



Legal Implications of Minimum Education Requirements for DPR Candidates in the Perspective of the 1945 Constitution and Constitutional Court Decisions

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ABSTRACT

The establishment of a minimum education requirement for candidates of the House of Representatives (DPR) has become a complex legal issue, sparking debates between the principles of meritocracy and the fulfillment of citizens' constitutional rights. On one hand, educational qualifications are considered essential to ensure the intellectual capacity, rationality, and legislative competence of parliamentary members in performing their lawmaking and supervisory functions. On the other hand, such provisions may lead to discrimination against citizens who lack access to adequate formal education, thereby restricting their constitutional right to be elected as guaranteed under the 1945 Constitution of the Republic of Indonesia. This article aims to thoroughly examine the legal implications of establishing a minimum education requirement for DPR candidates from the perspective of the 1945 Constitution and the Constitutional Court's jurisprudence. Using a normative juridical approach, this study analyzes the compatibility of educational restrictions with the principles of equality before the law, political rights, and constitutional democracy. The findings reveal that educational qualifications should not be perceived as discriminatory limitations but rather as instruments to ensure competence and integrity within the legislative body as part of a democratic rule-of-law system. Nevertheless, such restrictions must be formulated proportionally, clearly, and in accordance with constitutional objectives so as not to violate the principle of equality before the law or the fundamental right of citizens to participate in governance. Therefore, any regulation regarding educational requirements for DPR candidates must strike a balance between the need for legislative professionalism and the protection of citizens' constitutional rights.

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INTRODUCTION

In Indonesia's constitutional democracy, the rights to vote and to be elected constitute fundamental aspects of citizens' political participation, explicitly guaranteed by the Constitution. The 1945 Constitution of the Republic of Indonesia (UUD 1945) affirms that sovereignty belongs to the people and is exercised according to constitutional provisions. This implies that every citizen possesses equal standing before the law and government, as well as the same opportunity to participate in political processes both as voters and as candidates. Article 27 paragraph (1) of the Constitution declares that "all citizens shall have equal status before the law and government," while Article 28D paragraph (3) stipulates that "every citizen has the right to equal opportunity in government" (Nasoha et al., 2024). These provisions establish a clear constitutional

foundation that no form of discrimination should exist in political participation, including in the nomination of legislative candidates.

However, in practice, administrative barriers sometimes restrict the exercise of such political rights, particularly regarding the minimum educational requirement for candidates of the House of Representatives (DPR). This provision has generated considerable debate among legal scholars, academics, and civil society, as it touches on the tension between meritocracy and constitutional equality. Proponents argue that educational qualifications are necessary to ensure that legislative candidates possess adequate intellectual capacity, analytical ability, and understanding of the lawmaking process. Critics, however, view this requirement as potentially discriminatory and inconsistent with the inclusive democratic principle that political participation should be open to all citizens regardless of social or educational background (Rahayu, 2020).

The effectiveness of a legislative body is undeniably influenced by the competence of its members. The DPR holds vital functions law-making, government oversight, and policy direction which demand strong analytical, communication, and legal comprehension skills. Hence, some argue that representatives must meet a certain educational standard to fulfill their responsibilities professionally and accountably (Sitabuana, 2020). This reflects the meritocratic principle that public office should be held by those who are capable and qualified, rather than by individuals who gain power merely through popularity or political connections.

Nevertheless, the imposition of educational requirements must be understood within Indonesia's socio-economic realities. According to data from the Central Bureau of Statistics (Badan Pusat Statistik), the average length of schooling in Indonesia remains approximately 8.9 years equivalent to lower secondary education. This indicates that many citizens lack access to higher education due to economic disparities, geographical isolation, and inadequate infrastructure. Thus, enforcing a higher education requirement for legislative candidates could indirectly exclude a significant portion of the population from exercising their right to participate in governance. Such a condition risks deepening the political divide between urban and rural communities, as well as between the educated elite and those with limited educational opportunities.

The question of equality before the law also arises from this debate. Article 27 paragraph (1) of the 1945 Constitution guarantees that all citizens shall be treated equally under the law, prohibiting any form of unjust discrimination. Within the framework of constitutional law, restrictions on constitutional rights are only permissible if they are legally grounded, serve a legitimate constitutional purpose, and are proportionate to that purpose. If these criteria are not met, such restrictions may be deemed unconstitutional. Therefore, it is essential to evaluate whether the educational requirement for DPR candidates possesses constitutional legitimacy and a direct relevance to the legislative function it seeks to regulate.

Normatively, the 1945 Constitution does not explicitly specify educational qualifications as a prerequisite for holding public office. This absence suggests that the framers of the Constitution prioritized broad representation over administrative qualifications. In a democratic system, the legitimacy of a representative should stem from the will of the people through free and fair elections, not from academic credentials. Consequently, limiting candidacy based on education level could contradict the core democratic principle of popular sovereignty.

The debate surrounding educational qualifications for DPR candidates reflects a deeper tension between meritocratic ideals and social realities. Supporters of the restriction argue that a minimum education standard is essential for ensuring effective lawmaking and rational policymaking. Yet, this argument often overlooks that formal education does not necessarily correlate with political insight, leadership, or integrity. Throughout Indonesia's history, many prominent figures with modest educational backgrounds have demonstrated visionary leadership and profound political understanding.

From a constitutional law perspective, any limitation on political rights must pass the test of constitutional limitation meaning that restrictions must be prescribed by law, serve legitimate constitutional goals, and uphold proportionality. The Constitutional Court (Mahkamah Konstitusi) has repeatedly affirmed this principle. In Decision No. 16/PUU-VI/2008, the Court emphasized that the right to be elected is a constitutional right that cannot be arbitrarily curtailed; any discriminatory restriction without rational justification is unconstitutional (MKRI, 2008). Similarly, in Decision No. 45/PUU-VIII/2010, the Court ruled that administrative requirements for public office must have direct relevance to the duties of that office; otherwise, they violate constitutional equality. Applying this rationale, the educational requirement for DPR candidates must be scrutinized to determine whether it genuinely relates to legislative competence or merely serves as a form of social exclusion disguised as merit.

In a democratic rule of law (*rechtsstaat*), citizens' political rights are not only individual entitlements but also integral to achieving social justice. A democratic state must ensure the protection of human rights and equality before the law. Hence, limitations on political participation such as the right to be elected must be justified by compelling public interests and not imposed arbitrarily. The minimum education requirement for DPR candidates should therefore balance the need for legislative quality with the principles of social equality and justice.

In comparative terms, countries such as India and South Africa do not impose minimum education requirements for parliamentary candidates. These nations regard political competence as a matter of public trust, determined through elections rather than administrative filters. In this sense, the people, not bureaucratic criteria, should decide who is fit to represent them. This reflects the essence of substantive democracy, where sovereignty genuinely resides with the people.

Conversely, imposing educational thresholds without regard for proportionality risks perpetuating structural discrimination and diminishing political inclusivity. Democracy is not solely about government efficiency but also about equitable representation and participation. Thus, regulations concerning educational requirements for DPR candidates must reflect fairness, equality, and respect for constitutional rights.

This study holds significant importance because it concerns the core principles of the rule of law (*rechtsstaat*), which subjects political authority to constitutional norms. In a constitutional democracy, all policies must comply with constitutional mandates and safeguard citizens' fundamental rights. If educational restrictions are imposed without clear justification, they could violate political rights and undermine the democratic spirit of the 1945 Constitution.

Accordingly, this analysis has two primary objectives. First, to assess the consistency of the educational requirement with constitutional principles and justice within Indonesia's legal framework. Second, to examine the legal implications of such restrictions on the exercise of political rights in a participatory democracy. The study aims to contribute to constitutional law scholarship by clarifying the legal boundaries of citizen rights in the context of political representation.

Beyond its academic contribution, the research also carries practical implications for policymakers. Legislators, in drafting electoral laws, must ensure that administrative conditions do not generate social inequity. They should account for Indonesia's diverse social realities, where educational opportunities remain uneven. The state ought to promote political inclusion rather than limit participation through rigid administrative qualifications.

Therefore, the discussion on minimum education requirements for DPR candidates extends beyond technical regulation it involves a philosophical inquiry into justice, equality, and democracy. If democracy truly rests on the sovereignty of the people, any restriction on citizens' political rights must be carefully balanced and constitutionally justified.

From a constitutional standpoint, educational requirements should be evaluated to ensure their alignment with the fundamental values of the 1945 Constitution, particularly equality, political rights, and human rights protection. A democratic rule of law should not only establish legal order but also guarantee equal opportunities for all citizens to participate in shaping national policies. Within this framework, examining the legal implications of educational requirements for DPR candidates becomes essential to ensure that Indonesia's democratic practice remains inclusive, just, and truly representative of the people.

RESEARCH METHOD

This study employs a normative juridical approach, a legal research method that focuses on examining the existing body of positive law, including statutory provisions, judicial decisions, legal doctrines, and general principles of law (Soekanto, 2011). This approach was chosen because the issue under investigation directly concerns the interpretation and application of constitutional norms governing citizens' political rights, particularly regarding the establishment of a minimum educational requirement for candidates of the House of Representatives (DPR). Through this method, the research seeks to identify, interpret, and analyze the legal meaning and constitutional rationale behind such requirements in accordance with the democratic rule-of-law principles enshrined in the 1945 Constitution.

The study adopts a descriptive-analytical design, aiming not only to describe the existing legal framework but also to critically analyze it in the context of Indonesia's constitutional system. This design enables the researcher to explore the broader implications of educational restrictions on political participation. The central question addressed in this study is whether the imposition of a minimum educational standard for DPR candidates aligns with the constitutional principles of equality before the law, human rights, and inclusive democracy as guaranteed by the 1945 Constitution.

The sources of legal materials are divided into three categories: primary, secondary, and tertiary. Primary legal materials consist of the 1945 Constitution, Law No. 7 of 2017 on General Elections, and relevant Constitutional Court rulings such as Decisions No. 16/PUU-VI/2008 and No. 56/PUU-XVII/2019 which discuss equality and political rights.

Secondary materials include scholarly works such as constitutional law textbooks, peer-reviewed journals, legal commentaries, and expert opinions on political rights and constitutional democracy in Indonesia. Tertiary materials, including legal dictionaries, encyclopedias, and reliable online references, were used to clarify terminology and strengthen contextual understanding. Legal data were collected through library research, by reviewing and interpreting legislation, Constitutional Court decisions, and academic literature related to the topic. This method allows for a comprehensive exploration of the legal logic and philosophical foundations behind the educational qualification requirement and its implications for

representative democracy in Indonesia.

The collected data were analyzed using qualitative legal analysis, involving systematic interpretation of legal norms in relation to constitutional principles and relevant legal theories. The analysis was conducted through the following stages:

- Identifying the legal provisions underlying educational requirements for legislative candidates;
- Comparing these norms with the constitutional guarantees of equality and political rights;
- Reviewing relevant Constitutional Court jurisprudence on political restrictions; and
- Drawing conclusions about the resulting legal implications.

This approach ensures that the findings are not only descriptive but also argumentative and prescriptive, offering normative recommendations consistent with constitutional values.

Additionally, a conceptual approach was employed to understand the interrelationship between the concepts of equality before the law, political rights, and meritocracy. This perspective helps examine whether education can serve as an objective measure of legislative competence without undermining the inclusivity of democratic participation. Thus, the analysis extends beyond textual interpretation of the law to include the philosophical and sociological context surrounding the creation of these legal norms.

In examining Constitutional Court rulings, the study also utilizes a legal hermeneutic method, interpreting the reasoning and *ratio decidendi* of the judges in light of constitutional objectives and legislative intent. This is essential because each Constitutional Court decision carries not only binding legal force but also doctrinal significance that shapes the development of Indonesia's constitutional jurisprudence. Through this hermeneutic approach, the study seeks to understand how the Court balances individual rights with public interests when assessing educational standards for legislative candidates.

Overall, this research method aims to assess whether the educational qualification requirement for DPR candidates possesses constitutional legitimacy and coherence with the principles of democracy and social justice that underpin the Indonesian state. The integration of the normative juridical, conceptual, and hermeneutic approaches is expected to yield a holistic, objective, and critical understanding of the issue. The findings are anticipated to contribute to strengthening Indonesia's legal system particularly in the fields of constitutional and electoral law by offering constructive insights for lawmakers and election authorities in formulating policies that are fair, proportional, and constitutionally sound.

RESULT AND DISCUSSION

Constitutional Basis of the Right to be Elected and the Principle of Equality before the Law

The right to vote and to be elected constitutes one of the most fundamental political rights of citizens in any modern democracy. The 1945 Constitution of Indonesia explicitly guarantees this right through Article 27(1), which states that "all citizens are equal before the law and government," and Article 28D(3), which affirms that every citizen has an equal opportunity to participate in government (Asshiddiqie, 2020). These constitutional provisions form a strong foundation for the principles of equality before the law and non-discriminatory political participation. Consequently, any restriction on citizens' political rights such as educational qualifications for parliamentary candidates must be examined through the lens of proportionality and constitutional legitimacy.

In a *rechtsstaat* or state based on the rule of law, limitations on human rights can only be justified if they are lawful, reasonable, and proportionate (Jimly, 2019). This principle is echoed in Article 28J(2) of the 1945 Constitution, which provides that restrictions on rights may be imposed solely to respect the rights and freedoms of others and to fulfill moral, religious, security, and public order considerations. Therefore, educational requirements for prospective legislators must have a legitimate constitutional purpose and must not amount to discrimination.

While education plays an important role in enhancing individual competence including comprehension of regulations and legislative duties imposing it as a rigid threshold for political participation may undermine the inclusive spirit of democracy (Marzuki, 2021). Democracy is not merely a reflection of academic credentials but also of social representation and the participation of diverse groups in decision-making. Hence, any regulation establishing minimum educational standards should be designed in line with substantive equality to prevent marginalization of less-educated citizens.

Comparatively, the approach to educational qualifications for legislative candidates varies among democratic nations. Countries such as the United States, the United Kingdom, and Canada impose no formal educational requirements, emphasizing integrity, public service, and experience instead. Conversely, some developing countries adopt such standards to ensure legislative competence. However, in Indonesia, such policies must be consistent with the 1945 Constitution, which enshrines the right to be elected as a constitutional guarantee that cannot be arbitrarily restricted (Mahfud MD, 2021).

Thus, any restriction on political rights must adhere to the doctrine of constitutional reasonableness, meaning it should be rational, necessary, and proportionate to its intended goals. If an educational requirement cannot demonstrably improve legislative performance or serve a constitutional purpose, it risks violating the principles of equality and citizens' political rights.

Legal Analysis of the Minimum Educational Requirement for DPR Candidates

Normatively, Law No. 7 of 2017 on General Elections does not explicitly stipulate a minimum formal education level for candidates of the House of Representatives (DPR). Nevertheless, certain implementing regulations such as those issued by the General Elections Commission (KPU) have at times included educational prerequisites, sparking legal and public controversy. These provisions have been challenged before the Constitutional Court (MK) on the grounds that they violate equality and political rights guaranteed by the Constitution (Lestari, 2020).

The Constitutional Court has consistently held that the right to be elected is a fundamental constitutional right that cannot be restricted without a legitimate and proportionate justification. In Decision No. 16/PUU-VI/2008, the Court affirmed that every citizen possesses an equal right to participate in governance, directly or indirectly. Administrative limitation such as age, health, or education may only be applied when they bear a logical connection to the functions of the office concerned (Asshiddiqie, 2021).

In the case of DPR candidates, excessively high educational requirements risk diminishing political representation among lower socioeconomic groups, particularly those lacking access to formal education. This would contradict the essence of representative democracy. In its Decision No. 56/PUU-XVII/2019, the Court emphasized that genuine democracy must allow participation from all citizens, regardless of educational, economic, or social background (Huda, 2022).

Nevertheless, education can serve as a valuable means of enhancing legislative capacity, enabling members to comprehend the lawmaking process, oversight, and budgetary functions more effectively. However, when such qualifications are applied rigidly without considering social realities, they lose moral and legal legitimacy. Therefore, educational standards should not be treated as absolute barriers but rather as indicators of competence that can be substituted with political experience, community leadership, or proven social engagement (Marbun, 2022).

From a legal standpoint, discriminatory educational requirements may contravene Article 28I(2) of the 1945 Constitution, which prohibits all forms of discrimination based on any grounds, including educational background. Accordingly, lawmakers must apply a proportional approach when designing such norms ensuring that any restriction (1) has a clear legal basis, (2) serves a legitimate constitutional purpose, (3) is rational and proportionate, and (4) does not negate the essence of political rights (Hadjon, 2020).

The Constitutional Court's Perspective on Political Rights Restrictions

The Constitutional Court plays a pivotal role in safeguarding the constitutional boundaries of political rights. As the guardian of the Constitution, it ensures that state policies remain consistent with constitutional principles and democratic values. In various rulings, the Court has reaffirmed that the right to be elected is fundamental and therefore must be restricted only under exceptional and constitutionally justified circumstances (Jimly, 2019).

In Decision No. 14/PUU-XI/2013, the Court asserted that restrictions on candidacy must serve legitimate purposes such as protecting integrity or moral fitness for public office. It further emphasized that such restrictions must not be discriminatory or deprive citizens of their participatory rights. The same rationale applies to educational limitations: even if well-intentioned, they must be implemented with proportionality and fairness.

The Court's reasoning reflects an equilibrium between meritocracy and democratic egalitarianism. Meritocracy values competence and qualification, whereas egalitarianism emphasizes equal access for all citizens. Both principles must coexist within Indonesia's constitutional framework to ensure that democracy remains inclusive and representative (Mahfud MD, 2021).

The Constitutional Court also underscores the importance of accessibility of political rights, meaning the state must guarantee that political participation is open to all citizens, not just those with privileged educational or economic backgrounds (Asshiddiqie, 2020). Consequently, policies imposing educational thresholds may be deemed unconstitutional if they systematically exclude certain social groups.

Moreover, the Court has clarified that democracy encompasses not only formal political representation but also social and cultural representation. In Decision No. 56/PUU-XVII/2019, for instance, the Court invalidated an educational requirement for regional head candidates, reasoning that leadership capacity is not solely determined by formal education. This reasoning applies analogously to legislative candidates, as both positions derive legitimacy from the people's mandate (Huda, 2022).

Thus, from both a juridical and philosophical standpoint, the Court tends to reject educational restrictions on political candidacy unless supported by compelling constitutional grounds such as protecting public morality, preventing abuse of power, or safeguarding the integrity of democratic institutions.

Juridical Implications and Future Legal Policy Directions

The juridical implications of educational requirements for DPR candidates encompass three key dimensions: constitutional validity, protection of political rights, and legislative policy reform.

First, regarding constitutional validity, any restriction must be examined under the constitutional principles of equality, non-discrimination, and political participation. If an educational qualification fails to meet the proportionality test as articulated by the Constitutional Court, it risks being declared unconstitutional and subject to judicial review (Asshiddiqie, 2021).

Second, from the perspective of political rights protection, disproportionate educational requirements may erode the legitimacy of representative democracy. True democracy requires active participation of all citizens without unjust exclusion. When candidacy is restricted based on formal education, the essence of democracy as government “of the people, by the people, and for the people” is compromised (Marbun, 2022).

Third, in terms of future legislative reform, it is imperative to re-evaluate the existing provisions in the Election Law and related regulations to ensure conformity with the principles of equality and constitutional rights. Policymakers should focus on ethical standards, integrity, and candidates’ track records rather than merely formal education levels. Legislative competence, after all, stems not only from academic credentials but also from moral commitment, social engagement, and dedication to public service (Jimly, 2019).

In the long term, a more inclusive legal framework will strengthen democratic legitimacy in Indonesia. The state must guarantee that every citizen regardless of educational background has equal opportunity to participate in governance. Legislative quality can instead be enhanced through post-election mechanisms such as political education, parliamentary training, and institutional capacity building. In this way, Indonesia can achieve a balance between meritocracy and equality without compromising constitutional justice.

CONCLUSION

Based on the foregoing analysis, it can be concluded that the establishment of a minimum educational requirement for candidates of the House of Representatives (DPR) carries significant juridical implications within Indonesia’s constitutional framework. The 1945 Constitution guarantees every citizen equal opportunity to participate in government without discrimination, as enshrined in Article 27(1) and Article 28D(3). Consequently, any restriction such as the imposition of an educational threshold must be carefully interpreted to avoid violating the principles of equality before the law and the political rights of citizens.

From a constitutional law perspective, administrative requirements should not lead to the exclusion of political rights guaranteed by the Constitution. The establishment of a minimum education level may be viewed as a legitimate effort to improve the quality of legislative representatives; however, such a policy must be grounded in a clear standard of proportionality and should not result in unequal political access for citizens from less-educated backgrounds. This aligns with the modern constitutional interpretation of reasonableness and the proportionality test, whereby limitations on constitutional rights are justified only when they serve a legitimate, necessary, and non-discriminatory purpose.

The Constitutional Court plays a crucial role in maintaining the balance between public interest and constitutional rights protection. Through its jurisprudence, the Court consistently rejects disproportionate restrictions on citizens’ right to be elected. It emphasizes that all state policies must adhere to the principles of substantive democracy ensuring participation of all societal groups without discrimination based on education, economy, or social status. Therefore, the imposition of a minimum educational qualification for DPR candidates should be assessed not merely from a formal legal standpoint but also in light of substantive justice.

From a sociological perspective, such educational requirements may inadvertently create political exclusion for marginalized groups, particularly in regions with limited access to formal education. This would reduce grassroots representation in the legislature and contradict the spirit of participatory democracy. In a democratic state like Indonesia, broad-based political participation is essential to ensuring that government truly reflects the will of the people.

Considering these various dimensions, it is imperative that the educational requirement for DPR candidates be re-evaluated to prevent violations of constitutional rights. The improvement of legislative competence should ideally be achieved through alternative mechanisms such as political education, ethical screening, and leadership training rather than through restrictive administrative measures that risk discriminatory outcomes. The Constitutional Court holds a strategic responsibility to ensure that any such regulations remain aligned with constitutional principles, justice, and the values of inclusive democracy.

Therefore, future legal policy should focus not solely on formal educational standards but rather on moral integrity, ethical commitment, and public service capacity as the primary determinants of legislative eligibility. Such an approach will foster a more equitable, participatory, and constitutionally faithful political system one that truly embodies the democratic ideals set forth in the Preamble of the 1945 Constitution of the Republic of Indonesia.

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