crucial ethical and philosophical foundation for modern constitutional judicial reform. Within the Islamic legal tradition, *siyasah qadhaiyyah* emphasizes that judges serve not only as literal interpreters of legal norms but also as guardians of substantive justice, ensuring that power is exercised fairly and without oppression. This principle demonstrates that justice should not be reduced solely to the framework of formal legality but must also consider the social context, the motives of power, and its impact on society at large (Rofiq, 2018: 117).

When reflected in the context of the Indonesian Constitutional Court, *siyasah qadhaiyyah* offers a reformist paradigm so that the Court becomes not only the guardian of written law, but also the guardian of constitutional morality. Constitutional judicial reform built on the principle of *siyasah qadhaiyyah* requires that constitutional judges not be passive in the face of abuses of power hidden behind legal procedures. Instead, judges must proactively explore substantive truths to prevent the tyranny of power that often hides behind formal legality. This is what Al-Mawardi calls the qadi's responsibility to safeguard the public interest (*maslahah 'ammah*) and prevent injustice (*zulm*) (Al-Mawardi, 1994: 94).

The relevance of *siyasah qadhaiyyah* in constitutional judicial reform also lies in its courage to place morality as the basis for legal interpretation. A Constitutional Court that relies solely on text will easily lose sensitivity to the realities of manipulative power. Conversely, a Court that combines legal interpretation with morality will be able to protect the people from the domination of oppressive political power. This aligns with the concept of a living constitution, which positions the constitution as a living and dynamic instrument that meets the needs of societal justice (Tushnet, 2008).

Furthermore, *siyasah qadhaiyyah* offers a methodological framework for assessing power not only from a legal perspective but also from an ethical perspective. In this case, the Constitutional Court is not sufficient to simply assess whether the President violated formal prohibitions; it must also assess whether his actions as head of state ethically violate the neutrality of power and the principle of electoral justice. Thus, *siyasah qadhaiyyah* demands that judges have the moral courage to correct power, rather than simply submit to procedural loopholes in regulations.

Constitutional judicial reform based on the principle of legal certainty also encourages constitutional judges to broaden their scope of consideration beyond positive legal norms to include the principles of the *maqashid ash-sharia*, particularly in upholding social justice and public rights in the democratic process. Elections tainted by the intervention of those in power must be seen as a threat to *hifzh ad-din* (protection of moral values) and *hifzh al-'irdh* (protection of public honor) within the context of the *maqashid ash-sharia*.

Therefore, the relevance of *siyasah qadhaiyyah* in the reform of the Indonesian Constitutional Court lies in its role as an ethical paradigm that complements the positive legal approach. This paradigm emphasizes that constitutional justice deals not only with what is legal, but also with what is just. By adopting the spirit of *siyasah qadhaiyyah*, the Constitutional Court is expected to become the final bastion of substantive justice, not simply a formal-legal institution that counts votes without exploring the underlying justice.

This reform is crucial because elections in developing democracies like Indonesia remain highly vulnerable to both symbolic and structural abuses of power. If the constitutional courts are not sensitive to these issues, Indonesian democracy will continue to be overshadowed by political power camouflaged behind seemingly legitimate but morally flawed legal procedures.

Thus, *siyasah qadhaiyyah* provides a philosophical and methodological basis for the Constitutional Court to reform its perspective in resolving election result disputes. The court is not only expected to be fair in counting votes, but also fair in maintaining the integrity of power so that it remains subject to the values of substantive justice which is the main aim of the law itself.

#### 4. Conclusions

Based on the analysis of Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 and a theoretical review of *siyasah qadhaiyyah*, it can be concluded that the Constitutional Court still views the dispute over the 2024 Presidential Election results solely in a legal-formal manner. The Court tends to limit its authority to administrative and quantitative evidence related to the vote results, without delving deeper into the ethical context of power, political motives, and the structural impact of the use of state power instruments in the election process.

From a legal perspective, the Constitutional Court's stance demonstrates its limitations in realizing substantive justice (*al-'adalah al-haqiqiyah*). Judges should not only interpret procedural laws but also be responsible for safeguarding the public interest (*maslahah 'ammah*) and preventing the oppression of power (*zulm*). The Constitutional Court's decision in this case is legally valid, but ethically and sociologically inadequate in protecting election integrity and justice for the people. *Siyasah qadhaiyyah* offers a paradigm that justice must not stop at obeying procedures, but must reflect higher moral values, where elections become an instrument of public welfare and justice, not just a means of maintaining power. Thus, future reform of the Constitutional Court's perspective needs to be directed at integration between positive law and transcendental values of justice.

The recommendations in this study are as follows: The Constitutional Court needs to reform its judicial approach by not only focusing on narrow interpretations of procedural law, but also expanding the scope of consideration to the ethical aspects of power and the socio-political impact of the actions of state administrators. Elections as part of national and state life are not only related to vote acquisition, but also to the moral legitimacy of just power. It is necessary to strengthen constitutional ethics education and training for constitutional judges so that they understand the role of the Court not only as a legal institution, but also as a guardian of substantive democratic justice. Learning about the concepts of *siyasah qadhaiyyah*, *maqashid ash-syari'ah*, and the theory of substantive justice needs to be part of the scientific paradigm of constitutional judges. Going forward, there needs to be regulatory reform or at least a reinterpretation of the constitution that provides broader space for the Constitutional Court to assess electoral justice substantively, not only procedurally. This can strengthen the Court's role as an ethical institution, not merely a legalistic one. The results of this study are expected to be a scientific contribution to encourage discourse on reform of Indonesian election law and constitutional courts so that they are not merely positivistic, but are able to provide justice that is complete, integrative, and oriented towards protecting people's rights in a democracy.

The concept of judges as guardians of *maslahah 'ammah* according to *siyasah qadhaiyyah* can be operationalized in modern legal systems through the expansion of judges' interpretive space to consider substantive justice, ethical values of power, and social impact, rather than merely normative legality. This requires renewal in legal education and the internalization of *maqashid syari'ah* principles into judicial practice. To transform the Constitutional Court to be more adaptive to an integrative approach between formal justice and Islamic ethics, it is recommended to establish an internal ethics institution, develop judicial ethics guidelines based on *siyasah qadhaiyyah*, and provide intensive training for constitutional judges to enable them to assess cases more fairly and comprehensively.

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