



The Executory Authority of Constitutional Court Decisions in the 2024 Local Head Election

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Abstract

Indonesia views Local Head Elections as a vital expression of people's sovereignty in its democratic system. The Constitutional Court ensures the fairness of democracy through rulings on these elections. This study examines the executory authority of the Constitutional Court's decisions regarding Local Head Elections in 2024, focusing on Decisions No. 60/PUU-XXII/2024, 70/PUU-XXII/2024, and 126/PUU-XXII/2024. Using a normative legal approach, the research analyzes laws and concepts related to these elections, with data qualitatively analyzed and presented narratively. The findings highlight that the Constitutional Court's final and binding decisions enhance legal certainty and improve the electoral system, thereby strengthening Indonesia's democracy. These rulings take immediate effect without requiring an executive body and must be respected by all state institutions, reflecting the principle of checks and balances in governance. Effective implementation requires cooperation among state institutions, with the legislative and executive branches expected to follow up on the rulings through lawmaking. The General Election Commission plays a critical role in organizing elections based on these laws. As a rule-of-law state, adherence to the law by all institutions is essential to achieving a just and improved democratic system.

Keywords: Downstream; Local Head Elections; Constitutional Court Decision; Executory Authority.

Introduction

Indonesia is a democratic country that places the people as the highest holders of sovereignty. This is emphasized in Article 1, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia: "Sovereignty is in the hands of the people and is carried out according to the Constitution." This article demonstrates that Indonesia practices constitutional democracy, a form of democracy based on the Constitution as the foundation for the administration of the state. The concretization of this is the protection and guarantee of the people's rights by law, with the government being accountable to the people.¹

One of the manifestations of people's sovereignty mandated by the constitution is the election of local heads as an essential pillar in guaranteeing the implementation of democracy in Indonesia. The election of local heads is not only a tool to determine leaders but also a means to ensure community involvement in the political decision-making process. Democratic principles, such as freedom, justice, and equality, are the basis for implementing elections in Indonesia.

The legal basis for the implementation of local head elections in Indonesia is contained in Article 18 Paragraph (4) of the 1945 Constitution of the Republic of

¹ Amalia Diamantina and Devi Yulida, "Reinforcement of Green Constitution: Efforts for Manifesting Ecocracy in Indonesia," in *IOP Conference Series: Earth and Environmental Science*, vol. 1270 (Institute of Physics, 2023), 1–6.

Indonesia, which states that “Governors, Regents, and Mayors as heads of provincial, regency, and city local governments are democratically elected”. This provision emphasizes that the election of local heads is an inseparable part of the democratic system that is run in Indonesia. Further arrangements regarding the election of local heads are regulated in their derivative laws and regulations, which continue to be adjusted to the political dynamics and needs of the Indonesian people.

This shows that Indonesia's democratic system is dynamic and adaptive, keeping up with the times without overriding the basic principles mandated by the constitution. In Indonesia's constitutional democratic system, the Constitutional Court plays an essential role as a guardian of the constitution and a protector of the people's constitutional rights.

The Constitutional Court is present in Indonesia as an effort to strengthen the system of checks and balances in the administration of the state. This can be seen from the authority of the Constitutional Court, which is explicitly stated in Article 24C of the 1995 Constitution of the Republic of Indonesia, namely testing laws against the constitution, deciding disputes over the authority of state institutions, and deciding on the dissolution of political parties. Article *a quo* shows that the Constitutional Court functions as the guardian of the Constitution and the interpreter of the Constitution. The Constitutional Court's role as interpreter of the Constitution is reflected in its authority to ensure that every existing law is followed and does not contradict the Constitution. The goal is to protect the rights of every citizen, which are contained in the Constitution as a consensus or agreement related to the administration of the state in Indonesia.

In this regard, the facts show that since its establishment until November 2024, the Constitutional Court has decided a total of 4,043 cases. The most frequent cases decided by the Constitutional Court are related to the testing of laws, with 1,894 rulings, or 46.85% of all Constitutional Court decisions. The next most common category involves disputes over the results of local head and deputy head elections, with 1,136 rulings, followed by rulings on general election results, with 984 decisions, and disputes over the jurisdiction of state institutions, with 29 rulings.²

The data above shows that complex political dynamics often affect local leader election head elections in Indonesia. Starting from competition between candidates to potential fraud in the election process. In such a situation, the Constitutional Court ensures that disputes can be resolved fairly, transparently, and legally. The decision of the Constitutional Court is final and binding, so it provides legal certainty for all parties involved. Disputes over the results of local head elections submitted to the constitutional court are usually related to fraud claims, procedural inconsistencies, or differences in vote counting. The constitutional court's decision examines the evidence and arguments put forward by the parties to the dispute and considers each decision's social and political impact. Thus, the Constitutional Court acts as a judicial institution and a guarantor of local political stability and social justice.

Indonesia's constitutional practice has shown that throughout 2024, the constitutional court has issued decisions related to the election of local heads in Indonesia, namely:

First, the Constitutional Court Decision Number 60/PUU-XXII/2024 has

² Mahkamah Konstitusi, “Rekapitulasi Putusan,” Mahkamah Konstitusi Republik Indonesia, 2024.

provided a new view on the election of local heads in 2024. The Constitutional Court changed the threshold for elections to regions, from the original one that required the support of at least 20% of the seats of the Local People's Representative Council, or 25% of the valid votes, to a lower one, namely 6.5% to 10%, adjusted to the number of people on the permanent voter list. The birth of this decision is expected to provide the most comprehensive opportunity for political parties to nominate their best candidates. This decision significantly impacts selecting local heads because it gives a more incredible opportunity for political parties to nominate their best candidates. With a lower threshold, minor parties have a broader opportunity to participate in political contestation, so it is expected to improve the quality of democracy and political competition at the local level.³ In addition, the Constitutional Court's decision *a quo* also reflects the flexibility of the democratic system in Indonesia, which can adapt to the people's needs without overriding the constitution's basic principles. Through this ruling, the Constitutional Court shows its role as an institution that upholds the rule of law and contributes directly to creating a more inclusive and representative democracy.⁴

Second, the Constitutional Court Decision Number 70/PUU-XXII/2024 regarding the age limit for local head candidacy. The Constitutional Court decided that the calculation of the minimum age of local head candidates is no longer based on the time of inauguration. Still, on the date of determination of candidates by the General Election Commission.⁵ This decision answers the legal polemic that previously limited young candidates from participating in political contests due to differences in the interpretation of the age calculation time.

Third, the Constitutional Court Decision 126/PUU-XXII/2024 regarding the re-election of local heads can be carried out by one year at the latest if the empty box wins. The General Election Commission explained that there are at least 37 candidates for local heads who will fight against the empty box.⁶ With the decision of the constitutional supreme court, it is hoped that it can provide legal certainty, as well as provide a guarantee for the realization of democratic principles in the election of local heads in Indonesia.

Furthermore, considering the nature of the Constitutional Court's decision, which is final and binding. The final meaning is that no more legal remedies can be taken related to laws that the Supreme Court of the Constitution has tested. This is because the Constitutional Court is the only state institution with the authority to test laws against the Constitution. Meanwhile, the meaning of the word binding is that the decision must be obeyed by all Indonesian people, without exception, including other state institutions, especially the House of Representatives. If examined further, Article 10 Paragraph (1) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations explains that one of

³ Muhammad Anwar Soleh and Durohim Amnan, "Implikasi Putusan Mahkamah Konstitusi Nomor 60/PUU-XXII/2024 Terhadap Demokratisasi Pemilihan Kepala Daerah," *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik* 1, no. 3 (September 2024).

⁴ Hasim Hartono, "Urgensi Putusan MK Nomor 60/PUU-XXII/2024 Terhadap Penyelenggaraan Pilkada Tahun 2024," *JICN: Jurnal Intelek Dan Cendekiawan Nusantara* 1, no. 4 (September 2024).

⁵ Anfal Kurniawan, "Analisis Yuridis Putusan Mahkamah Konstitusi Nomor 70/PUU-XXII/2024 Tentang Syarat Usia Calon Kepala Daerah," *Semarang Law Review* 5, no. 2 (n.d.): 211–20.

⁶ Sapto Yunus, "Respons Komisi II DPR Terhadap Putusan MK Soal Pilkada Ulang Digelar Pada 2025," *Tempo*, November 15, 2024.

the contents of the law is a follow-up to the decision of the Constitutional Court.⁷

Referring to the background above, the author will discuss the Executory Authority of Constitutional Court Decisions in the 2024 Local Head Elections. The goal is to answer the executory authority of the Constitutional Court's decision, especially the Constitutional Court's Decision related to the 2024 local head election. This writing was done to complement the previous writing, namely, the writing of Muhammad Danwar Soleh and Durohim Amnan titled: "*Implikasi Putusan Mahkamah Konstitusi Nomor 60/PUU-XXII/2024 terhadap Demokratisasi Pemilihan Kepala Daerah*". The main difference between this writing and the writing of Muhammad Danwar Soleh and Durohim Amnan is the object of his writing. The previous article discussed the Constitutional Court Decision Number 60/PUU-XXII/2024,⁸ meanwhile, the writing carried out by the author not only examines *the A quo decision* but also discusses other Constitutional Court decisions, which are related to the 2024 local head election process in Indonesia. Furthermore, this article also complements the writing of Amien Ru'ati, Garciano Nirahua, and Ronny Soplantila, with the title: *Kekuatan Eksekutorial Putusan Mahkamah Konstitusi Yang Bersifat Final Dan Mengikat di Indonesia*⁹ This paper discusses the executory power of the Constitutional Court's decision. In contrast, this paper will focus on the executory power of the Constitutional Court's decision related to Indonesia's 2024 local head elections.

Formulation of the Problem

1. What is the executory power of a constitutional court decision?
2. What is the executory power of the constitutional decision regarding the 2024 local head elections?

Research Methods

This paper is a normative juridical research with a legislative approach and a conceptual approach related to the Constitutional Court's decision to elect local heads in Indonesia. Normative juridical or literature research examines secondary data related to the research topic. Secondary data can be in the form of primary and secondary legal materials. Primary legal material refers to legal sources that contain valid norms or regulations, such as laws and court decisions.¹⁰ Meanwhile, secondary legal materials such as books and scientific articles explain or interpret primary legal materials. Secondary legal material is data that is not directly bound but is very helpful in providing context and a deeper understanding of the primary legal material. The data that has been obtained is then analyzed qualitatively and presented in the form of narrative text.

Discussion

1. The executory power of the Constitutional Court's Decision

The Constitutional Court has a vital role in ensuring that every law passed

⁷ Abdul Wahid Azar and Suriyanto, "Analisis Kewajiban Legislasi DPR Dan Pemerintah Dalam Menindaklanjuti Putusan Mahkamah Konstitusi No. 90/PUU-XXI/2023," *Iblam Law Review* 4, no. 3 (n.d.): 169–80.

⁸ Anwar Soleh and Amnan, *Op..Cit*

⁹ Amien Ru'ati, Garciano Nirahua, and Ronny Soplantila, "The Executory Power of Constitutional Court Decisions That Are Final and Binding in Indonesia," *Pattimura Legal Journal* 1, no. 1 (May 30, 2022): 15–29, <https://doi.org/10.47268/pela.v1i1.5899>.

¹⁰ Devi Yulida, Rini Anggreini, and Nurmawati, "Strafbaar Feit as a Reason for Impeachment of The President," *Mahadi : Indonesia Journal of Law* 3, no. 2 (August 2024): 103–16.

by the House of Representatives does not contradict the Constitution. This aligns with the theory of the hierarchy of norms, which states that lower statutes and regulations should not conflict with higher laws and regulations. This principle aims to ensure the creation of harmonization in forming national laws, which ultimately supports achieving Indonesia's national goals.¹¹

Article 24C of the 1945 Constitution of the Republic of Indonesia explicitly states the authority of the Constitutional Court, including the authority to conduct legal tests. The Constitutional Court interprets the Constitution and tests laws, and its decisions have a far-reaching effect because they are final and binding.

Article 10 Paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court emphasizes that the Constitutional Court's decision is final. Furthermore, in the explanation of Article 10 Paragraph (1) of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court, adding a binding phrase, the explanation reads as follows:

"The Constitutional Court's decision is final; that is, it immediately obtains permanent legal force from the moment it is pronounced, and no legal remedy can be taken. The final nature of the Constitutional Court's decision in this law also includes final and binding legal force".

Based on the article's explanation above, the meaning of "final and binding" can be interpreted as follows: *First*, the decision of the Constitutional Court directly acquires legal force. *Second*, because it has obtained permanent legal force, the decision has legal consequences for all parties involved. *Third*, no further legal recourse is available, so the decision of the Constitutional Court becomes "*in kracht van gewijsde*" (final and binding) and acquires binding force, also known by the term "*res judicata pro veritate habetur*".¹²

The Constitutional Court's decision does not have a retroactive effect but is valid forward (progressive) after it is pronounced. This means that the legal changes come into force when the Constitutional Court's decision is announced in a plenary session open to the public. Therefore, the government, other state institutions, and the general public affected by the ruling are expected to respect and comply with the decision. The executory authority possessed by the decision of the Constitutional Court makes every decision of the Constitutional Court have coercive force, both against the government, the House of Representatives, and other parties. Therefore, the House of Representatives and the President must follow up on the decision through the law. After being followed up through a law, the regulation must also be followed by rules and regulations whose position is under the law.¹³

Upon further examination, in practice, not all decisions of the Constitutional Court are followed up with law. This is caused by:¹⁴ *First*, there is an urgent situation to implement the Constitutional Court's decision immediately. The decision is directly related to implementing government functions, such as making and enforcing laws, decision-making, and policymaking. *Second*, the government is also responsible for providing public services to the community, a fundamental

¹¹ Ihsanul Maarif, "Dinamika Kedudukan Peraturan Lembaga Dalam Hierarki Perundang-Undangan: Tinjauan Yuridis Dan Perspektif Praktis," *Unes Law Review* 7, no. 1 (September 2024): 336–44.

¹² Novendri M Nggilu, "Initiating Sanctions for the Actsof Constitution Disobedience Against the Decision of the Constitutional Court," *Jurnal Konstitusi* 16, no. 1 (March 2019).

¹³ Muhammad Zikril Pratama, "Juridical Analysis of the Follow-up to the Constitutional Court's Decision Based on Regulations," *Journal of Legal Studies* 1, no. 2 (June 30, 2024): 63–81.

¹⁴ *Ibid.*

right that must be fulfilled. Therefore, the Constitutional Court's decision that impacts public services must be implemented immediately. *Third*, when the Constitutional Court's decision annuls the norms in the law, this can lead to a legal vacuum. This void must be addressed immediately so that legal objectives, such as utility, certainty, and justice, are still achieved.

For this reason, the President and the House of Representatives need to follow up on the decision quickly. *Fourth*, several final and binding decisions of the Constitutional Court must be implemented immediately because they directly impact the government agenda and ongoing legal processes, such as general elections. *Finally*, for decisions that require changes or the creation of new regulations, there needs to be clear legal actions, such as exercising authority or preparing new operational regulations.

Constitutional practice shows that the legislature has frequently neglected the decisions of the Constitutional Court. For example is the decision of the Constitutional Court No. 34/PUU-XI/2013, which reviewed Law No. 8 of 1981 on the Criminal Procedure Code. In that ruling, the judges granted the petition. They declared that Article 268, paragraph (3) was constitutional with the condition that a Judicial Review could be conducted more than once if new evidence (*novum*) is presented and based on the principle of justice. However, the Supreme Court issued Circular Letter No. 7 of 2014, which emphasized that in criminal cases, a Judicial Review could only be submitted once, with the rationale of maintaining legal certainty. This difference of opinion has direct consequences, particularly for society and law enforcement, leading to delays in constitutional justice. If left unresolved, this disobedience could set a bad precedent for enforcing constitutionalism in Indonesia.¹⁵

Disobedience to court decisions, also called constitutional disobedience in constitutional courts, is considered contempt of court.¹⁶ The output of implementing judicial power, which is justice, must be addressed to be consistent with efforts to realize justice.¹⁷ This will also impact the loss of the dignity of the Constitutional Court as the guardian of the Constitution. If followed up immediately, this can reduce the legitimacy of the Constitutional Court's decision and create the impression that the decision is optional. As a result, the Supreme Court's non-compliance with the Constitutional Court's decision can lead to legal conflicts and disorder in society.

The act of constitutional disobedience by the legislature will ultimately result in¹⁸ *First*; it can disrupt legal certainty. Legal certainty is defined when the law has explicit norms. This means that state institutions apply legal rules effectively and consistently, and judges apply legal norms consistently when deciding cases.¹⁹ *Second*, disobedience to the decision of the Constitutional Court will cause constitutionalism justice delay or delay of justice whose basis is the values that have been agreed upon in the Indonesian constitution. *Third*, the

¹⁵ Ismail Hasani, Halili Halili, and Vishalache Balakrishnan, "Undelivered Constitutional Justice? Study on How the Decisions of the Constitutional Court of the Republic of Indonesia Are Executed," *Jurnal Civics: Media Kajian Kewarganegaraan* 19, no. 1 (May 1, 2022): 45–52.

¹⁶ M. Nggilu, *Op.,Cit*

¹⁷ Freidelino De Sousa, "Ketidakpatuhan Terhadap Putusan Mahkamah Konstitusi Sebagai Suatu Perbuatan Contempt Of Court," *Indonesian State Law Review* 5, no. 1 (April 22, 2022): 52–66.

¹⁸ M. Nggilu, *Op.,Cit*

¹⁹ M. Agus Maulidi, "Menyoal Kekuatan Eksekutorial Putusan Final Dan Mengikat Mahkamah Konstitusi," *Jurnal Konstitusi* 16, no. 2 (June 2019).

rivalry between judicial institutions, as shown by the Supreme Court's rulings, ignored the constitutional court's decision. Such conditions will cause instability in the state's administration, especially enforcing constitutional values.

According to the author's research, several factors cause legislative non-compliance with the Constitutional Court Decision, namely:²⁰ *First*, the Constitutional Court's decision itself is often controversial, namely a decision that raises public doubts and debates about its contents. This is one of the reasons why the House of Representatives sometimes needs to follow up on the Constitutional Court's decision. This controversial Constitutional Court decision also influenced the attitude of the People. The council responded to the decision, especially related to efforts to revise the law, which was considered unconstitutional. Nevertheless, the political importance and authority of the People's Welfare Council in making comprehensive amendments to problematic laws remain essential considerations. In addition to binding rules and regulations, legal forms can also be seen in judges' decisions, which are regulatory and coercive. In other words, the judge's decision must go through a fair trial process with considerations that are not only based on legal justice but also moral justice. *Second*, there are no sanctions for lawmakers who do not comply with the Constitutional Court's Decision. *Third*, this non-compliance is also caused by the lawmakers' lack of political will to abide by the Constitutional Court's decision.

Based on the explanation above, the author believes that the high level of institutional inertia among state officials has resulted in several decisions of the Constitutional Court needing to be followed up in the laws, as mandated by the relevant legislation.

2. The Executory Authority of the Constitutional Court's Decision Regarding the 2024 Local Head Elections

The election of local heads is an effective method for conveying the democratic rights of the people and gaining legitimate power.²¹ Therefore, the executive power of the constitutional court's decision regarding the election of local heads is an exciting issue to be examined further. In the previous section, it has been explained that the decision of the Constitutional Court is final and binding. Every element of society, including state institutions, must obey the constitutional court's decision. Article 10 Paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations emphasizes that one of the legal materials is the decision of the Constitutional Court. Therefore, the House of Representatives is obliged to respect the decision of the Constitutional Court. One way is to include the decision in the law.

The Constitutional Court's decision does not require an executor body because the *judicial review decision* in the Constitutional Court is the same as the law, immediately effective as soon as it is stated in the state gazette. Laws are immediately effective and executed in practice once they are promulgated without the need for a particular executor, as well as the Constitutional Court's decision.²²

²⁰ Tohadi and Dian Eka Prastiwi, "Rekonstruksi Hukum Dalam Mewujudkan Kepatuhan Pembentuk Undang-Undang Terhadap Putusan Mahkamah Konstitusi Sebagai Mekanisme Checks And Balances," *Jurnal Rechts Vinding : Media Pembinaan Hukum Nasional* 11, no. 1 (n.d.): 19–36.

²¹ Ismed Kelibay et al., "Dinamika Pemilihan Kepala Daerah Serentak Nasional Dalam Pemilihan Umum Tahun 2024," *Jurnal Noken: Ilmu-Ilmu Sosial* 7, no. 2 (June 21, 2022): 167–81.

²² Eka N.A.M Sihombing and Cynthia Hadita, "Bentuk Ideal Tindak Lanjut Atas Putusan Mahkamah Konstitusi Dalam Pengujian Undang-Undang," *Jurnal APHTN-HAN:Asosiasi*

Referring to the above description, it is appropriate for the legislature and the government to follow up on the constitutional court's decision regarding the election of local heads. There are at least three decisions of the Constitutional Court regarding the 2024 local head elections, namely:

The first is the Constitutional Court Decision Number 60/PUU-XXII/2024. The Constitutional Court changed the requirements for candidate nomination by political parties. Where what initially required the acquisition of at least 20% of the Local People's Representative Council seats or 25% of the valid votes became lower, namely 6.5% to 10% according to the number of people in the permanent voter list. In the quo decision, the Constitutional Court seeks to realize justice by respecting the votes of citizens in the election of local heads as part of a constitutional right that should not be ignored, both by political parties that have seats in the Local People's Representative Council and those who do not have seats. This right should still be respected without discrimination because the people's voice should not depend on political representation at the legislative level. The Constitutional Court seeks to realize the mandate given by the Constitution.

The Constitutional Court's Decision Number 60/PUU-XXII/2024 also shows that the Constitutional Court issued a decision with the nuance of judicial activism; namely, the court is active by issuing decisions that regulate.²³ Maruarar Siahan stated that the positive legislative action carried out by the Constitutional Court is an effort to minimize the occurrence of chaos and legal vacuums, as well as aiming to create certainty over a law.²⁴ In line with this, Gustav Radbruch stated that the law and its achievements cannot be separated from 3 (three) main elements: certainty, usefulness, and justice. These elements support the legal mind that guides humans in legal life.²⁵ Therefore, the constitutional court as a judicial institution also has a role and responsibility to present these legal objectives.

Second, the Constitutional Court Decision Number 70/PUU-XXII/2024 regarding the age limit for local head candidacy. Material Testing of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law explains that candidates for Governor and Deputy Governor, candidates for Regents and Deputy Regents, as well as candidates for Mayor and Deputy Mayor, must meet several conditions. One of them is the age limit. Candidates for Governor and Deputy Governor must be at least 30 years old, while candidates for Regent, Deputy Regent, Mayor, and Deputy Mayor must be at least 25 years old. However, this rule gives rise to various interpretations of the age limit of candidates, especially regarding whether the age is calculated at the time of candidacy, before or after being inaugurated. Therefore, parties who feel that clarity is needed to apply for a material review to the Constitutional Court to clarify the rule.

Third, the law tested in this material review application is Article 54D

Pengajar Hukum Tata Negara-Hukum Administrasi Negara 1, no. 1 (January 2022): 36.

²³ Subhash Kumar, "Judicial Activism vs. Judicial Restraint: Balancing the Role of the Courts in a Democratic Society," *Indian Journal of Law* 2, no. 2 (April 30, 2024): 5–8.

²⁴ Maruar Siahaan, *Hukum Acara Mahkamah Konstitusi Republik Indonesia* (Jakarta: Sinar Grafika, 2015).

²⁵ Christine S.T Kansil and Putri Meilika Nadilatasya, "Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik Dan Kepercayaan Publik Di Indonesia: Analisis Implikasi Hukum Dan Etika," *Unes Law Review* 6, no. 4 (n.d.): 10753–60.

paragraph (3) of Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. This article regulates the implementation of re-election when the empty box wins in the single-candidate election. However, the article previously raised uncertainty about the deadline for re-election. The Constitutional Court then gave a new interpretation, ruling that a re-election must be held one year after the empty box was declared victorious. Thus, the decision of the Constitutional Court aims to provide legal certainty and avoid delays that occurred in previous elections.

Ideally, if the Constitutional Court has annulled a law, the next step is to change the law, followed by the laws and regulations that govern it. In principle, in the Indonesian legal system, implementing a decision or policy must always be based on the applicable laws and regulations.

It is known that the decision of the constitutional court is a decision that is self-executing or a decision that can be directly applied without the need for additional implementing regulations, so the decision of the constitutional court should not be left only as a 'paper tiger' that is only recorded in documents without actual application in the field. Therefore, the decision must be immediately followed by changes or cancellations of the relevant laws. Self-executing rulings ensure that the constitutional court's decision not only serves as a legal basis but has a direct impact that changes or cancels provisions that are not by the Constitution. Suppose the Constitutional Court's decision should be implemented more. In that case, the authority of the Constitutional Court will be disturbed, and the principle of constitutional supremacy on which the state is based will be threatened.

Therefore, it is essential for all parties, both state institutions and individuals, to comply with and implement every decision of the Constitutional Court, especially self-exercising, so that the legal and constitutional system can run effectively and by applicable constitutional principles. This is a manifestation of the attitude of respect between branches of state power, as well as proving the realization of a system of checks and balances in the administration of the state. In simple terms, checks and balances can be interpreted as mutual supervision between state institutions so that no state institution can act arbitrarily.²⁶ For example, if the constitutional court decides on a change in the election results or determines specific steps that the general election commission must take, then the general election commission must still refer to the relevant laws, such as the Election Law or the Local Government Law, to ensure that each step taken is by the applicable legal provisions. In this case, if the decision of the Constitutional Court leads to significant changes in the election process or its implementation, then it is often necessary to revise or adjust existing regulations or technical regulations. This adjustment will usually be made by referring to the law as a legal payment.

The General Election Commission, as an election organizing institution, should comply with the decisions of the Constitutional Court. Still, this obligation must be carried out through a mechanism that is by the provisions of the law. Thus, although the constitutional court has the authority to decide cases, implementing its decision by the General Election Commission must still be subject to the legal principles that govern the procedures for implementing the

²⁶ Devi Yulida, Ratna Herawati, and Indarja, "Perluasan Kewenangan Mahkamah Konstitusi Dalam Menguji Konstitusionalitas Rancangan Undang-Undang Pengesahan Perjanjian Internasional," *Diponegoro Law Journal* 10, no. 2 (2021): 342–53.

decisions of state institutions. With clear rules in the law, the General Election Commission can enforce the Constitutional Court's decision unilaterally and directly but must wait for legal provisions that clarify the implementation of the decision.

In comparison to the enforceability of Constitutional Court rulings, the Romanian Constitution provides a notable example. It states that, within the context of abstract preliminary review, the Court's decision functions as a suspensive veto, requiring provisions deemed unacceptable to be returned to Parliament for further consideration. Similarly, the United States offers a compelling model where the Court has the authority to impose sanctions if its decisions are disregarded, thereby significantly enhancing the effectiveness of its rulings. For instance, Article 62(1) of the 1958 U.S. Constitution establishes a robust legal framework to support such mechanisms. By learning from the approaches of other countries in responding to Constitutional Court decisions—particularly in the context of judicial review of legislation—Indonesia could adopt a more ideal system through constitutional amendments. Granting the Constitutional Court the power to set deadlines for lawmakers to revise and align legislation with its rulings would ensure greater accountability, making the designated addressees directly responsible for effectively implementing the Court's decisions.²⁷

It is essential to maintain the rule of law, where every action of state institutions, including the election commission, must have a clear legal basis and not conflict with existing regulations. Thus, although the Constitutional Court acts as the guardian of the constitution and makes binding decisions, any action taken to follow up on such decisions must follow appropriate legal procedures to reflect the principles of justice, transparency, and accountability in implementing elections in Indonesia

Conclusion

Based on the explanation above, it can be concluded that the decisions of the Constitutional Court are final and binding, meaning that these decisions are immediately enforceable as they have acquired permanent legal force (*in kracht*). However, there are still challenges in ensuring full compliance with these decisions. Constitutional practice shows that not all Constitutional Court decisions are followed up by other state institutions.

Therefore, to ensure the effective implementation of Constitutional Court decisions, particularly those related to local leadership elections, Indonesia needs more concrete regulations, such as setting deadlines for lawmakers to revise and align legislation with the Court's rulings. With such provisions in place, the designated parties would be directly responsible for timely implementing the Constitutional Court's decisions, thereby strengthening the rule of law and the effectiveness of Indonesia's legal system

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²⁷ Sihombing and Hadita, *Op., Cit*

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