www.bircu-journal.com/index.php/birci
Budapest International Research and Critics Institute-Journal (BIRCI-Journal)
Humanities and Social Sciences
ISSN 2615-3076 Online)
ISSN 2615-1715 (Print)
Budapest Institute

# The Final Power of the Decision of the Constitutional Court in Indonesian Positive Law

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**Abstract**

*The decision of the Constitutional Court is final and binding, therefore it must be obeyed by anyone without exception. In the constitutional law order, especially with regard to the decisions of the Constitutional Court, it is known that the Erga Omnes principle is applied, which means that the decisions of the Constitutional Court must be obeyed by anyone, not only by litigants. The main research problem is what is the final character of the decision of the Constitutional Court according to Indonesian positive law and what is the most ideal reconceptualization of the final strength of the Constitutional Court Decision. This type of research is normative legal research. The data source comes from secondary data which is divided into 3 types of data, namely primary, secondary and tertiary legal materials. The conclusions of this study are, First, the final power of the Constitutional Court Decision in Indonesian Positive Law is expressly regulated in Article 24C Paragraph (1) of the 1945 Constitution, Article 10 of Law Number 24 of 2003 concerning the Constitutional Court Article 29 Paragraph (1) Law Number 48 of 2009 concerning Judicial Power. Second, the most ideal reconceptualization of the final strength of the Constitutional Court Decisions needs to be carried out to maintain the purity of the Constitutional Court as the Guardian of the Constitution, by: Affirming the Erga Omnes Principle in the Constitutional Court Law, Responsiveness of Executive and Legislative Institutions and Its Relation to Responsive Legal Theory , Reasons for Delaying Final Strength of Constitutional Court Decisions, Constitutional Court Decisions as Ius Constituendum in Legal Politics Perspective, Accelerating Progress on Draft Laws on Contempt of Court, Ideas for Incorporating Constitutional Court Decisions into the Hierarchy of Legislation.*

Keywords
final power; constitutional court decision; positive law

## I. Introduction

The Constitutional Court as the biological child of reform has given new hope to answer the complexities of Indonesia's constitutional development. Its existence is an attempt to institutionalize the supremacy of the constitution. Until now, the Constitutional Court is the only state institution that has constitutional authority to interpret and oversee the purity of the constitution. Therefore, the Constitutional Court is called the sole interpreter of the constitution and the guardian of the constitution.

The institution of the Constitutional Court was pioneered by Hans Kelsen who for the first time succeeded in adopting it into the formulation of the Austrian Constitution in 1919-1920 as the first Constitutional Court in the world. According to Hans Kelsen, the implementation of constitutional rules regarding legislation can be effectively guaranteed only if an organ other than the legislative body is given the task of testing whether a legal

product is constitutional or not, and does not enforce it if according to this organ the legislative body's product is unconstitutional.

The decision of the Constitutional Court must be obeyed by anyone, not only the litigants. The Erga Omnes principle is reflected in the provision which states that the decision of the Constitutional Court can be directly implemented without requiring the decision of an authorized official unless the laws and regulations provide otherwise. These provisions reflect binding legal force and because of their public nature, they apply to anyone, not only to the litigants. This is what makes the decision of the Constitutional Court different from the decisions of other judicial institutions.

The existence of denial of the Constitutional Court's Decision disrupts the Indonesian state administration system, especially in the process of Development and Renewal of National Law. Seeing this fact, it is only natural that the Constitutional Court's decision was later rejected by many other judicial institutions through their decisions. Because this is based on a postulate that applies to countries with a Continental European legal system, namely Judicandum est legibus non exemplis, meaning that decisions must be made based on law not based on examples. Because, in looking at the decisions of the Constitutional Court brought by the world of judicial practice, it seems necessary to consider a fairly basic principle which reads: nit agit exemplum litem quo lite resolvit, meaning that resolving a case by taking examples of other cases is the same as not resolving the case. This principle is a tradition that applies to countries with a Continental European legal system.

Furthermore, the author's thoughts which are in abstracto will then be poured into a concrete reality that is in concreto in the form of normative legal research which does not only depart from written legal norms, but is more fundamental to its essence in the form of principles, legal theory and legal philosophy as its spirit from the written legal norms (normative dogmatic), with the research title: "The Final Power of the Constitutional Court's Decision in Indonesian Positive Law". ability to develop sustainably (Burnes, 2017; Teixeira & Werther, 2013; Porter et al., 2016) so that organizations can compete and maintain their existence (Bharijoo, 2005).

## II. Research Method

The type of research used by the author is normative legal research. Because, in this study the author tries to find legal rules (norms), legal principles and doctrines to answer the problems faced with the aim of producing new arguments, theories or concepts as prescriptions in solving the problems at hand. Based on this approach, the main materials to be studied are primary legal materials, secondary legal materials, and tertiary legal materials as intended by Ronny Soemitro. To assist the author in conducting this research, at the same time the following approaches are used, including the Statute Approach, Case Approach, and Conceptual Approach.

The data collection technique in this study used by the author is document study or literature review. In this study, the data analysis used is qualitative analysis, which is a research procedure that produces descriptive data (what is stated in writing). Drawing conclusions will be expressed in the form of descriptive analysis and using deductive logic (drawing conclusions from general things to specific things), namely reasoning (law) that is generally accepted in individual and concrete cases (factual legal issues that concrete) encountered. Where in getting a conclusion begins by looking at the real factors and ends with drawing a conclusion which is also a fact where the two facts are bridged by theories.

## III. Results and Discussion

### 3.1 Study of the Final Nature of Constitutional Court Decisions Based on Indonesian Positive Law

Along with the momentum of the amendment to the 1945 Constitution during the reformation period, the idea of establishing a Constitutional Court in Indonesia is getting stronger. The peak occurred in 2002 when the idea of establishing a Constitutional Court was included in the amendments to the 1945 Constitution carried out by the MPR as formulated in the provisions of Article 24 paragraph (2) of the 1945 Constitution in the Third Amendment. Article 24 paragraph (2) of the Third Amendment to the 1945 Constitution which was stipulated by the People's Consultative Assembly on November 9, 2001, adds a new institution for exercising judicial power, namely the Constitutional Court. Article 24 paragraph (2) of the 1945 Constitution further confirms as follows: "Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court".

### 3.2 Based on the provisions of Article 24C Paragraph (1) of the 1945 Constitution

The authority to review laws against the Basic Law becomes the authority of the Constitutional Court as part of the Third Amendment to the 1945 Constitution. The establishment of the Constitutional Court can be understood from two sides, namely from a political perspective and from a legal perspective. From the political side of the state administration, the existence of the Constitutional Court is needed to balance the power of making laws that belong to the House of Representatives and the President. From a legal perspective, the existence of the Constitutional Court is one of the consequences of changing the supremacy of the People's Consultative Assembly to the supremacy of the constitution, the principle of a unitary state, the principle of democracy and the principle of the rule of law.

Article 24 paragraph (2) of the 1945 Constitution as the constitutional basis asserts that: "Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, the religious court environment, the military court environment, the state administrative court environment, and by a Constitutional Court". Furthermore, Article 24C paragraph (1) asserts that: "The Constitutional Court has the authority to adjudicate at the first and final level whose decisions are final to examine laws against the Constitution, to decide on disputes over the authority of state institutions whose authority is granted by the Constitution the Constitution, decides on the dissolution of political parties, and decides on disputes regarding the results of the general election". In the provisions of Article 24C paragraph (1) of the 1945 Constitution, the phrase "the decision is final" is the basis for the initial argument that there is actually no other legal remedy against the decision of the Constitutional Court.

In the Third Amendment to the 1945 Constitution in 2001, the establishment of the Constitutional Court was agreed and officially placed as one of the actors of judicial power in Indonesia, in addition to the Supreme Court and the judicial bodies under it. The formulation of Article 24C as reported was later ratified as the final formulation. If observed, the formulation of Article 24C paragraph (1) clearly shows that the Constitutional Court is the first and last level judicial body, to adjudicate cases of judicial review, disputes over the authority of state institutions whose authority is granted by the Constitution, the dissolution of political parties, and disputes over the results general

elections. Thus, in the exercise of its authority, the Constitutional Court does not recognize the existence of an appeal and cassation mechanism.

Based on the review of the discussion in the Amendment to the Law, the idea of the final nature of the Constitutional Court Decision is actually inseparable from the agreement to establish the Constitutional Court as a judiciary at the first and final level. This means that the approval of the Constitutional Court as a judiciary at the first and final levels has the consequence that there is no legal mechanism in other courts that can appeal or correct the decision. Therefore, as Maruarar Siahaan said, the nature of the decision is final and binding on the Constitutional Court, the measure to determine whether the decision of a court is final and has binding legal force is the presence or absence of a body legally authorized to review the court's decision, and whether or not there is a mechanism in the procedural law regarding who and how the review is carried out. Considering that the authority of the Constitutional Court is an attribution of the constitution, there is no mechanism and legal regulation under it that can assess the Constitutional Court's decision as a product of authority.

### 3.3 Based on Article 10 of Law Number 24 of 2003 concerning the Constitutional Court

As emphasized above that Article 24C of the 1945 Constitution has emphasized that the Constitutional Court has the authority to adjudicate at the first and final level whose decisions are final, both to examine laws against the Constitution, to decide on disputes over the authority of state institutions whose authority is granted by law. -The Constitution, decides on the dissolution of political parties, and decides on disputes regarding the results of the general election. According to Bambang Sutiyoso, the final decision means that the decision of the Constitutional Court is the first resort and the last resort for justice seekers.

The Constitutional Court as one of the actors of judicial power has an important role in upholding the constitution and the principles of the rule of law in accordance with its authorities and obligations as stipulated in the 1945 Constitution. In achieving this role, the Constitutional Court must become an independent institution to realize justice and legal certainty, implement function of checks and balances for other state institutions, and upholding the principles of a democratic rule of law and realizing people's sovereignty.

The derivation of this constitutional mandate can be found in Article 10 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court which states that: “The Constitutional Court has the authority to adjudicate at the first and final levels whose decisions are final for:

a. Examine the law against the 1945 Constitution of the Republic of Indonesia;
b. To decide on disputes over the authority of state institutions whose authorities are granted by the 1945 Constitution of the Republic of Indonesia;
c. Decide on the dissolution of political parties; and
d. Decide on disputes about the results of the general election.

The binding clause is then emphasized in the elucidation of Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court, which affirms that: since it was said and there is no legal remedy that can be taken. The final nature of the decision of the Constitutional Court in this Law includes the final and binding legal force”.

In addition, the Constitutional Court has a function to guard the constitution so that it is implemented and respected by both state authorities and citizens. The Constitutional Court is also the final interpreter of the constitution. In various countries, the Constitutional Court is also the protector of the constitution. Since the incorporation of

human rights in the 1945 Constitution, the function of protecting the constitution in the sense of protecting human rights (fundamental rights) is also true. However, in the explanation of Law Number 24 of 2003 concerning the Constitutional Court, it is stated as follows: "… one of the important substances in the amendment to the 1945 Constitution of the Republic of Indonesia is the existence of the Constitutional Court as a state institution that functions to handle certain cases in the administrative field, order to maintain the constitution so that it is carried out responsibly in accordance with the will of the people and the ideals of democracy. The existence of the Constitutional Court is at the same time to maintain the implementation of a stable state government, and is also a correction to the experience of state administration in the past which has given rise to multiple interpretations of the constitution".

### 3.4 Based on Article 29 Paragraph (1) of Law Number 48 Year 2009 concerning Judicial Power

The independence of judicial power which is guaranteed by the basic law of the state and the laws and regulations under it as operational implementing regulations, is inherently carried out by Court judges from judicial bodies in all judicial circles in carrying out the functions of power in the judicial sector. The independence of judicial power is not only addressed to the institutional structure of the judiciary, but also to judicial judges in carrying out their functions in adjudicating and deciding cases before them. Jimly Asshiddiqie, said that the word independence and apart from the influence of government power, contained meanings that were both functional and institutional.

As a form of judicial power in Indonesia, in 2009 Law Number 48 of 2009 concerning Judicial Power was issued. Article 29 (1) of this Law states that: The Constitutional Court has the authority to adjudicate at the first and final levels whose decisions are final for:

a. Examine the law against the 1945 Constitution of the Republic of Indonesia;
b. To decide on disputes over the authority of state institutions whose authorities are granted by the 1945 Constitution of the Republic of Indonesia;
c. Decide on the dissolution of political parties;
d. Decide on disputes about the results of the general election; and
e. Other powers granted by law.

For a judicial institution, judicial decisions are often likened to a crown, meaning that the authority of a decision issued by a judicial institution lies in how strong and binding a decision is to the parties who are the addressat of the decision. The stronger and more binding a decision is, the stronger the coercive power of the decision is to be obeyed and implemented by the parties who are the addressee of the decision. The Constitutional Court as one of the actors of judicial power who organizes a court to uphold justice is also inseparable from the problems of implementing its decisions.

### 3.5 Ideal Concept of Final Power of Constitutional Court Decision

In the following, the author will describe the reconceptualization so that the decision of the Constitutional Court can be obeyed by anyone as referred to by the Erga Omnes principle, which is based on the final nature of the decision of the Constitutional Court and is supported by a binding nature. Furthermore, the thoughts on the reconceptualization will be described as follows.

### 3.6 Affirmation of the Erga Onmes Principle in the Constitutional Court Law

Strictly speaking, actually in the Constitutional Court Law, namely Law Number 24 of 2003 concerning the Constitutional Court. Law Number 24 of 2003 was then amended by Law Number 8 of 2011, and lastly changed through Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court which does not regulate the position of the Erga Omnes principle this. It is only a reflection of the final and binding nature of the Constitutional Court's decision.

If it is related to the theory of legal objectives as intended by Gustav Radbruch, then the Erga Omnes principle is a real manifestation of the principle of legal certainty. Then what is the urgency to incorporate the Erga Omnes principle into the Constitutional Court Law? In the written legal system adopted by Indonesia, denial of legal principles can be carried out as long as it does not conflict with statutory regulations. That is, in a reversed state to achieve certainty as written in positive norms, anyone may deny the principle of law. Therefore, in order to avoid denial of the Erga Omnes principle, its position needs to be emphasized and strengthened in the Constitutional Court Law.

### 3.7 Responsiveness of Executive and Legislative Institutions and Its Relation to Responsive Legal Theory

Satjipto Rahardjo said that if we look at the relationship between the political subsystem and the legal subsystem, it will appear that politics has a greater concentration of energy so that the law is always in a weak position. Digesting this statement will capture a perspective that in empirical reality, politics greatly determines the operation of the law.

According to Mahfud MD, there are two kinds of legal development strategies which ultimately have implications for the character of the legal product, namely the development of "orthodox" and "responsive" laws. In the strategy of developing orthodox law, the role of state institutions (government and parliament) is very dominant in determining the direction of development of state law and policy. Products of orthodox or elitist (conservative) law are usually born by authoritarian political configurations. Political conditions like this result in all potentials and aspirations of the people not being aggregated and articulated proportionally. The position of the people's representative bodies and political parties is more of a tool for justification (rubber stamp) on the government's political will. On the other hand, the press does not have freedom and is under the strict control of the authorities.

Typical of this responsive legal theory is how the law is able to respond to social needs. Responsive law, using Roscoe Pound's analysis, departs from the opposite logic of repressive or autonomous law. Pound's theory, as cited by Nonet and Selznick, of social interests is a more explicit attempt to develop a responsive legal model. Education and skills are the main keys in gaining social status in community life (Lubis *et al*, 2019).

The reality of law in Indonesia, which is still centralized, formalistic, repressive and the status quo has invited criticism from experts and at the same time gave rise to a new idea to overcome these problems, such as what is often introduced by Satjipto Rahardjo with his progressive legal science, which lays down the law. for the benefit of man himself, not for law and legal logic, as in practical legal science. This understanding of progressive law is not different from what has been introduced by Philippe Nonet & Philip Selznick called responsive law, namely law that serves social needs and interests.

In connection with the decision of the Constitutional Court, associated with the implementation of the Erga Omnes principle, it can be concluded that the decision which is the product of the Constitutional Court's institutionalization is mutatis mutandis as well as a broad social law requirement. This is because the binding power of the Constitutional

Court's decision does not only apply to litigants, but is binding on all citizens and even state institutions. That is, if we look at the concrete reality today, the neglect of state institutions to the decisions of the Constitutional Court makes the decisions of the Constitutional Court unresponsive. In fact, since the reading of the decision by the Constitutional Court Justices, since then the Constitutional Court's decision has changed the national legal order.

Therefore, in order for the legality of the implementation of the Constitutional Court's Decision to run ideally and effectively, there must be a follow-up by the relevant state institutions in this case the executive and the legislature to immediately make changes or revisions to the norms of a certain law that has been declared unconstitutional by Constitutional Court through its decision.

### 3.8 Reasons for Postponing the Final Power of the Constitutional Court Decision

The third thought, namely delaying the binding power of the Constitutional Court's decision. The final nature of the decision of the Constitutional Court, is legally valid when the decision has been read out in a trial open to the public. Although the final nature applies immediately, the binding power is very likely to be postponed for the reason of giving time for the relevant institutions to immediately revise/amend laws whose norms have been overturned by the Constitutional Court. The decision model that delays the enforcement of its decision (limited constitutional) basically aims to provide space for transitions of rules that are contrary to the constitution to remain valid and have binding legal force for a certain time.

Within the realm of constitutional courts, there is a limited constitutional concept, which means tolerating the enactment of rules that actually contradict the constitution up to a certain time limit. In contrast to the conditionally constitutional decision model or the conditionally unconstitutional decision model which decides a rule which at the time it is decided is declared not contradictory or contrary to the constitution, but will later be able to conflict with the constitution because of the violation of the conditions decided by the constitutional court, the limeted constitutional decision model aims to provide space for the transition of rules that are contrary to the constitution to remain valid and have binding legal force for a certain time because they are made aware of considerations of expediency.

The results show that the Constitutional Court has issued this decision model, namely in Decision Number 016-PUU-IV/2006 dated December 19, 2006. The above decision contains an order to renew the constitutional basis for the establishment of the Corruption Court which must be regulated in the form of law. Thus, if within a period of 3 (three) years, the addressat of the Constitutional Court's decision does not implement it, then the Corruption Court will automatically disband, and the authority to adjudicate cases of criminal acts of corruption submitted by the KPK to the District Court. This model of decision can also be found in Decision Number 13/PUU-VI/2008 dated August 13, 2008 regarding the Review of Law Number 16 of 2008 concerning Amendments to Law Number 45 of 2007 concerning State Revenue and Expenditure Budget for Fiscal Year 2008 (Law No. 2008 State Budget.

### 3.9 Decision of the Constitutional Court as Ius Constituendum in Legal Politics Perspective

Law and politics are part of social life, the existence of the two is very close, as if they are two sides of a coin that cannot be separated. In discussing legal politics, what is meant is the current state of affairs in Indonesia, in accordance with the principle of consideration (hierarchy) of the law itself, or with the terminology of logeman, as the law

that is here and now. The classical interpretation of legal politics is a law made or determined by the state through state institutions on officials who are authorized to stipulate it. From the general understanding of legal politics, it can be said that legal politics is a policy taken or taken by the State through state institutions or officials who are authorized to determine which laws need to be replaced, or which need to be changed, or which laws need to be maintained, or law regarding what needs to be regulated or issued so that with this policy the administration of the state and government can run well and orderly, so that the goals of the state can gradually be planned and can be realized. Thus, legal politics contains two inseparable sides, namely as a direction for legal actions or legal policies of state institutions in legal actions and at the same time as a tool for assessing and criticizing whether a law made is in accordance with the legal framework of the policy for achieve country goals.

The relationship between this research and the use of Political Law theory is actually more about the renewal of national law through the Constitutional Court Decision in the ius constituendum frame. This is because the decision of the Constitutional Court is the product of the judiciary, not the product of legal politics by the executive and legislative bodies. Therefore, in the development of legal science, the decisions of the Constitutional Court must be welcomed and forwarded by the executive and legislative institutions to realize the rule of law in Indonesia through this theory of Political Law.

The decisions of the Constitutional Court can hardly stand alone, but must be continued through policy reformulation by the legislative and executive institutions. The concrete form is through the revision of laws whose norms have been canceled by the Constitutional Court. This is merely to elevate the dignity of the Constitutional Court itself. In the context of reforming national law as an extension of the decision of the Constitutional Court, the theory of legislation must be used in the process. Because, there are principles that we adhere to in the formation of the Act as stated above. It is necessary to remember why the emphasis here is only on the formal principles of law formation, because the material principles must refer to the interpretation of the said Constitutional Court decision.

### 3.10 Accelerating the Progress of the Draft Law on Contempt of Court

Departing from the thought that denial/disobedience to the decision of the Constitutional Court which is final, binding and binding on everyone is an insult to the institution of the Constitutional Court, according to the author, it is necessary to immediately initiate a Law on Contempt of Court which regulates such matters. . The Law on the Contempt of Court functions as a basis and strengthening for the independence of Constitutional Justices in relation to the freedom of thought in accordance with the corridors required by the legislation.

Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) stipulates that "Judicial power is an independent power to administer justice to uphold law and justice." The existence of these provisions is intended to emphasize that the task of judicial power in the Indonesian constitutional system is to administer an independent judiciary, free from intervention from any party, in order to uphold law and justice. The provisions of Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia are further regulated in the Law on Judicial Power. Article 1 point 1 of Law Number 48 of 2009 concerning Judicial Power as a substitute for Law Number 14 of 1970 and Law Number 4 of 2004, stipulates that "Judicial Power is the power of an independent state to administer justice to uphold law and justice based on Pancasila and the Constitution. State of the Republic of Indonesia in 1945, for the sake of the implementation

of the State of Law of the Republic of Indonesia." Then Article 3 paragraph (1) stipulates that "In carrying out their duties and functions, judges and constitutional judges are obliged to maintain the independence of the judiciary" and paragraph (2) states "All interference in judicial affairs by other parties outside the jurisdiction of the judiciary is prohibited, except in matters as referred to in the 1945 Constitution of the Republic of Indonesia". What is meant by "independence of the judiciary" is free from outside interference and free from all forms of pressure, both physical and psychological (Explanation of Article 3 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power). Regarding this independence, Bagir Manan emphasized that efforts to protect an independent judicial power are to (1) ensure that court decisions are obeyed or obeyed; (2) prevent any form of interference or intervention in the judicial process; and (3) guarantee a fair (and impartial) trial.

### 3.11 The Idea of Incorporating Constitutional Court Decisions into the Hierarchy of Legislation

The next extreme step so that the Constitutional Court Decision does not become a "paper tiger" is to include the Constitutional Court Decision into the hierarchy of laws and regulations. Based on the theory of the rule of law, of course, the Indonesian people must prioritize the rule of law in order to realize justice. Justice in relation to the formation of laws and regulations cannot be separated because the purpose of the law itself is to provide justice. In the theory of legislation, the formation of good legislation must be guided by the Staatfundamentalnorm, namely Pancasila. The basis of the formation of these laws and regulations is to adopt the principles and values of Pancasila in order to realize justice for all Indonesian people, namely the protection of human rights in obtaining justice.

Therefore, if the decision of the Constitutional Court is included in the hierarchy of Legislation, then ideally first to change the norm in Article 7 paragraph (1) letter c of Law Number 12 Year 11, to become: Law/Government Regulation in Lieu of Law Constitutional Court Laws and Decisions.

This, according to the author, is difficult to do considering that the decisions of judicial institutions are different from statutory regulations, but on the basis that what is tested and decided by the Constitutional Court is the judicial review of the constitution, the position of the decision in the author's opinion can be equated with the law. -law. The options that the author proposes, depend on the political process that is given the authority to formulate, revise and annul a law.

## IV. Conclusion

Based on the above discussion, conclusions can be drawn, First: The final strength of the Constitutional Court Decision in Indonesian Positive Law is expressly regulated in Article 24C Paragraph (1) of the 1945 Constitution Article 10 of Law Number 24 of 2003 concerning the Constitutional Court Article 29 Paragraph (1) Law Number 48 of 2009 concerning Judicial Powers, the three of which expressly state that the Constitutional Court has the authority to adjudicate at the first and final levels whose decisions are final. The decision of the Constitutional Court on the Decision of the Constitutional Court Number 46/PUU-VIII/2010, Decision of the Constitutional Court Number 95/PUU-XIV/2016, Decision of the Constitutional Court Number 34/PUU-XI/2013 still does not show a final character, because there are still denials of The decision of the Constitutional Court. Second: The most ideal reconceptualization of the final strength of the Constitutional Court Decisions needs to be carried out to maintain the purity of the Constitutional Court as the Guardian of the Constitution, by: Affirming the Erga Omnes Principle in the Constitutional

Court Law, Responsiveness of Executive and Legislative Institutions and Its Relation to Responsive Legal Theory , Reasons for Delaying Final Strength of Constitutional Court Decisions, Constitutional Court Decisions as Ius Constituendum in Legal Politics Perspective, Accelerating Progress on Draft Laws on Contempt of Court, Ideas for Incorporating Constitutional Court Decisions into the Hierarchy of Legislation.

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