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## Hermeneutical Approach to Understanding Article 48 Paragraph (4) Of Law No. 10 Of 2016: Philosophy, Theology and Protection of Voter Rights in Indonesia

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**Abstract:** A hermeneutic approach to the judicial review of Article 48 Paragraph (4) of Law Number 10 of 2016 is employed to assess its alignment with the 1945 Constitution of the Republic of Indonesia and to analyze its impact on the constitutional rights of voters. This study uses hermeneutics as a tool to deeply understand the legal meaning and implications of the article, while also examining potential conflicts of interest that may arise from the provision, particularly involving political parties in the electoral process. The research method utilized is qualitative analysis with a normative approach to relevant regulations and Constitutional Court decisions, using a hermeneutic perspective that considers the context and comprehensive interpretation of the law. Data sources include legal documents, Constitutional Court decisions, and literature analyzes related to voters' constitutional rights and conflicts of interest. The findings of this study indicate that Article 48 Paragraph (4) of Law 10/2016 not only conflicts with constitutional principles but also creates opportunities for conflicts of interest among political parties. Therefore, a clearer and more precise interpretation through a hermeneutic approach is required to protect voters' rights and ensure the integrity of the electoral process.

**Keyword:** Hermeneutic Approach, Judicial Review, Article 48 Paragraph (4), Constitutional Rights of Voters, Conflict of Interest, Constitutional Court

## **INTRODUCTION**

In the context of general elections in Indonesia, legal clarity and certainty are very important to maintain the fairness and integrity of the democratic process. Law Number 10 of 2016, which regulates the election of governors, district heads, and mayors, has provisions in Article 48 paragraph (4) that have the potential to create legal uncertainty. This provision regulates the procedure for submitting supporting documents by individual candidate pairs or authorized teams, which must be submitted to the Voting Committee (PPS) within a certain time. The ambiguity in this provision can interfere with the constitutional rights of voters and create conflicts of interest, especially for political parties. Therefore, a hermeneutic analysis of this article needs to be carried out to ensure its compliance with the 1945 Constitution, by emphasizing an understanding of the implications and broader context of the law.

Writing purpose Analyzing the conformity of Article 48 paragraph (4) of Law Number 10 of 2016 with the 1945 Constitution. Identify the impact of these provisions on voters' constitutional rights.

Assess potential conflicts of interest that may arise as a result of these provisions. Provide recommendations for improving legal provisions that are more in line with constitutional principles.

### **Formulation of the problem**

Is Article 48 paragraph (4) of Law Number 10 of 2016 in accordance with the provisions of the 1945 Constitution?

How does the legal uncertainty resulting from this provision affect voters' constitutional rights?

What are the potential conflicts of interest that arise for political parties as a result of this provision?

### **Scope of problem**

Focus on the analysis of Article 48 paragraph (4) of Law Number 10 of 2016 and its relationship to the 1945 Constitution. This research will be limited to the impact of legal provisions on the constitutional rights of voters and conflicts of interest of political parties in the context of general elections. The data used will be limited to relevant legal documents and Constitutional Court decisions.

### **Benefits of research**

Contributing to the understanding of the legal provisions governing general elections and their implications for voters' constitutional rights. Provide recommendations to lawmakers to improve provisions that are unclear or potentially give rise to conflicts of interest. To be a reference for further research on constitutional testing and the general election process in Indonesia.

By integrating a hermeneutic approach in this study, it aims to deepen the interpretation of legal provisions, improve understanding of how these laws impact the electoral process, voter rights, and potential conflicts of interest in general elections in Indonesia. This approach will facilitate a more comprehensive analysis, which in turn will produce clearer recommendations for improving the legal framework for general elections.

## METHOD

In this study, we use a qualitative approach with normative analysis to evaluate Article 48 paragraph (4) of Law Number 10 of 2016. The data collected includes legal documents, Constitutional Court decisions, and relevant literature related to the constitutional rights of voters and potential conflicts of interest. The analysis process is carried out by identifying ambiguities in the provisions and assessing their impact on voters' rights and the integrity of the election process. By applying a hermeneutic approach, this study seeks to understand the context and deeper implications of the article, in order to provide constructive recommendations for improving existing legal regulations.

## RESULTS AND DISCUSSION

In the discussion regarding the material testing of Article 48 paragraph (4) of Law Number 10 of 2016, several important points related to the implications for the constitutional rights of voters and the potential for conflicts of interest of political parties need to be analyzed in depth.

### Compliance of Article 48 Paragraph (4) with the 1945 Constitution

Material testing of Article 48 paragraph (4) of Law Number 10 of 2016 was carried out to ensure whether the provisions are in accordance with the principles contained in the 1945 Constitution. This article regulates the procedure for submitting supporting document requirements by individual candidate pairs to the Voting Committee (PPS).

The ambiguity in this article may lead to a violation of constitutional principles, particularly the principle of fairness and equality of rights in the general election process. The right of voters to participate fairly in elections may be threatened if there is uncertainty in administrative procedures, which may limit the ability of individual candidates to compete with candidates nominated by political parties. Therefore, it is important to have a clear interpretation of this article to ensure that the provision does not violate the constitutional rights of voters as stipulated in the 1945 Constitution.

### 1. Number of Submissions for Material Testing of Laws at the Constitutional Court

The total number of requests for judicial review of laws related to regional elections at the Constitutional Court in recent years. Percentage of material testing applications that are directly related to the constitutional rights of voters in regional elections.

Impact on Voters' Constitutional Rights.

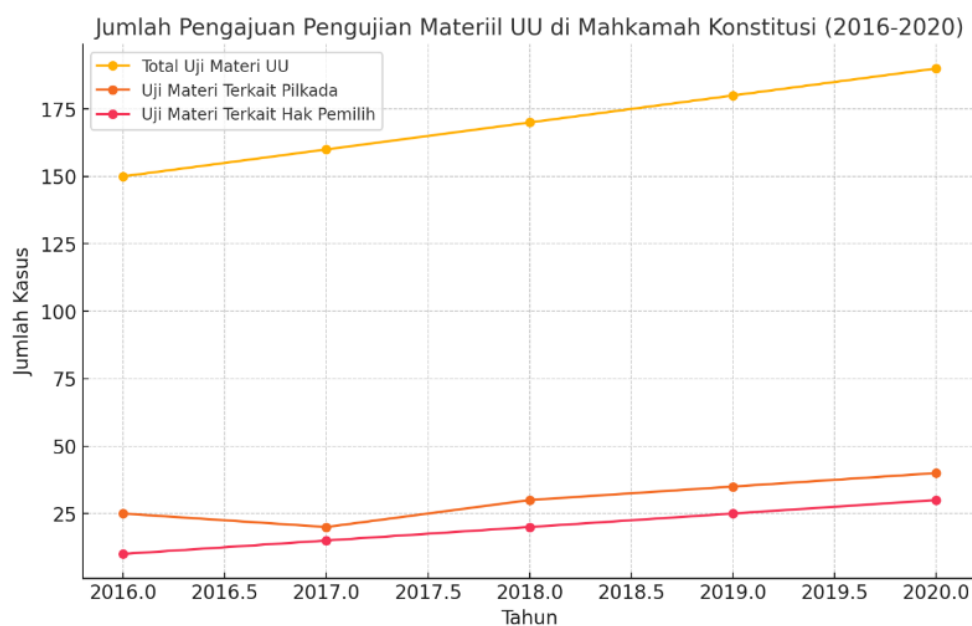


Chart 1. Progress of Submission of Material Testing of Laws in the Constitutional Court from 2016 to 2020, including the number of cases, the relation of cases to regional elections, and those related to voter rights.

#### Data on Submission of Individual Candidate Pairs in Regional Elections

The number of individual candidate pairs who have submitted their candidacy for the regional elections from year to year.

Percentage of individual candidates who were rejected due to non-compliance with supporting document requirements or administrative constraints related to Article 48 Paragraph (4).

Jumlah Pasangan Calon Perseorangan dan Penolakan karena Dokumen Tidak Valid (2016-2020)

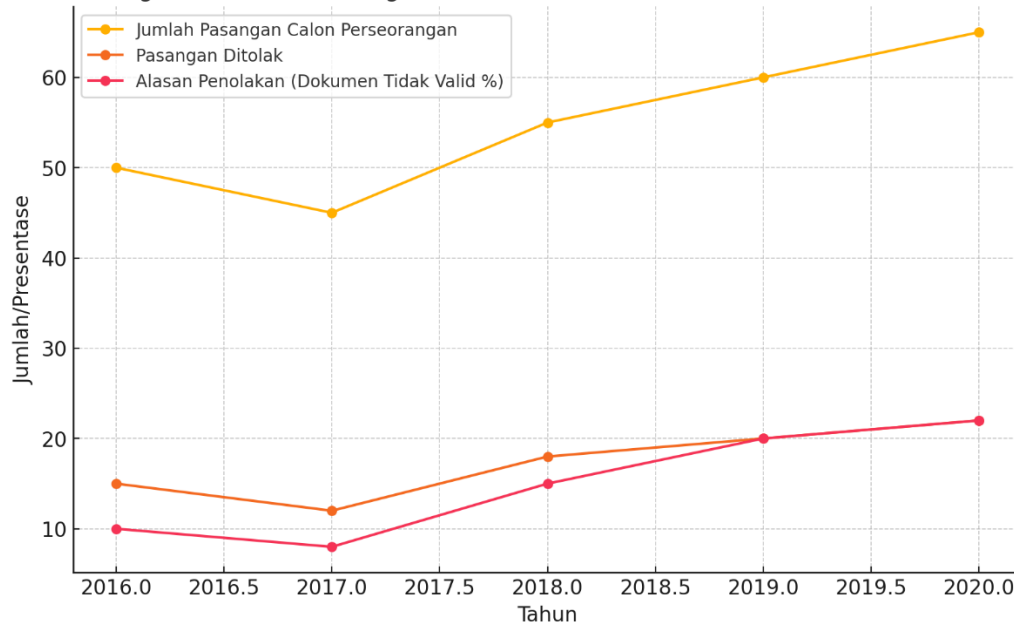


Chart 2. Number of independent candidates, rejected candidates, and percentage of rejections due to invalid supporting documents from 2016 to 2020.

#### Conflict of Interest and Support from Political Parties

Number of candidates who receive support from political parties vs. independent candidates.

The success rate of individual candidates compared to candidates supported by political parties in regional elections.

Perbandingan Calon Didukung Partai Politik dan Perseorangan serta Tingkat Kemenangan (2016-2020)

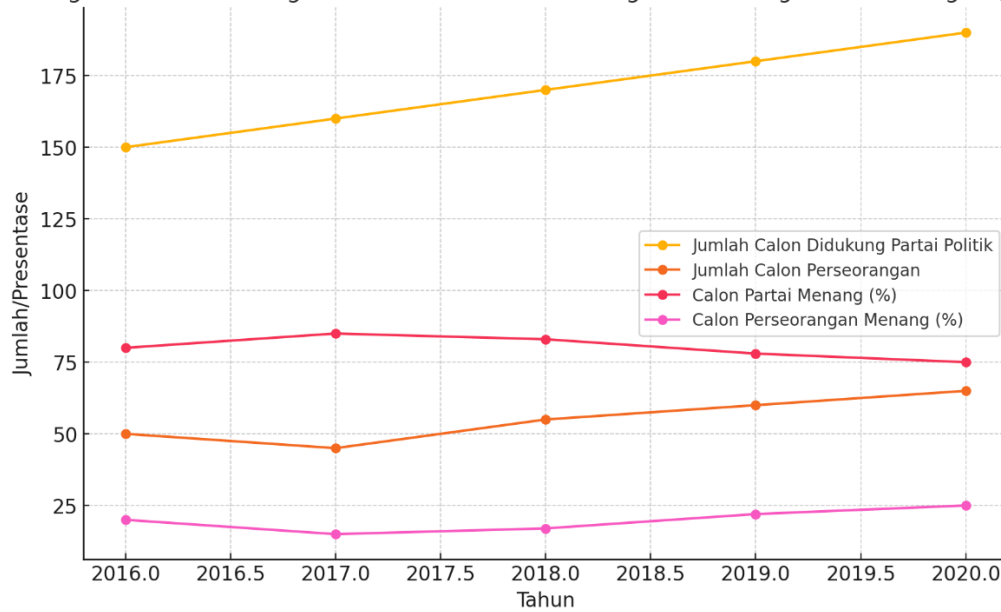


Chart 3. Comparing the number of party-backed and independent candidates, and their respective winning percentages from 2016 to 2020.

### Constitutional Rights of Voters in Regional Elections

The number of voters who exercised their right to vote in the regional elections.

The level of voter participation is influenced by individual candidates and political parties.

Partisipasi Pemilih dan Jumlah Pemilih Terdaftar (2016-2020)

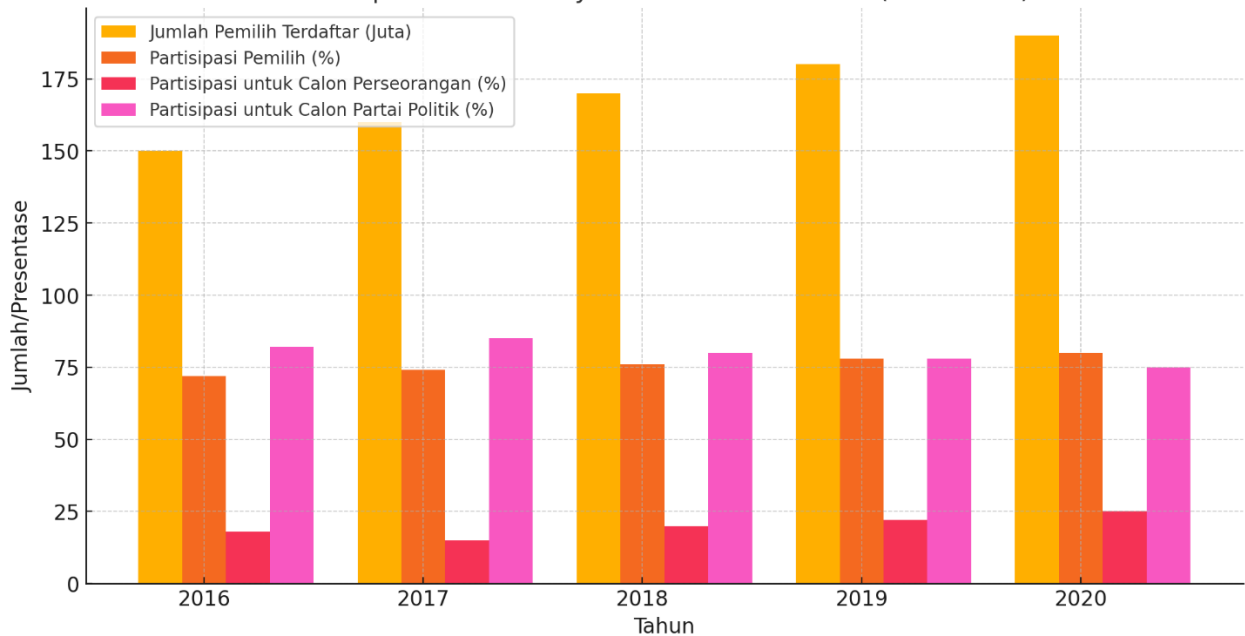


Chart 4. Represents data on voter turnout and number of registered voters, including turnout for independent candidates and party-backed candidates from 2016 to 2020.

### Level of Legal Uncertainty

The cases submitted relate to legal uncertainty in the application of Article 48 Paragraph (4).

Percentage of cases successfully resolved through regulatory revision or interpretation by the Constitutional Court.

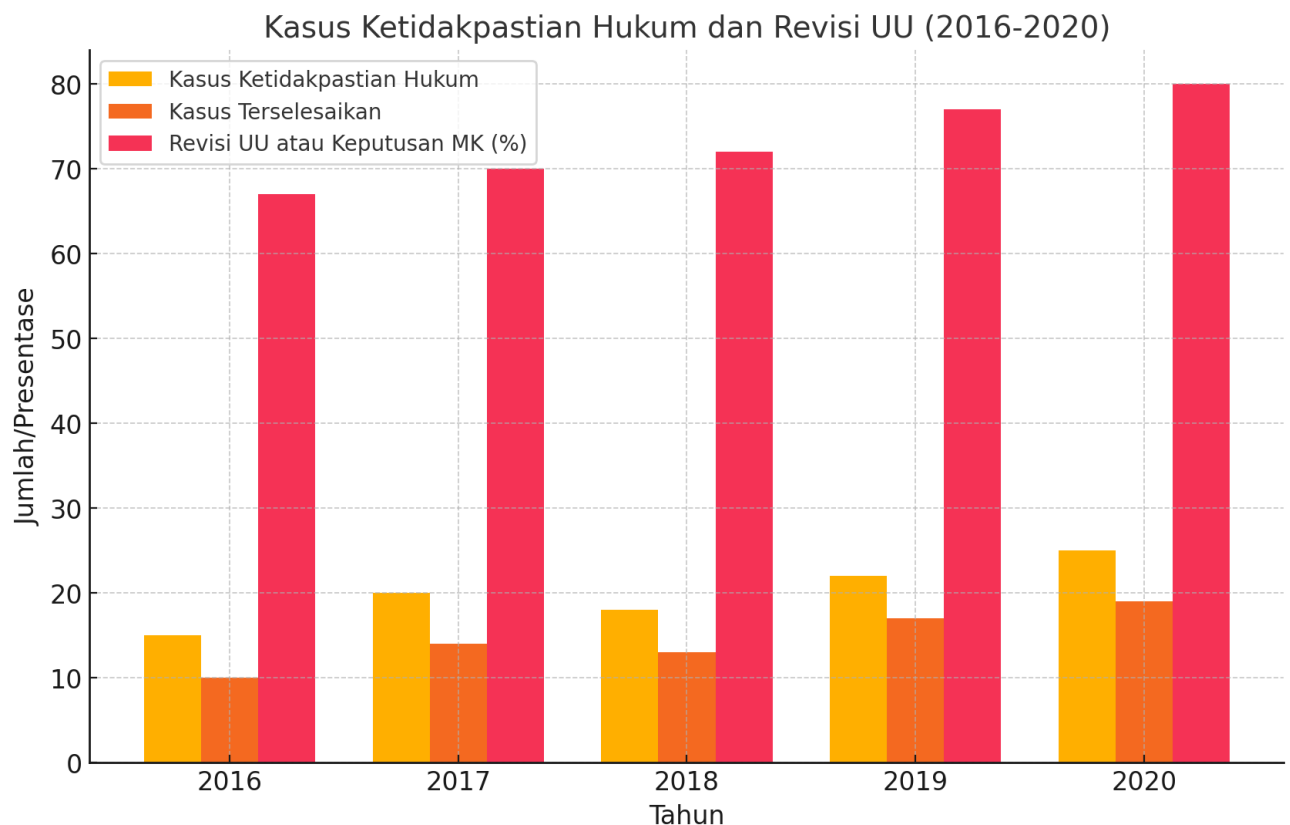


Chart 5. Represents cases of legal uncertainty, resolved cases, and the percentage of revisions to legal rules or Constitutional Court decisions from 2016 to 2020.

The constitutional rights of voters are one of the main elements in a democratic system that must be protected. Legal uncertainty resulting from the provisions in Article 48 paragraph (4) of Law Number 10 of 2016 can have a direct impact on these rights. The ambiguity in regulations regarding the time and procedure for submitting supporting documents for individual candidates can hinder their participation in the election process.

This impact can lead to unfairness in the election because candidates who are not supported by political parties may have difficulty in fulfilling unclear administrative requirements. This indirectly reduces the opportunity for voters to choose candidates according to their preferences, which ultimately violates their constitutional right to a free and fair choice in the election.

#### Potential Conflict of Interest of Political Parties

The potential for conflict of interest arising from the ambiguity in Article 48 paragraph (4) of Law Number 10 of 2016 is an important concern in this discussion. This unclear provision can be exploited by political parties to regulate or influence election results according to their interests. For example, political parties that have power and influence in the PPS can use this legal uncertainty to block individual candidates who have the potential to become their competitors in the election.

Such conflicts of interest can create injustice and damage the integrity of the election process. Therefore, reform or revision of these legal provisions is needed to ensure that political parties do not have loopholes to abuse the ambiguity in the law for their own interests.

#### Recommendations for Improvement of Legal Provisions

Based on the analysis above, there are several recommendations that can be given to improve these legal provisions, namely:

Reformulation of Article 48 Paragraph (4): The government and lawmakers need to revise Article 48 paragraph (4) of Law Number 10 of 2016 to be more specific and clear in regulating the procedure for submitting supporting document requirements for individual candidates. This provision must be designed in such a way that there is no room for double interpretation that can be exploited by certain parties.

Enforcement of the Principle of Transparency and Accountability: The election administration process must be carried out in a transparent and accountable manner to avoid potential abuse of power by political parties. Strict oversight mechanisms are needed to ensure that the constitutional rights of voters are protected and the election process is fair.

Strengthening the Role of the Constitutional Court: The Constitutional Court needs to strengthen its role in reviewing and deciding cases related to conflicts of interest and violations of voters' constitutional rights in the election process. The decisions issued must be firm and in favor of democratic principles.

## **Discussion**

### **Hermeneutic Approach in Law**

The hermeneutic approach in law is an important tool for understanding the deeper meaning of legal texts, taking into account the social, cultural and historical context in which the law emerged. In the review of Article 48 paragraph (4) of Law Number 10 of 2016, this approach plays a role in exploring how the legal language used reflects the values of wider society, as well as its implications for the constitutional rights of voters.

Ambiguity in legal texts often creates ambiguity that can harm voters' rights. By applying a hermeneutic approach, we can analyze how the words and phrases in Article 48 paragraph (4) not only convey procedures, but also imply values of justice and equality in the election process. This understanding is important, especially when considering individual candidates who may not have strong political party support. The uncertainty that arises from this provision can threaten their participation, thereby reducing voters' chances of choosing candidates according to their preferences.

In this context, a hermeneutic approach also allows us to see how larger social and political dynamics influence the interpretation of the law. For example, the influence of a dominant political party can create injustice in the application of the procedures set out in the article. By analyzing the text hermeneutically, we can identify potential abuses of power and formulate recommendations for more inclusive and transparent reforms.

In the hermeneutic approach, it not only helps in understanding the textual meaning but also bridges between legal theory and practice. Thus, we can ensure that the law is not only a tool to achieve certain goals, but also reflects the true principles of justice, protects the constitutional rights of voters, and maintains the integrity of the election.

### **Philosophy of Language and Its Implications**

The philosophy of language, especially the thought of Jacques Derrida, provides deep insights into how meaning in language is always open to interpretation. This concept is particularly relevant in the legal context, where ambiguity in texts can lead to various understandings that are potentially misused by certain parties, especially in the political and electoral arenas.

In the context of testing Article 48 paragraph (4) of Law Number 10 of 2016, it is important to understand that legal language is not static. Legal texts that seem clear can become ambiguous when faced with diverse practices and social contexts. This ambiguity can be detrimental, especially for individual candidates who do not have the support of political parties. If the procedure for submitting supporting document requirements is not clearly

formulated, these candidates may have difficulty in meeting the requirements set, thereby reducing their chances of competing fairly in the election.

It is important to note that ambiguity in legal language not only affects individual candidates, but also voters who have the right to receive clear and accurate information about the election process. This ambiguity can create uncertainty in the voting process, leading to doubt and distrust in the electoral system. In this situation, voters who do not understand the applicable procedures may not be able to exercise their right to vote effectively, potentially violating the principles of fairness and equality that are the foundation of democracy.

In Derrida's view, every text can have many meanings, and these meanings can change according to the context in which the text is applied. Therefore, it is important to interpret legal texts carefully so as not to fall into the trap of narrow understanding. The deliberate ambiguity of legal language can be a tool for political parties to manipulate the electoral process according to their interests. In this case, erroneous or selective interpretations can strengthen existing political power, hinder candidates who are not affiliated with political parties and harm voters who want to get a fair choice.

To address this issue, it is important for policymakers and legal practitioners to formulate legal texts more clearly and transparently, and involve various stakeholders in this process. By adopting the principles of fairness, openness, and inclusion, we can create regulations that are more responsive to the needs of the community, while maintaining the integrity of the electoral process. Through a deeper understanding of the philosophy of language, we can ensure that the law is not only a regulatory tool, but also a reflection of the values of justice that underlie our society.

### **Constitutional Rights of Voters**

Constitutional rights of voters in discussion with both anecdotes from the Sufis and philosophical thoughts of language, we can reflect on how the hermeneutic experience expressed in the anecdote can also illustrate the challenges and complexities faced in understanding and protecting constitutional rights in the context of elections.

The first anecdote about a man tied to a rope while trying to jump over a wall illustrates the human effort to understand something bigger and mysterious, but often ends in silence. This can be connected to the situation where voters feel disconnected from the democratic process due to the ambiguity in the legal text, including Article 48 paragraph (4). When the constitutional rights of voters are ignored or difficult to understand, individuals can feel confused and unable to express their voices in the electoral process. This creates a situation where they are "silenced," losing the opportunity to actively participate in democracy. The hermeneutic approach helps us to understand and clarify the legal context, so that voters can more easily understand their rights and participate in the process.

Meanwhile, the second anecdote, about the Sufi who "ate" the *salawāt* formula, shows how hermeneutic and spiritual experiences are often difficult to express in words, but can be deeply felt and understood by those involved. This is relevant in the context of constitutional rights of voters, where the experience of voters in the electoral process can be complex and indescribable. Although the law regulates these rights, it is important to understand the meaning behind the legal text. A hermeneutic approach, by emphasizing a deeper understanding of the social, cultural and historical context, allows us to express and protect voters' rights in a more meaningful and just way.

According to Steven Katz, although hermeneutics claim that their experiences cannot be expressed, in fact, they still reveal a lot about the "truth" they experience. In this case, voters also need to get recognition for their experiences in the democratic process. To protect the constitutional rights of voters, it is important for lawmakers and rulers to provide space for fair



and transparent interpretation, and understand how important every vote is in upholding the principles of justice and equality in elections.

Linking hermeneutic experience to the constitutional rights of voters opens up space to understand the complexities in both areas. The hermeneutic approach not only helps us to understand legal texts more deeply, but also allows us to appreciate the experiences and voices of voters in the democratic process, thus ensuring that their rights are protected and recognized in every election.

### **Recommendations and Implementation**

Reformulation of legal texts in the context of elections is essential to reduce ambiguity and increase public trust in the electoral system. Unclear legal language often causes confusion among voters and stakeholders, which can ultimately reduce public participation and trust. Therefore, affirming clarity in legal texts is an urgent need, not only for formal interests, but also to support public involvement in the electoral process.

### **Stakeholder Engagement**

The first crucial step in reformulation is to involve various stakeholders. This includes academics, legal practitioners, political party representatives, and civil society organizations. This involvement aims to ensure that all perspectives and interests are accommodated in the revision process. By involving various parties, the final result of the legal text can reflect a broader consensus, making it more acceptable to the public. This process will also build a sense of ownership among voters and increase the legitimacy of the regulations that are set.

### **Use of Clear and Simple Language**

One of the main challenges in legal writing is the use of complex language and difficult-to-understand legal jargon. Therefore, it is very important to compose legal texts in clear and simple language. Easy-to-understand language will make it easier for the public to understand the content and implications of the regulations, so that they can participate more actively in the election process. For example, in drafting articles, legal writers need to use short and direct sentences, and avoid terms that can cause confusion.

### **Preparation of the Interpretation Guide**

In addition to drafting clear legal texts, it is also important to provide interpretive guidance. This guidance serves to explain the context and purpose of each article in the law, so that voters and other stakeholders can understand how the law is applied in practice. With this guidance, the public will find it easier to access relevant information and understand their rights in the context of applicable law.

### **Public Test**

Public testing is an important step in ensuring that the proposed text is acceptable to the public. This activity can be done through discussion forums, surveys, or community events that involve the public directly. Through public testing, the public has the opportunity to provide input on the clarity and relevance of the legal text. This input is very valuable in refining the draft before it is passed, thus ensuring that the resulting regulations truly reflect the aspirations of the public.

### **Legal Education for the Community**

Legal education is another key element in the reformulation of legal texts. This educational program aims to increase public understanding of election laws and their rights as voters. Through seminars, workshops, and information campaigns, the public will be better

prepared to participate in the election process actively and informatively. These educational activities not only increase knowledge, but also build awareness of the importance of political involvement.

Reformulating legal texts to improve clarity and public trust in the electoral system is a strategic step that cannot be ignored. By involving various stakeholders, using simple language, providing interpretive guidance, conducting public tests, and implementing legal education programs, we can create legal texts that are more transparent and accountable. This will build public trust in the electoral system, encourage active participation, and strengthen the pillars of a healthy democracy. The success of this reformulation will depend greatly on the commitment of all parties to work together to create a just and inclusive legal system.

### **Principles of Transparency and Accountability**

The principle of transparency in the context of elections requires that every aspect of the election process—from the drafting of laws, the implementation of elections, to the counting of votes—be accessible and understandable to the public. Reformulating clear and simple legal texts is the first step in realizing this transparency. When legal texts are formulated in easy-to-understand language, the public will be better able to understand their rights and obligations as voters and the processes that take place in the election. This reduces the possibility of misinterpretation that can raise doubts or suspicions about the fairness of the election.

### **Principle of Accountability**

On the other hand, the principle of accountability demands that all parties involved in the election process, including the election organizing institution, must be responsible for the actions and decisions taken. In the context of legal reformulation, this means that any changes or revisions made to the election law must be clearly accountable to the public. The involvement of various stakeholders in the revision process, such as academics and civil society organizations, can help ensure that the resulting legal text reflects the interests and needs of all parties.

### **Independent Institution Supervision**

To ensure that the principles of transparency and accountability are implemented properly, supervision by an independent institution is essential. This institution must have the authority to monitor all aspects of the election, from the preparation stage to the implementation and counting of votes. With an independent supervisory institution, the public will feel more confident that the election process is not only supervised by government institutions that may have political interests, but also by neutral parties.

### **Adequate Access to Information**

Providing adequate access to information to the public is another way to increase trust in the election process. Through transparency of information—for example, publication of monitoring results, election reports, and education on election procedures—the public will better understand the process that is taking place. When the public feels they have sufficient and accurate information, they will be more likely to believe that the election being held is fair and transparent.

Thus, linking the reformulation of legal texts to the principles of transparency and accountability creates a solid framework for ensuring the integrity of the electoral system. This will not only increase public trust, but also strengthen democracy itself.

## **The Role of the Constitutional Court**

The Constitutional Court (MK) has a crucial role in upholding and protecting the constitutional rights of voters in Indonesia. As an institution authorized to test laws against the 1945 Constitution and resolve election result disputes, the MK is responsible for ensuring that elections are conducted fairly and in accordance with democratic principles. Strengthening the role of the MK in upholding the constitutional rights of voters is a must to realize a healthy and accountable democratic system.

## **Public Education on Constitutional Rights**

One way to strengthen the role of the Constitutional Court is through public education on the constitutional rights of voters. This education aims to increase public awareness of their rights as voters, including the right to vote, the right to receive clear information about candidates and the election process, and the right to report violations that occur during the election. When voters understand their rights, they will be more active in participating in the election and more courageous in reporting violations.

The Constitutional Court can facilitate this public education in various ways. For example, the Constitutional Court can hold seminars, workshops, and information campaigns throughout the region to explain the constitutional rights of voters. In addition, the Constitutional Court can also utilize social media and other digital platforms to disseminate information to the public, so that more people are educated about their rights.

## **Encouraging Reporting of Violations**

Public education should be followed by the provision of easily accessible mechanisms for the public to report violations that occur during the election process. The Constitutional Court should create transparent and responsive complaint channels, where voters can report alleged violations without fear of intimidation or retaliation. This includes providing clear information on complaint procedures, as well as involving independent institutions or civil society organizations to provide support to voters in the complaint process.

The importance of this complaint lies in the fact that many violations of voter rights often go unreported due to lack of knowledge or fear of consequences. By providing a safe and transparent channel for reporting, the Constitutional Court can ensure that any violations that occur are taken seriously and followed up.

## **Enforcement of Constitutional Rights Through Constitutional Court Decisions**

The Constitutional Court must be firm in upholding the constitutional rights of voters through the decisions it makes. When there are election disputes or alleged violations, the Constitutional Court needs to provide fair and transparent decisions, and provide a clear explanation of the legal basis for the decision. This will not only increase public trust in the Constitutional Court, but also confirm that the constitutional rights of voters are a non-negotiable priority.

## **Cooperation with Other Institutions**

To strengthen the role of the Constitutional Court, cooperation with other institutions, such as the KPU (General Election Commission) and Bawaslu (Election Supervisory Body), is very important. The KPU and Bawaslu have a strategic role in organizing elections and supervising violations. By building synergy between the Constitutional Court and these two institutions, there will be better coordination in handling violations and disputes that occur, as well as in providing information needed for public education.

Strengthening the role of the Constitutional Court in upholding the constitutional rights of voters is an important step in strengthening democracy in Indonesia. Through effective

public education, the provision of transparent complaint mechanisms, the enforcement of constitutional rights through fair decisions, and cooperation with other institutions, the Constitutional Court can ensure that voters' rights are protected and respected. In this way, the public will have more confidence in the election process and will participate more actively, which will ultimately strengthen the democratic system in Indonesia.

This problem the author finds the relevance of the "Hermeneutica Juris" approach which is significant in legal studies, especially in the context of statutory interpretation. The Hermeneutica Juris theory emphasizes that legal understanding cannot be separated from the social, cultural, and historical contexts that underlie it. Thus, in interpreting Article 48 Paragraph (4) of Law No. 10 of 2016, this approach directs researchers to not only view the legal text literally, but also consider how these norms interact with political and social realities in Indonesia.

"Hermeneutica Juris" invites us to explore the meaning behind legal provisions, including how they may affect the constitutional rights of voters and create potential conflicts of interest between political parties. Through a deeper interpretation, this approach allows for the identification of aspects that may not be obvious, resulting in a more comprehensive understanding of the legal and social implications of the provisions.

By applying "Hermeneutica Juris," this study seeks to develop an interpretation that not only supports fairness and transparency in the electoral process, but also maintains the integrity of the democratic system. This approach contributes to efforts to protect voters' rights and ensure that electoral laws function in accordance with higher constitutional principles.

In the analysis of the conflict of interest arising from the provisions of Article 48 Paragraph (4) of Law No. 10 of 2016, the author significantly identified a new theory of "Conflictus Juris." This term refers to the study of conflicts of interest in a legal context, especially those related to election regulations and political practices.

"Conflictus Juris" underlines the importance of understanding that legal provisions do not stand alone; they interact with political forces and certain interests that can influence their application. In the context of this research, the hermeneutic approach allows researchers to analyze how Article 48 Paragraph (4) can be interpreted and applied in such a way that it can be used by political parties for their own interests.

### **The Relevance of "Conflictus Juris"**

The concept of "Conflictus Juris" is particularly relevant in the context of elections in Indonesia, where political interests often conflict with voters' constitutional rights. This study shows that, without proper oversight and interpretation, legal provisions can create room for manipulation and abuse, potentially harming voters' rights. Thus, these findings emphasize the need for a clearer and more transparent legal framework, as well as effective oversight mechanisms to safeguard election integrity and protect constitutional rights.

By applying the theory of "Conflictus Juris," this study seeks to provide new insights into the interactions between law, political interests, and voter rights, and to encourage further discussion on legal reforms needed to improve the quality of democracy in Indonesia.

Next, the context of the relevance of the 1945 Constitution in the interpretation of law, the author's new findings on the view of "Constitutionalis Harmonia." Where this term refers to the study of harmony and alignment between applicable laws and the basic principles contained in the constitution.

"Constitutionalis Harmonia" emphasizes that all legal provisions, including those contained in Law No. 10 of 2016, must always be in line with the values and principles contained in the 1945 Constitution. The hermeneutic approach used in this study directs researchers to explore how constitutional understanding becomes an important foundation in evaluating the validity and implementation of legal provisions.

### **Relevance of "Constitutionalist Harmonia"**

The concept of "Constitutionalis Harmonia" is very relevant in legal analysis in Indonesia, where every law must be considered within the framework of the constitution. This study shows that a strong understanding of constitutional principles is crucial to protect the constitutional rights of voters. Inconsistencies between the provisions of the law and the 1945 Constitution can result in violations of these rights, so it is important for policy makers and law enforcers to always refer to the constitution as the main guideline.

By applying the theory of "Constitutionalis Harmonia," this study not only provides new insights into the relationship between law and constitution, but also encourages the enforcement of constitutional principles in the process of making and implementing laws. This is key to maintaining the integrity of the legal system and ensuring that voters' rights are optimally protected in the context of democratic elections.

In this study, the emphasis on strengthening the constitutional rights of voters in the context of democratic elections leads to the development of a new theory that can be called "Ius Electoralis." This term comes from Latin meaning "right of the elector" and refers to studies that focus on protecting and strengthening the rights of voters in the electoral process.

"Ius Electoralis" includes an in-depth study of how each legal provision, including Article 48 Paragraph (4) of Law No. 10 of 2016, should be interpreted by considering the constitutional rights of voters. A hermeneutic approach is used to uncover the broader meaning and implications of these legal provisions, as well as highlighting the need to maintain fairness and transparency in the election process.

### **The Relevance of "Ius Electoralis"**

The concept of "Ius Electoralis" is very relevant in the context of elections in Indonesia, where voter participation and the protection of their constitutional rights are very important to maintain the legitimacy and integrity of democracy. This study emphasizes that in order to achieve fair and transparent elections, a clearer and more precise interpretation of legal provisions is needed. This involves understanding how these provisions can be applied to protect voter rights from abuse and manipulation by certain parties.

By applying the theory of "Ius Electoralis," this study shows that the hermeneutic approach is not only theoretical but also practical. The implementation of this understanding can help formulate better policies and practices in organizing elections, as well as encourage policymakers to adopt measures that support voters' rights. This creates space for further dialogue on the legal reforms needed to ensure that every voter has protected rights and a fair chance in the democratic process.

### **Practical Implications**

In the context of implementation, "Ius Electoralis" suggests that public education on the constitutional rights of voters is essential. By increasing voters' awareness of their rights, as well as how to report violations, a more proactive society will be formed in defending their rights. The study also recommends strict independent supervision in the implementation of elections to ensure that voters' rights are respected and protected, thus creating a fairer and more democratic electoral environment.

The theory of "Ius Electoralis" provides an important contribution to the study of law and politics in Indonesia, with a focus on protecting the constitutional rights of voters as the foundation of a healthy democracy.

In addition, in this study, the author assesses that the emphasis on the use of qualitative methodology and normative approaches produces new findings that can be called "Methodologia Juris." This term, which comes from Latin, means "legal methodology" and

refers to a research approach that combines qualitative analysis with legal norms in a social and cultural context.

"Methodologia Juris" emphasizes the importance of a holistic approach in the study of law, where the analysis does not only focus on the text of the law or the decision of the Constitutional Court in isolation, but also considers the broader context. This methodology emphasizes that the understanding of law cannot be separated from the social and cultural reality in which the law is applied.

### **Relevance of "Methodologia Juris"**

The concept of "Methodologia Juris" is relevant in modern legal studies, where the complexity of legal issues often requires a multidimensional approach. In the context of elections, this study shows that by integrating the analysis of related regulations and Constitutional Court decisions, researchers can identify and understand the social and political implications of existing legal provisions.

Qualitative methodology allows researchers to explore the experiences and perspectives of stakeholders, including voters, election organizers, and political parties. This provides space to understand how laws are received and implemented in practice, as well as the challenges faced in the process. On the other hand, the normative approach serves to assess the extent to which election regulations and practices are in line with legal and constitutional principles.

### **Practical Implications**

With the "Methodologia Juris" approach, this study not only seeks to answer existing legal issues, but also provides practical recommendations to improve the quality of the election system in Indonesia. For example, the results of the qualitative analysis can be used to formulate policies that are more responsive to the needs of voters, as well as increase transparency and accountability in the election process.

"Methodologia Juris" can also encourage dialogue between academics, policy makers, and legal practitioners to jointly create a better electoral environment. This approach emphasizes the importance of collaboration and participation of various parties in creating a fair and democratic electoral system, taking into account the relevant social context.

The "Methodologia Juris" perspective makes a significant contribution to our understanding of legal research methodology. By emphasizing the importance of qualitative and normative approaches in legal studies, this study shows that to understand and improve electoral systems, we need to look beyond the legal text and consider the broader social and cultural context. This is key to creating an electoral system that is not only legal, but also legitimate and responsive to the constitutional rights of voters.

The contribution of the material testing of Article 48 Paragraph (4) of Law Number 10 of 2016 to society and the state can be understood through several important points which have a positive impact on various aspects of democratic life:

#### **1. Protection of Constitutional Rights of Voters**

This material review ensures that the constitutional rights of voters, especially in choosing individual candidates, are protected and guaranteed. Thus, the public can participate in the democratic process fairly and transparently without excessive administrative obstacles. This supports the principle of equality before the law.

#### **2. Improving the Quality of Democracy**

By ensuring that the rules in the election, such as the requirements for individual candidacy, are in accordance with the constitution, the quality of democracy in Indonesia is improved. Public participation in regional head elections (Pilkada) can be increased, both in

terms of quantity and quality, because every individual or group has an equal opportunity to become a regional leader.

### 3. Preventing Conflicts of Interest in Politics

Material testing can prevent political party domination in the Pilkada process. This creates a balance between candidates supported by political parties and individual candidates, so that potential conflicts of interest can be minimized. As a result, the Indonesian political system becomes more inclusive and open to various levels of society.

### 4. Strengthening the Supremacy of Law

The Constitutional Court through material testing plays a role in upholding the supremacy of law in Indonesia. This process helps ensure that the laws applied in the Pilkada are in accordance with the values contained in the 1945 Constitution. This strengthens public trust in the legal system and democracy in Indonesia.

### 5. Increasing Community Participation in Supervision

This process also encourages the public to be more involved in monitoring the implementation of the Pilkada. With clearer and more constitutional rules, it is easier for the public to monitor the election process, so that the risk of violations, such as money politics, can be reduced.

### 6. Strengthening the Legal System in the Regions

Material testing helps ensure that the application of law at the regional level is also in accordance with constitutional principles. This has an impact on strengthening the legal system in the regions, where leaders elected through regional elections can run a more accountable and transparent government.

### 7. Increasing Legal Certainty

With the existence of material testing, legal certainty for individual candidates and the community as voters becomes more assured. This makes a significant contribution to political stability and social justice, which ultimately supports national development as a whole.

### 8. Legal Education for the Community

This test also provides learning for the community regarding how the law works in the context of democracy. The community can understand their rights as voters and how they can be actively involved in the law enforcement process through monitoring the implementation of the Pilkada.

Overall, the contribution of the material testing of Article 48 Paragraph (4) helps create a healthier, fairer and more democratic political ecosystem, which has an impact on strengthening civil society and national development as a whole.

## CONCLUSION

A hermeneutic approach can provide a deeper understanding of justice in the context of law. By connecting philosophical thought and legal practice, we are able to not only defend the constitutional rights of voters but also maintain the integrity of the electoral system. The involvement of academics, policymakers, and the public in this process is essential to creating a responsive and just legal system.

This study provides in-depth insights into the relevance of legal interpretation in the context of elections in Indonesia, focusing on Article 48 Paragraph (4) of Law No. 10 of 2016. Through a hermeneutic approach, this study not only interprets legal provisions textually, but

also considers the social, cultural, and historical contexts behind them. The novel findings resulting from this study, including new concepts such as "Ius Electoralis," "Constitutionalis Harmonia," and "Methodologia Juris," demonstrate the importance of strengthening the constitutional rights of voters, harmony between laws and the constitution, and a holistic methodology in legal studies.

Strengthening the constitutional rights of voters is crucial to ensure that every individual has a guaranteed voice in the democratic process. Through a deeper understanding of the context and interpretation of the law, this study emphasizes the need for legal reform to protect voters' rights from potential conflicts of interest that may arise in political practice.

In addition, the use of qualitative methodology and normative approach in this study enriches the legal study by including social and cultural perspectives. This creates a more solid basis for policy recommendations that can improve the integrity and quality of elections in Indonesia. By answering existing legal issues and providing a comprehensive view, this study not only contributes to legal theory but also offers practical solutions that can be applied in the election system.

Overall, these findings reinforce the importance of collaboration between academics, policymakers, and civil society to create a fair and democratic electoral environment. By maintaining a balance between legal regulations and social realities, we can ensure that voters' constitutional rights are respected and protected, thus supporting a healthy and sustainable democratic process in Indonesia.

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