

ABSTRAK

Berdasarkan latar belakang, Mahkamah Konstitusi Republik Indonesia telah menjatuhkan Putusan Nomor 135/PUU-XXII/2024 yang memisahkan penyelenggaraan Pemilihan Umum Nasional dan Pemilihan Umum Daerah dengan jeda waktu dua hingga dua setengah tahun, berlaku mulai Pemilu 2029. Putusan tersebut lahir atas permohonan Yayasan Perludem yang menguji konstiusionalitas Pasal 167 ayat (3) dan Pasal 347 ayat (1) Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum serta Pasal 3 ayat (1) Undang-Undang Nomor 8 Tahun 2015. Penelitian ini bertujuan untuk menganalisis kesesuaian putusan tersebut dengan UUD NRI 1945, khususnya Pasal 22E ayat (1) mengenai prinsip periodisasi pemilu lima tahunan, serta mengkaji metode interpretasi yang digunakan oleh hakim Mahkamah Konstitusi dalam menjatuhkan putusan dimaksud.

Metode penelitian yang digunakan adalah penelitian yuridis normatif dengan pendekatan peraturan perundang-undangan (*statute approach*) dan pendekatan konseptual (*doctrinal approach*). Bahan hukum primer terdiri atas UUD NRI 1945, Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum, serta Putusan MK Nomor 135/PUU-XXII/2024, didukung bahan hukum sekunder berupa literatur hukum, jurnal ilmiah, dan pendapat para ahli hukum tata negara.

Hasil penelitian menunjukkan bahwa Putusan MK Nomor 135/PUU-XXII/2024 bersifat kondisional dan progresif, namun berpotensi bertentangan dengan Pasal 22E ayat (1) UUD NRI 1945 apabila diimplementasikan tanpa pengaturan transisi yang memadai, mengingat pemilihan anggota DPRD yang digeser ke tahun 2031 berimplikasi pada masa jabatan yang melebihi periodisasi konstiusional lima tahunan. Dalam menjatuhkan putusan tersebut, hakim Mahkamah Konstitusi menggunakan metode interpretasi secara integratif, meliputi interpretasi teleologis, sistematis, evolusioner (*living constitution*), dan komparatif. Putusan ini juga menandai transformasi peran MK dari *negative legislator* menjadi *positive legislator* yang dinilai melampaui batas kewenangan konstiusional. Kepastian hukum dan kualitas demokrasi yang diharapkan dari putusan ini hanya dapat terwujud apabila Pemerintah dan DPR segera melakukan revisi legislatif yang komprehensif sebelum tahapan Pemilu 2029 dimulai.

Kata Kunci: *Legal Reasoning*, Mahkamah Konstitusi, Pemilihan Umum, Periodisasi Lima Tahunan, UUD NRI 1945

ABSTRACT

Based on background, The Constitutional Court of the Republic of Indonesia has issued Decision Number 135/PUU-XXII/2024 which separates the implementation of the National General Election and Regional General Election with a time gap of two to two and a half years, effective starting from the 2029 General Election. The decision was made at the request of the Perludem Foundation which tested the constitutionality of Article 167 paragraph (3) and Article 347 paragraph (1) of Law Number 7 of 2017 concerning General Elections and Article 3 paragraph (1) of Law Number 8 of 2015. This study aims to analyze the suitability of the decision with the 1945 Constitution of the Republic of Indonesia, especially Article 22E paragraph (1) concerning the principle of the five-yearly election period, as well as to examine the interpretation methods used by the Constitutional Court judges in issuing the said decision.

The research method used is normative juridical research with a statutory approach and a conceptual approach (doctrinal approach). The primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, and Constitutional Court Decision Number 135/PUU-XXII/2024, supported by secondary legal materials in the form of legal literature, scientific journals, and opinions of constitutional law experts.

The results of the study indicate that Constitutional Court Decision Number 135/PUU-XXII/2024 is conditional and progressive, but has the potential to conflict with Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia if implemented without adequate transitional arrangements, considering that the election of DPRD members, which was shifted to 2031, implies a term of office exceeding the five-year constitutional period. In issuing this decision, the Constitutional Court judges used an integrative interpretation method, including teleological, systematic, evolutionary (living constitution), and comparative interpretations. This ruling also marks the transformation of the Constitutional Court's role from a negative legislator to a positive legislator, which is deemed to have exceeded its constitutional authority. The legal certainty and democratic quality envisioned by this ruling can only be achieved if the government and the House of Representatives (DPR) immediately implement comprehensive legislative revisions before the 2029 elections begin.

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Keywords: Legal Reasoning, Constitutional Court, General Election, Five-Year Periodization, 1945 Constitution of the Republic of Indonesia