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## **The Implications of Multiple Interpretations of the Regional Head Term of Office on Legal Certainty in the 2024 Regional Elections**

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### **Abstract**

The implementation of the 2024 Regional Head Elections in Indonesia generated constitutional and legal debates regarding the interpretation of regional head terms of office. Differences in interpreting the calculation of tenure between statutory provisions, Constitutional Court decisions, and technical electoral regulations created legal uncertainty concerning the eligibility and constitutional status of regional heads participating in the 2024 Regional Elections. This study aims to analyze the implications of multiple interpretations of regional head terms of office on legal certainty within Indonesia's electoral system and to examine the legal harmonization required to prevent similar constitutional ambiguity in future elections. This research employed a normative legal research method using statutory, conceptual, and case approaches. Primary legal materials consisted of statutory regulations, Constitutional Court decisions, and electoral regulations, while secondary legal materials included legal doctrines, books, and scientific journal articles related to constitutional law, elections, and legal certainty. The findings indicate that inconsistencies between Law Number 23 of 2014 concerning Regional Government and Law Number 10 of 2016 concerning Regional Elections, combined with differing constitutional interpretations, have created multiple interpretations regarding regional head tenure. This condition has affected democratic legitimacy, equal political rights, and legal certainty in the implementation of the 2024 Regional Elections. The study further finds that the absence of harmonized electoral regulations and clear transitional provisions contributes significantly to constitutional ambiguity within Indonesia's electoral governance. Therefore, legal harmonization, synchronization of electoral regulations, clearer legislative drafting, and stronger institutional coordination among electoral institutions are necessary to ensure constitutional certainty and democratic legitimacy in future regional elections.

**Keywords:** Multiple Interpretation, Term of Office of Regional Heads, Legal Certainty, Regional Head Elections



## 1. Introduction

The implementation of the 2024 Regional Head Elections (Pemilukada) in Indonesia has generated significant constitutional and legal issues, particularly regarding the interpretation of regional head terms of office. Differences in interpreting the provisions governing the beginning and end of regional head terms have created legal uncertainty concerning the eligibility and constitutional status of several regional heads participating in the 2024 Regional Elections. This issue has become increasingly controversial because the interpretation of regional head tenure directly affects democratic legitimacy, electoral fairness, and the constitutional rights of candidates within Indonesia's electoral system (Aminah et al., 2020; Zuhdi et al., 2025).

The primary source of this legal uncertainty originates from Article 201 of Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors (Ansori et al., 2022; Pratama et al., 2025). Article 201 paragraph (5) stipulates that Governors, Regents, and Mayors elected in 2018 shall serve until 2023, while paragraph (7) states that regional heads elected in 2020 shall serve until 2024. Normatively, these provisions were designed to support the transition toward simultaneous national regional elections. However, the statutory formulation does not clearly regulate whether the term of office should be calculated based on the calendar year stipulated in the law or based on the factual period commencing from the inauguration of regional heads. This ambiguity has created multiple interpretations regarding the calculation of regional head tenure, particularly in situations where inaugurations were delayed due to electoral disputes or administrative processes.

The ambiguity of these transitional provisions subsequently became the subject of constitutional review before the Constitutional Court through Decision Number 143/PUU-XXI/2023. In its legal reasoning, the Constitutional Court emphasized that the regulation of regional head tenure constitutes part of the legislators' open legal policy in designing simultaneous regional elections. Nevertheless, the Court also stressed that such policy must still guarantee legal certainty, clear norms, and consistent implementation in electoral practice. Although Constitutional Court decisions are final and binding, differences in interpretation continue to emerge between statutory norms, Constitutional Court considerations, and technical regulations issued by the General Elections Commission (KPU) (Ramadani et al., 2025; Riggs, 1997). As a consequence, legal uncertainty concerning regional head tenure has continued to create polemics regarding candidacy requirements and the legitimacy of participation in the 2024 Regional Elections.

From the perspective of the rule of law, legal certainty constitutes a fundamental principle in democratic governance (Braithwaite, 2002; Shcherbanyuk et al., 2023). Legal certainty requires legal norms to be formulated clearly, consistently, and predictably so that legal subjects can understand their rights and obligations. In the context of elections, legal uncertainty may undermine democratic legitimacy because electoral competition



and candidacy requirements become vulnerable to inconsistent interpretation and unequal application of the law. Asshiddiqie, (2005) argues that constitutional democracy requires not only procedural elections but also the consistent implementation of legal norms to ensure justice and constitutional legitimacy. Similarly, Schauer, (2015) emphasizes that unclear legal norms may weaken the authority of law itself because law loses its function as a guideline for legal behavior.

The problem of multiple interpretations regarding regional head tenure also reflects broader disharmony within Indonesia's electoral legal framework. On the one hand, Law Number 23 of 2014 concerning Regional Government generally recognizes a five-year term of office calculated from inauguration. On the other hand, Law Number 10 of 2016 adopts a transitional arrangement based on simultaneous election schedules. The coexistence of these different normative approaches has created tensions between statutory provisions, Constitutional Court interpretations, and technical electoral regulations. Such disharmony potentially affects the legitimacy of electoral administration and creates uncertainty in determining the constitutional status of regional heads participating in the 2024 Regional Elections.

Several previous studies have discussed regional elections, constitutional democracy, and legal certainty in Indonesia. Kusdarini et al., (2022) examined electoral disputes in regional elections, while Kerwin & Furlong, (2025) analyzed constitutional disputes involving state institutions. Other studies primarily focus on electoral mechanisms and democratic governance (Ansell et al., 2021; Bua & Bussu, 2021). However, limited research specifically examines the implications of multiple interpretations of regional head tenure on legal certainty within the context of the 2024 simultaneous Regional Elections. Therefore, this study seeks to analyze the implications of multiple interpretations of regional head terms of office on legal certainty and to examine the legal harmonization required to prevent similar constitutional ambiguities in future regional elections.

Based on these issues, this study aims to analyze the implications of multiple interpretations of regional head terms of office on legal certainty in the implementation of the 2024 Regional Elections and to examine the legal framework governing regional head tenure within Indonesia's constitutional and electoral system.

## 2. Research Method

This study employed a normative legal research method using a qualitative approach. Normative legal research views law as a system of norms, principles, doctrines, and legal rules contained in legislation, court decisions, and legal doctrines developed by legal scholars (Hamzani et al., 2023; Negara, 2023). This method was selected because the primary issue examined in this study concerns the ambiguity and multiple interpretations of legal norms governing the term of office of regional heads in the implementation of the 2024 Regional Elections. Therefore, the focus of the study lies not



on empirical social behavior but on the analysis of legal norms, constitutional interpretation, and the consistency of legal regulations within Indonesia's constitutional and electoral system.

Normative legal research is particularly relevant for examining legal uncertainty arising from ambiguous statutory provisions because this method emphasizes legal interpretation, legal synchronization, and doctrinal analysis of applicable regulations (Marzuki, 2020). In the context of this study, normative legal research was used to examine inconsistencies between Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors, Law Number 23 of 2014 concerning Regional Government, and Constitutional Court interpretations related to regional head terms of office. The study specifically analyzed how unclear legal formulations create multiple interpretations and affect legal certainty in the implementation of the 2024 Regional Elections.

This research employed several approaches within normative legal research. First, the statutory approach (statute approach) was used to analyze various legal instruments governing regional head tenure and regional elections, including the 1945 Constitution of the Republic of Indonesia, Law Number 10 of 2016, Law Number 23 of 2014, General Elections Commission Regulations, and relevant Constitutional Court decisions. This approach was intended to assess the consistency, hierarchy, and synchronization of legal norms regulating regional head terms of office.

Second, the conceptual approach (conceptual approach) was used to examine legal concepts and doctrines relevant to this study, including the concepts of legal certainty, constitutional democracy, rule of law, and constitutional legitimacy. This approach is important because the issue examined in this study involves abstract constitutional principles requiring doctrinal interpretation and theoretical analysis (Nasution & Nasution, 2020). Legal certainty theory developed by Gustav Radbruch and the concept of the rule of law proposed by constitutional law scholars were used as analytical frameworks for assessing whether the existing regulations provide clear and predictable legal norms.

Third, the case approach (case approach) was employed to analyze Constitutional Court Decision Number 143/PUU-XXI/2023 and other relevant judicial decisions related to regional head tenure and regional election disputes. The case approach was used to identify the Constitutional Court's legal reasoning (*ratio decidendi*) and to examine how constitutional interpretation influences the implementation of electoral regulations. Since Constitutional Court decisions are final and binding, their interpretation plays a significant role in shaping legal certainty within Indonesia's electoral system.

The legal materials used in this study consisted of primary and secondary legal materials. Primary legal materials included statutory regulations, Constitutional Court decisions, and official regulations related to regional elections and regional government administration. Secondary legal materials consisted of legal textbooks, scientific journal



articles, legal doctrines, and scholarly publications discussing constitutional law, election law, legal certainty, and constitutional interpretation.

Legal materials were collected through library research by identifying, classifying, and reviewing legal documents relevant to the research problem. The collected materials were subsequently analyzed qualitatively using descriptive-analytical and prescriptive methods. The descriptive analysis was used to explain the existing legal framework governing regional head terms of office, while the prescriptive analysis was employed to formulate legal arguments concerning legal harmonization and normative clarification necessary to prevent multiple interpretations in future regional elections.

Through this normative legal research method, the study seeks to provide systematic legal analysis regarding the ambiguity of regional head tenure regulations and their implications for legal certainty in the implementation of the 2024 Regional Elections.

### **3. Result**

#### **3.1. Normative Regulations on Regional Head Terms of Office in the Indonesian Legal System**

Regulation concerning the term of office of regional heads constitutes an integral part of Indonesia's constitutional and electoral system. The legal framework governing regional head tenure is primarily regulated in Law Number 23 of 2014 concerning Regional Government and Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. In principle, Law Number 23 of 2014 recognizes a five-year term of office for regional heads calculated from the date of inauguration. However, Law Number 10 of 2016 introduced transitional provisions aimed at supporting the implementation of simultaneous regional elections throughout Indonesia.

Article 201 paragraph (5) of Law Number 10 of 2016 stipulates that Governors, Regents, and Mayors elected in 2018 shall serve until 2023, while paragraph (7) states that regional heads elected in 2020 shall serve until 2024. Normatively, these provisions demonstrate that lawmakers adopted a simultaneous election approach based on electoral scheduling rather than a factual calculation of tenure from inauguration. However, the law does not provide explicit clarification regarding how the term of office should be calculated in situations where regional head inaugurations are delayed due to election disputes or administrative processes. Consequently, the absence of normative clarity has created multiple interpretations regarding the duration and termination of regional head tenure.

#### **3.2. Constitutional Court Interpretations Regarding Regional Head Terms of Office**

The ambiguity of regional head tenure provisions subsequently became the subject of constitutional review before the Constitutional Court. One of the most relevant decisions is Constitutional Court Decision Number 143/PUU-XXI/2023, which reviewed the constitutionality of Article 201 of Law Number 10 of 2016. In this decision, the



Constitutional Court emphasized that the arrangement of regional head tenure during the transition toward simultaneous regional elections constitutes an open legal policy belonging to the authority of legislators. Nevertheless, the Court also stressed that such policy must still guarantee legal certainty and prevent the emergence of multiple interpretations in practice.

In addition to Decision Number 143/PUU-XXI/2023, several other Constitutional Court decisions also demonstrate the complexity of interpreting regional head tenure within Indonesia's constitutional system. Constitutional Court Decision Number 22/PUU-VII/2009 emphasized that legal certainty constitutes an essential element of democratic elections and that election regulations must provide equal legal treatment for all candidates and electoral participants. Similarly, Constitutional Court Decision Number 97/PUU-XI/2013 highlighted the importance of constitutional consistency in regulating electoral mechanisms and the protection of citizens' political rights within local democratic systems.

Furthermore, Constitutional Court Decision Number 55/PUU-XVII/2019 concerning simultaneous elections also indirectly affected the interpretation of regional election governance, particularly regarding the synchronization of national and local electoral systems. In its legal reasoning, the Court recognized that simultaneous elections require transitional legal arrangements; however, such arrangements must remain constitutionally clear and predictable. The Court repeatedly emphasized that unclear transitional norms may create constitutional uncertainty and administrative disputes within electoral governance.

The existence of these Constitutional Court decisions demonstrates that the issue of regional head tenure is not merely an administrative matter but also a constitutional problem closely related to democratic legitimacy, equal political rights, and legal certainty. Although Constitutional Court decisions are final and binding, differences in interpretation continue to emerge in practice because statutory provisions and technical electoral regulations are not always harmonized consistently.

### **3.3. Implications of Multiple Interpretations for Legal Certainty in the 2024 Regional Elections**

The multiple interpretations of regional head tenure provisions have significant implications for legal certainty in the implementation of the 2024 Regional Elections. Legal certainty requires legal norms to be formulated clearly, consistently, and predictably so that legal subjects understand their rights and obligations (Braithwaite, 2002; Shcherbanyuk et al., 2023). In the context of regional elections, legal uncertainty concerning regional head tenure directly affects candidacy requirements, electoral legitimacy, and the constitutional status of incumbent regional heads seeking reelection.

The ambiguity regarding whether tenure should be calculated normatively based on election years or factually based on inauguration dates has generated debates concerning the eligibility of several regional heads to participate in the 2024 Regional Elections. This



condition potentially creates unequal treatment among candidates and increases the likelihood of electoral disputes. Furthermore, differences in interpretation between statutory norms, Constitutional Court decisions, and General Elections Commission (KPU) regulations create institutional uncertainty for election organizers responsible for implementing electoral regulations.

The uncertainty also affects public trust in democratic institutions. In a democratic constitutional state, elections must not only be conducted procedurally but must also guarantee substantive legal legitimacy. When legal norms are interpreted inconsistently, the legitimacy of electoral outcomes becomes vulnerable to political contestation and constitutional challenges.

### **3.4. Legal Harmonization and Practical Solutions for Preventing Future Legal Uncertainty**

The issue of multiple interpretations regarding the term of office of regional heads demonstrates that Indonesia's electoral legal system continues to face significant challenges in maintaining legal certainty and constitutional consistency. Legal certainty constitutes one of the fundamental principles of the rule of law because legal norms must be formulated clearly, consistently, and predictably to ensure equal legal treatment for all citizens (Ansell et al., 2021; Pratama et al., 2025). In the context of regional elections, uncertainty regarding the calculation of regional head tenure directly affects democratic legitimacy, candidacy rights, and the implementation of constitutional governance.

The findings of this study indicate that the ambiguity surrounding Article 201 of Law Number 10 of 2016 has generated different interpretations concerning whether the term of office of regional heads should be calculated based on inauguration dates or simultaneous election schedules. This condition has created uncertainty in determining the constitutional status and electoral eligibility of incumbent regional heads participating in the 2024 Regional Elections. Such ambiguity illustrates the gap between law in books and law in action, where normative regulations fail to provide clear guidance for practical implementation (Ansori et al., 2022; Negara, 2023).

From a constitutional perspective, the existence of multiple interpretations weakens the principle of constitutional democracy because electoral regulations should guarantee fairness, equal political participation, and legal predictability. Asshiddiqie, (2005) explains that constitutionalism requires not only the existence of democratic institutions but also the consistent implementation of constitutional norms to prevent arbitrary interpretation of state authority. Similarly, Biermann et al., (2022) and Quadri, (2020) argues that constitutional governance must provide clear limitations and certainty regarding the exercise of public power, including the regulation of political office tenure.

The Constitutional Court has attempted to address these ambiguities through several decisions concerning electoral governance and constitutional interpretation. Constitutional Court Decision Number 143/PUU-XXI/2023 emphasized that the arrangement of regional head tenure constitutes part of the legislators' open legal policy.



However, the Court also stressed that transitional electoral arrangements must still guarantee legal certainty and avoid contradictory interpretations. This finding argument that the Constitutional Court plays a strategic role in resolving constitutional disputes and ensuring the supremacy of constitutional principles within Indonesia's legal system.

Other Constitutional Court decisions also demonstrate the importance of consistency in electoral regulation. Constitutional Court Decision Number 22/PUU-VII/2009 emphasized the necessity of equal legal treatment and legal certainty in electoral administration, while Decision Number 55/PUU-XVII/2019 highlighted the constitutional implications of simultaneous elections and transitional electoral governance. These decisions collectively demonstrate that electoral regulations require harmonized interpretation to maintain democratic legitimacy and prevent administrative disputes.

The findings of this study further reveal that disharmony between Law Number 23 of 2014 concerning Regional Government and Law Number 10 of 2016 concerning Regional Elections constitutes one of the major causes of legal uncertainty. Law Number 23 of 2014 generally recognizes a five-year term of office calculated from inauguration, whereas Law Number 10 of 2016 adopts a transitional arrangement based on simultaneous election schedules. This inconsistency has created overlapping interpretations between statutory provisions, Constitutional Court reasoning, and technical regulations issued by election organizers.

From the perspective of legal theory, this condition reflects the importance of legal harmonization within democratic governance. Merryman et al., (2018) explains that legal systems must operate hierarchically and coherently so that lower regulations remain consistent with higher constitutional norms. When inconsistencies emerge between statutory regulations and implementing provisions, legal certainty becomes weakened, and the effectiveness of law enforcement decreases. Negara, (2023) similarly argues that unclear legal norms may undermine the authority of law itself because law loses its function as a reliable guideline for legal behavior.

The ambiguity surrounding regional head tenure also affects the broader legitimacy of Indonesia's democratic system. Elections are not merely procedural political mechanisms but constitutional instruments intended to guarantee popular sovereignty and democratic participation (Djuyandi, 2023). Therefore, uncertainty in electoral regulations may create unequal political competition and weaken public trust in electoral institutions. Hidayat et al., (2024) emphasizes that electoral law must provide certainty and fairness because democratic elections require stable and predictable legal frameworks to ensure institutional legitimacy.

Several previous studies have also identified the importance of legal certainty in regional elections. Suparto et al., (2024) demonstrated that ambiguity in electoral regulations frequently contributes to electoral disputes and procedural conflicts in regional elections. Constitutional disputes between institutions often emerge due to overlapping interpretations of legal authority and unclear statutory formulations. These



findings support the conclusion that the ambiguity regarding regional head tenure is not merely a technical electoral issue but a broader constitutional problem affecting governance stability.

The findings of this study indicate that preventing similar legal uncertainty in future regional elections requires comprehensive legal and institutional reform. First, lawmakers must revise and harmonize statutory regulations governing regional head tenure by explicitly determining whether tenure calculation is based on inauguration dates or election schedules. Clear legislative drafting is essential to eliminate multiple interpretations and strengthen constitutional predictability.

Second, stronger synchronization between Constitutional Court decisions, statutory regulations, and General Elections Commission (KPU) regulations must be established. Constitutional Court interpretations should be directly integrated into implementing regulations to ensure consistency in electoral administration. This harmonization is necessary because fragmented legal interpretation creates administrative uncertainty and weakens institutional legitimacy.

Third, electoral legislation should formulate transitional provisions more clearly and systematically. Transitional norms often become sources of constitutional disputes because they are drafted broadly and without sufficient explanatory guidance. According to Marzuki, (2020), normative legal analysis requires legal norms to possess systematic coherence to avoid contradictory implementation and interpretative uncertainty.

Fourth, institutional coordination among the legislature, the Constitutional Court, the KPU, and election supervisory institutions should be strengthened to create uniform interpretation in electoral governance. Effective coordination mechanisms are essential for minimizing overlapping authority and maintaining constitutional consistency within Indonesia's democratic system.

Finally, strengthening constitutional legal understanding among election organizers and policymakers is equally important. The recurring emergence of multiple interpretations demonstrates that legal ambiguity is not caused solely by normative weaknesses but also by inconsistent institutional interpretation of electoral regulations. Therefore, improving constitutional legal literacy and institutional professionalism remains necessary to strengthen legal certainty and democratic legitimacy in future regional elections.

#### **4. Conclusion**

The issue of multiple interpretations regarding the term of office of regional heads in the implementation of the 2024 Regional Elections demonstrates the existence of legal uncertainty within Indonesia's electoral and constitutional system. The ambiguity primarily originates from inconsistencies between Law Number 10 of 2016 concerning Regional Head Elections, Law Number 23 of 2014 concerning Regional Government, Constitutional Court interpretations, and technical electoral regulations issued during



the transition toward simultaneous regional elections. These differences in interpretation have created uncertainty concerning the constitutional status, tenure calculation, and eligibility of regional heads participating in the 2024 Regional Elections.

The findings of this study indicate that legal uncertainty concerning regional head tenure does not merely create administrative problems but also affects democratic legitimacy, equal political rights, and public trust in electoral institutions. Several Constitutional Court decisions, particularly Decision Number 143/PUU-XXI/2023, demonstrate that transitional electoral arrangements require clearer constitutional and statutory formulations to prevent multiple interpretations in future electoral implementation. Although the Constitutional Court recognizes the regulation of simultaneous regional elections as part of the legislators' open legal policy, such policy must still guarantee legal certainty, consistency, and predictability in electoral governance.

To prevent similar legal uncertainty from recurring in future regional elections, several concrete measures need to be undertaken. First, lawmakers must revise and harmonize statutory provisions regulating regional head tenure, particularly by clarifying whether the calculation of tenure is based on inauguration dates or electoral scheduling. Explicit and consistent legal formulations are necessary to eliminate normative ambiguity and conflicting interpretations.

Second, stronger synchronization between laws, Constitutional Court decisions, and technical electoral regulations issued by the General Elections Commission (KPU) must be established. Constitutional Court decisions should be systematically integrated into implementing regulations to ensure consistent application by election organizers and governmental institutions.

Third, legislative drafting concerning transitional electoral provisions should be improved through clearer normative language and more comprehensive explanatory provisions. Transitional clauses frequently become sources of constitutional disputes because they are formulated broadly and without sufficient interpretative guidance. Therefore, future electoral reforms should prioritize legal precision and constitutional coherence in drafting electoral legislation.

Fourth, institutional coordination among the legislature, the Constitutional Court, the KPU, and election supervisory institutions should be strengthened to minimize regulatory inconsistency and overlapping interpretations. Effective coordination mechanisms are essential for maintaining legal certainty and institutional stability within Indonesia's democratic system.

Finally, the study emphasizes that legal certainty in electoral governance cannot be achieved solely through the existence of legal norms. Legal certainty also requires consistent constitutional interpretation, harmonized regulations, professional electoral administration, and institutional commitment to democratic principles. Through comprehensive legal harmonization and institutional strengthening, the implementation of future regional elections can provide greater constitutional certainty, democratic



legitimacy, and protection of citizens' political rights within Indonesia's constitutional state system.

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