

The Finality and Binding Effect of Constitutional Court Decisions: Issues of Constitutional Compliance in Indonesia

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Abstract: This article comprehensively analyzes the final and binding nature of decisions by the Constitutional Court (MK) of the Republic of Indonesia as mandated by Article 24C(1) of the 1945 Constitution. The study covers the constitutional and normative foundations of the principle of finality of MK rulings, the legal consequences they entail, the binding force of the *ratio decidendi* of the rulings, as well as a comparison with constitutional review systems in various countries. This article also critically examines various attempts that have been made to annul or disregard Constitutional Court decisions—including through Government Regulations in Lieu of Law (Perppu) and legislative amendments—as emphasized by constitutional law expert Bivitri Susanti. The statement by PDI-P Chairwoman Megawati Soekarnoputri that disregarding a Constitutional Court decision is tantamount to violating the Constitution is examined within the framework of constitutionalism theory and the accountability of state officials. This article argues that the final and binding nature of Constitutional Court decisions is not merely a procedural technicality, but rather a substantive foundation of constitutional supremacy and the rule of law within Indonesia’s system of government.

Keywords: final and binding; Constitutional Court; Article 24C of the 1945 Constitution; *erga omnes*; *ratio decidendi*; supremacy of the constitution; Bivitri Susanti; Megawati Soekarnoputri

I. Introduction

Among all the characteristics that distinguish the Constitutional Court from other judicial institutions in the Indonesian legal system, none is more fundamental or has greater consequences than the final and binding nature of its decisions. When the Constitutional Court issues a ruling—whether declaring a law unconstitutional, interpreting a constitutional provision, or resolving a jurisdictional dispute among state institutions—it has the final say in the Indonesian legal system. There is no appeal. There is no cassation. There is no review.

This characteristic—known in international legal terminology as “final and binding”—derives directly from Article 24C(1) of the 1945 Constitution, which affirms that the decisions of the Constitutional Court are final. In Indonesian constitutional practice, “final” in this context means that no further legal remedies are available; “binding” means that the decision applies to all parties—not only to the litigants, but to all citizens and all state organs (*erga omnes*).

The principle of the Constitutional Court’s final and binding rulings has repeatedly been a point of tension in Indonesia’s constitutional practice. Various parties—ranging from executive officials dissatisfied with the Court’s rulings to legislative bodies that feel their authority has been curtailed by such rulings—have attempted various means to circumvent or even overturn the Court’s decisions. Constitutional law expert Bivitri Susanti has emphatically stated that Constitutional Court decisions cannot be annulled through a Government Regulation in Lieu of Law (Perppu) or a revision of legislation. PDI-P Chairwoman Megawati Soekarnoputri has also emphasized that disregarding a Constitutional Court decision is tantamount to violating the Constitution.

This article aims to: first, analyze the constitutional and theoretical foundations of the final and binding nature of Constitutional Court rulings; second, identify all the legal consequences arising from this nature; third, to examine the binding force of the legal reasoning (*ratio decidendi*) in Constitutional Court decisions; fourth, to compare Indonesia’s system with constitutional review systems in other countries; fifth, to analyze attempts to annul Constitutional Court decisions and why such attempts are

unconstitutional; and sixth, to examine the perspectives of Bivitri Susanti and Megawati Soekarnoputri within the framework of constitutionalism theory.

II. Constitutional and Normative Foundations

A. Article 24C of the 1945 Constitution: The Constitutional Root of Finality

Article 24C(1) of the 1945 Constitution is the single, most fundamental constitutional source for the final nature of Constitutional Court rulings. This provision states that the Constitutional Court has the authority to adjudicate in the first and final instance—with its decisions being final—to review laws against the Constitution, resolve disputes over the authority of state institutions whose powers are granted by the Constitution, rule on the dissolution of political parties, and resolve disputes regarding the results of general elections.

The phrase “to adjudicate at the first and final instance” carries a very important meaning: the Constitutional Court is the sole forum authorized to hear these cases, and its decisions preclude any further legal recourse. This differs from the ordinary court system, which follows a hierarchy of District Court → High Court → Supreme Court; for cases falling under the Constitutional Court’s jurisdiction, there is no appellate level.

FINAL	BINDING
A Constitutional Court decision is both a first-instance and final decision. There is no legal recourse for appeal, cassation, or review (PK) of a Constitutional Court decision. Once read aloud in a plenary session, the decision immediately acquires the force of <i>res judicata</i> (in <i>kracht van gewijsde</i>).	The Constitutional Court’s decision is <i>erga omnes</i> in nature: it is binding not only on the parties to the case but on all citizens and all state organs. No legislative follow-up is required to enforce it; the invalidated provision ceases to be in effect as soon as the decision is read aloud.

B. Supporting Normative Framework

In addition to Article 24C of the 1945 Constitution, the final and binding nature of Constitutional Court decisions is also supported by several normative provisions in legislation:

Article 10 of Constitutional Court Law No. 24/2003	Regulates the Constitutional Court’s authority and affirms the final nature of its decisions; serves as the operational basis for the implementation of Article 24C of the 1945 Constitution.
Article 47 of the Constitutional Court Law	Constitutional Court decisions acquire the force of law as soon as they are pronounced in a plenary session open to the public.
Article 57 of the Constitutional Court Law	A Constitutional Court decision granting a petition must be published in the State Gazette of the Republic of Indonesia no later than 30 working days after the decision is rendered.
Article 58 of the Constitutional Court Law	A law reviewed by the Constitutional Court remains in effect until a decision declaring it unconstitutional is issued; there is no automatic suspension of its effect.
SEMA No. 7/2014	The Supreme Court instructs lower courts to follow the Constitutional Court’s interpretation of legal norms; this reflects recognition of the <i>erga omnes</i> binding force of Constitutional Court decisions.

C. Two Dimensions of Finality: Formal and Substantive

The final and binding nature of Constitutional Court decisions has two dimensions that must be distinguished analytically:

Dimension	Formal Finality	Substantive Finality
Definition	No procedural legal remedies can be pursued to overturn the decision	The substance of the decision—both the ruling and the legal reasoning—is binding as an authoritative constitutional interpretation
Legal Basis	Article 24C of the 1945 Constitution; Article 47 of the Constitutional Court Law	The principle of constitutional supremacy; the erga omnes doctrine; the binding force of the ratio decidendi
Consequences	No appeal, cassation, or case review (PK) may be filed against a Constitutional Court decision	The Constitutional Court's interpretation of constitutional norms applies to all similar cases in the future
Limits	Absolute—no procedural exceptions	Relative: The Constitutional Court itself may change its interpretation in subsequent rulings
Violations	Filing a legal action without legal basis	Disregarding the ratio decidendi; issuing conflicting regulations

III. Legal Consequences of Final and Binding Decisions

A. Six Main Consequences

The final and binding nature of Constitutional Court rulings gives rise to a number of concrete legal consequences with far-reaching effects. The following is a matrix of these consequences:

Consequence	Description	Bound Parties	Important Notes
Repeal of a legal provision (null and void)	A provision declared unconstitutional ceases to be in effect as of the date the ruling is read	All citizens, officials, judges, and government agencies	No legislative action is required for it to take effect; the provision ceases to exist on its own
Applies erga omnes	The ruling applies to all parties, not just the parties to the case	All citizens	Unlike ordinary court rulings, which are inter partes
Published in the State Gazette	The Constitutional Court is required to submit its rulings for publication in the State Gazette of the Republic of Indonesia	Ministry of the State Secretariat	As a means of official public announcement within 30 days
Must be implemented by state institutions	The General Elections Commission (KPU), the President, the House of Representatives (DPR), and ministries are required to adjust their policies and regulations	All state institutions and officials	No exceptions; failure to comply constitutes a violation of the Constitution
The legal reasoning is binding (ratio decidendi)	Not only the ruling itself, but also the legal reasoning underlying the ruling is binding	Lower courts, state institutions	Extends beyond the parties to the case; the ratio decidendi establishes an authoritative constitutional interpretation

No other legal remedies	There is no appeal, cassation, judicial review, or any other legal remedy against a Constitutional Court decision	A party dissatisfied with the ruling	Absolute finality; the only recourse: file a new case on different grounds
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B. Res Judicata Takes Effect Upon Pronouncement

One of the aspects that most distinguishes Constitutional Court decisions from those of ordinary courts is that final and binding force (in *kracht van gewijsde*) is acquired as soon as the decision is read, not after the appeal or cassation period has expired. In the ordinary court system, a decision becomes final and binding after a period during which available legal remedies have not been used or have been exhausted. For the Constitutional Court, there is no such waiting period.

The practical consequences are very clear: if the Constitutional Court declares a statutory provision unconstitutional in a hearing that begins at 10:00 a.m. and ends at 11:30 a.m., then as of 11:30 a.m., the provision declared unconstitutional is no longer in effect. No further legal action is required—no legislative amendments, no implementing regulations—to fill the legal vacuum left by the invalidated provision.

It is this self-executing nature that makes the Constitutional Court's rulings so powerful and, at the same time, potentially disruptive: in a single hearing, the Constitutional Court can fundamentally and immediately alter the normative landscape, without the time buffer typically available in the ordinary legislative process.

C. Erga Omnes: Binding on All Parties

The principle of *erga omnes*—which literally means “against all”—is one of the most important characteristics distinguishing Constitutional Court decisions from those of ordinary courts. In ordinary courts, decisions are binding only on the parties to the case (*inter partes*). A person who is not a party to the case is not bound by the decision.

Constitutional Court rulings operate differently. When the Constitutional Court declares a statutory provision unconstitutional, that provision no longer applies to anyone—not just the petitioner. A citizen who was never aware of the case before the Constitutional Court still benefits from a ruling granting the petition, because the provision declared unconstitutional can no longer be applied to them.

Conversely, if the Constitutional Court rejects a petition and declares a provision constitutional, then other parties facing similar circumstances cannot file the same petition because that provision has already been declared constitutional. They must find a different constitutional basis, or wait for the Constitutional Court to change its position.

D. The Binding Force of the Legal Rationale (*Ratio Decidendi*)

One of the most complex and frequently misunderstood aspects of the final and binding nature of Constitutional Court decisions is the extent to which the legal reasoning (*ratio decidendi*) of a decision is also binding. In the common law system, the *ratio decidendi*—that is, the legal reasoning underlying a decision—binds lower courts through the doctrine of *stare decisis*. Does a similar principle apply to Constitutional Court decisions?

In the practice of Indonesian constitutional governance, an understanding has developed that not only the operative part of the decision but also the legal reasoning constituting the *ratio decidendi* of a Constitutional Court decision is final and binding. This understanding stems from the fundamental logic of the constitutional review system: if only the operative part of the decision were binding, state institutions could attempt to “circumvent” the decision by altering the wording of a legal provision while retaining the same substance. By affirming that the *ratio decidendi* is also binding, the Constitutional Court closes this loophole.

The implications are far-reaching: when the Constitutional Court interprets a constitutional provision in its reasoning—for example, by defining what is meant by the “right to work” or the “right to housing” in Article 28 of the 1945 Constitution—that interpretation becomes an authoritative interpretation that is binding on all state institutions in applying that provision.

IV. Bivitri Susanti's Perspective: Constitutional Court Decisions Cannot Be Overturned

A. The Substance of Bivitri Susanti's Assertion

Constitutional law expert Bivitri Susanti has firmly and consistently asserted that Constitutional Court decisions cannot be annulled either through a Government Regulation in Lieu of Law (Perppu) or through legislative amendments by the House of Representatives (DPR). This assertion is a crucial statement in the discourse on Indonesian constitutional law, particularly amid various efforts—both formal and informal—to circumvent Constitutional Court rulings deemed unfavorable by certain parties.

"Constitutional Court rulings cannot be overturned through a Perppu or a revision of a law. Disregarding a Constitutional Court ruling constitutes a direct violation of the Constitution, as such rulings represent the final interpretation of the Constitution itself." (Bivitri Susanti, Constitutional Law Expert).

B. Why a Perppu Cannot Overturn a Constitutional Court Ruling

The argument that a Perppu cannot overturn a Constitutional Court ruling rests on several very strong legal foundations:

1. **Hierarchy of norms:** A Perppu holds the same status as a law in the hierarchy of norms—one level below the 1945 Constitution. A Constitutional Court ruling, as the final interpretation of the Constitution, holds a status that is substantively equivalent to the Constitution itself in terms of the binding force of its norms. A Perppu that attempts to alter the Constitutional Court's established interpretation of the Constitution would face a conflict of hierarchy that cannot be resolved except through an amendment to the 1945 Constitution.
2. **Logical impossibility:** If a Perppu could overturn a Constitutional Court decision, then the President (as the issuer of the Perppu) would have the power to nullify a judicial decision—this undermines the principle of separation of powers, which is the foundation of the trias politica. Furthermore, the Perppu itself can be challenged before the Supreme Court (if it is a regulation under a law) or before the Constitutional Court (if the Constitutional Court is willing to review it—even though the Constitutional Court has consistently stated that it lacks the authority to review a Perppu before it is enacted into law).
3. **Self-defeating nature:** If a Perppu can overturn a Constitutional Court ruling, then that new Perppu itself can immediately be challenged again before the Constitutional Court, and the Court can once again declare it unconstitutional—creating an endless loop that serves no purpose in terms of legal certainty.

C. Why Revisions to Laws by the DPR Cannot Restore Overturned Provisions

A similar argument applies to efforts by the DPR to revise laws. When the Constitutional Court declares a legal provision unconstitutional, the DPR cannot simply revive that provision by enacting a new law containing the same or a similar provision. If the DPR were to do so, the new provision could be immediately challenged before the Constitutional Court, and the Court could once again declare it unconstitutional by referring to the *ratio decidendi* of its previous decision.

This does not mean that the House of Representatives is permanently prohibited from regulating the same matter. What is prohibited is reviving a provision that has already been declared unconstitutional without altering the substance that served as the basis for its unconstitutionality. The House of Representatives may re-regulate the matter in a different and constitutional manner, provided it does not repeat the same "constitutional violation" that formed the basis of the Constitutional Court's previous decision.

Attempts Made	Mechanism	Effectiveness	Constitutional Analysis
Perppu (Government Regulation in Lieu of Law)	The President issues a Perppu that amends or repeals the substance of a law that has already been	Cannot annul	A Perppu cannot change the constitutional interpretation already established by the Constitutional Court; this violates Article 24C of the 1945 Constitution; a Perppu can

	reviewed by the Constitutional Court		also be challenged before the Supreme Court
Revision of Laws by the House of Representatives	The House of Representatives revises laws whose provisions have been declared unconstitutional	Cannot reinstate provisions that have been struck down	The DPR cannot reinstate provisions that have been struck down by the Constitutional Court; if it does, the new provisions may be challenged before the Constitutional Court again
Amendments to the 1945 Constitution	The People's Consultative Assembly (MPR) amends the Constitution to change the legal standard upon which the Constitutional Court's decisions are based	Theoretically, it can change the basis for rulings	This is a legitimate and constitutional process; however, it is very difficult because it requires a high quorum and a supermajority of the People's Consultative Assembly (MPR)
The Constitutional Court's Next Ruling	In a new case, the Constitutional Court may change its interpretation of the same issue	It can shift the interpretation through case law	The Constitutional Court is not bound by stare decisis; under certain conditions, it can overrule its own decisions; however, this is not an annulment but rather an evolution of interpretation
Actual Actions by the President/DPR	Ignoring or failing to implement a Constitutional Court ruling	Constitutionally invalid	Constitutes a violation of the Constitution; the President or officials who disregard the ruling may be held accountable

V. Megawati Soekarnoputri's Perspective: Defying the Constitutional Court Is a Violation of the Constitution

A. Her Statement and the Political Context

PDI Perjuangan Chairwoman Megawati Soekarnoputri stated unequivocally that defying a Constitutional Court ruling is tantamount to violating the Constitution. This statement was made in a very concrete and constitutionally relevant context, amid various efforts and discussions aimed at circumventing several controversial Constitutional Court rulings, including those related to the 2024 general and regional elections.

"Defying a Constitutional Court ruling is tantamount to violating the Constitution. Anyone who dares to disregard a Constitutional Court ruling does not recognize the Constitution as the supreme law of this nation." (Megawati Soekarnoputri, Chairperson of the PDI-P).

B. Legal Analysis: The Validity of Megawati's Statement

From a constitutional law perspective, Megawati's statement contains substantial truth that is legally defensible. The following is an analysis of several key dimensions of the statement:

1. The Constitutional Court's Ruling as a Manifestation of the Constitution

A Constitutional Court ruling is not merely an ordinary court decision with the force of law. It is a concrete manifestation of the Constitution itself: it constitutes the final and authoritative interpretation of what the provisions of the 1945 Constitution intend. When the Constitutional Court declares that a norm is contrary to the Constitution, it does not merely invalidate that norm; it affirms that the Constitution does not permit such a norm.

From this perspective, rejecting a Constitutional Court ruling logically means rejecting the Constitution itself, because the Court's rulings are the embodiment of the Constitution in concrete legal practice.

2. Accountability of Officials Who Disregard MK Rulings

If Megawati is correct that disregarding a Constitutional Court ruling is equivalent to violating the Constitution, the next question is: what are the legal consequences for officials who do so? The Indonesian legal system provides several accountability mechanisms:

- Constitutional accountability: A president who demonstrably disregards a Constitutional Court ruling can be held accountable through mechanisms available within the People's Consultative Assembly (MPR), which could ultimately lead to impeachment if such actions are categorized as treason against the Constitution.
- Criminal liability: Officials who disregard a court ruling that has become final and binding may be subject to sanctions for contempt of court, even though Indonesia does not yet have comprehensive regulations on contempt of court.
- Political accountability: In a democratic system, officials who blatantly violate the Constitution will face political consequences in the form of a loss of public trust, which may ultimately result in defeat in the next general election.

C. The Limits of Megawati's Statement: The Political Dimension

Although Megawati's statement is legally and substantively defensible, it is important to note that it was made in a highly political context. As the opposition, the PDI-P has a strong interest in asserting the binding force of Constitutional Court rulings, particularly those deemed favorable to the opposition's position.

The political dimension of this statement does not diminish the validity of its substance—a valid argument remains valid even when presented by a party with political interests. However, it demonstrates that the discourse on the supremacy of Constitutional Court rulings cannot be entirely separated from the surrounding political dynamics.

VI. Comparative Analysis: The Power of Constitutional Court Decisions in Various Countries

A. Comparative Table

To place Indonesia's system in a comparative perspective, the following is a comparison of the authority of rulings by constitutional review bodies in various countries:

Constitutional	Nature of Rulings	Effective Since	Legal Remedies	Notes
Indonesian Constitutional Court	Final and binding	Since it was read	None	Erga omnes; must be implemented unconditionally
U.S. Supreme Court	Binding precedent (stare decisis)	Since the ruling	None (but may be overturned by a subsequent SCOTUS)	May be overturned by a subsequent SCOTUS
Bundesverfassungsgericht (Germany)	Binding on all state organs	Since the ruling	None	Equivalent to the Constitutional Court of Indonesia in terms of

				binding authority
Conseil Constitutionnel (France)	Binding; incomparable	Since the ruling	None	Reviews only before a law takes effect (a priori review)
UK Supreme Court	Strong precedent, but subject to review	Since the ruling	None (except for parliamentary sovereignty)	Parliament may override through legislation
Supreme Court of Indonesia	Final (in cassation); erga omnes in HUM	Since the ruling	Judicial Review (PK)	Unlike the Constitutional Court: there is a PK process; it is not a constitutional court

B. Indonesia's Position on the Global Spectrum

The comparison above shows that Indonesia's system—with its absolutely final and binding nature, without the possibility of being overruled by parliament, and with erga omnes effect—falls into the category of the world's strongest systems in terms of the binding force of constitutional review decisions. Only Germany's Bundesverfassungsgericht is comparable in the binding force of its decisions.

Unlike the U.S. Supreme Court, whose decisions can be "overturned" by a subsequent generation of the Supreme Court through the establishment of new precedents, or the UK Supreme Court, whose decisions can be "overturned" by Parliament through parliamentary sovereignty, Indonesia's Constitutional Court holds a far stronger position: no other institution can overturn or amend its rulings, except the Constitutional Court itself (in a new case filed subsequently) or the People's Consultative Assembly (MPR) through a constitutional amendment.

VII. Practical Implications and Implementation Challenges

A. Implementation Problems: When Rulings Are Ignored

Although the final and binding nature of Constitutional Court rulings derives directly from the 1945 Constitution and cannot be challenged normatively, in practice there are quite serious problems regarding the implementation of Constitutional Court rulings. Various reports indicate that not all Constitutional Court rulings are implemented properly and in a timely manner by the institutions required to do so.

These implementation problems can take various forms:

- Unjustified delays: State institutions required to implement a ruling delay its implementation without a clear legal basis.
- Partial implementation: Only part of the decision is implemented, while other parts—particularly those deemed detrimental to the interests of the institution in question—are ignored.
- Distorted implementation: Provisions that the Constitutional Court ordered to be replaced or amended are replaced with new provisions that are substantially the same, differing only in wording.
- Total disregard: In the most extreme cases, state institutions openly refuse to implement Constitutional Court rulings.

B. Weak Mechanisms for Enforcing Constitutional Court Decisions

One of the most serious structural weaknesses in Indonesia's Constitutional Court system is the lack of an effective enforcement mechanism to compel state institutions to implement Constitutional Court decisions. Unlike ordinary court decisions, which can be enforced through the courts, Constitutional Court decisions that are not implemented lack a clear and effective enforcement mechanism.

The Constitutional Court itself has no mechanism to enforce its rulings. It can express its displeasure in subsequent rulings or use institutional speeches to remind non-compliant parties. However, without concrete sanctions, these statements lack any coercive power.

This situation presents an ironic paradox: Constitutional Court rulings are final and binding in principle, but their enforcement depends heavily on the awareness and voluntary compliance of the relevant institutions. In an ideal rule-of-law state, the supremacy of the constitution should not depend on the goodwill of the officials involved.

C. Recommendations for Strengthening

To ensure that the final and binding nature of the Constitutional Court's rulings applies not only on paper but also in practice, several strengthening measures are needed:

1. Comprehensive regulations on contempt of court: The House of Representatives (DPR) needs to draft legislation that specifically provides for sanctions against government officials and state institutions that disregard court decisions that have become final and binding, including Constitutional Court decisions.
2. Mechanisms for monitoring the implementation of rulings: The Constitutional Court needs to develop an internal system to monitor whether its rulings are actually being implemented, and proactively report to the public in cases of non-compliance.
3. Mandatory reporting on implementation: Every state institution required to implement a Constitutional Court decision must be legally obligated to report to the House of Representatives and to the public regarding the steps taken to implement that decision.
4. Strengthening the role of the Ombudsman: The Indonesian Ombudsman may be granted special authority to receive complaints regarding state institutions' non-compliance with Constitutional Court decisions and to report them to the appropriate authorities.
5. Stronger constitutional education: Constitutional education programs for state officials need to be strengthened, emphasizing that complying with Constitutional Court decisions is not merely a legal obligation but a constitutional duty that is a prerequisite for the legitimacy of their positions.

VIII. Conclusion

Based on the analysis conducted, this article draws the following conclusions:

1. The final and binding nature of Constitutional Court decisions, as mandated by Article 24C(1) of the 1945 Constitution, constitutes a substantive foundation—not merely a procedural provision—of constitutional supremacy and the rule of law within Indonesia's system of government. The finality of the Constitutional Court's decisions reflects the constitutional conviction that there must be a party that has "the final say" (the last word) in the review of the constitutionality of legal norms, and that party is the Constitutional Court.
2. The legal consequences of the final and binding nature of these decisions include: the decision having the force of law immediately upon being read aloud (not after the period for legal remedies has expired); its erga omnes nature, which binds all parties; the obligation to publish it in the State Gazette; the obligation for all state institutions to implement it; and the binding force of the ratio decidendi, which extends beyond the operative part of the decision.
3. Bivitri Susanti's assertion that a Constitutional Court decision cannot be annulled through a Government Regulation in Lieu of Law (Perppu) or a revision of a law is legally and constitutionally correct. Attempts at annulment through instruments under the 1945 Constitution contradict the principle of the hierarchy of norms, undermine the separation of powers, and create counterproductive legal uncertainty. The only constitutional avenue to "alter" the basis of a

Constitutional Court ruling is an amendment to the 1945 Constitution by the People's Consultative Assembly (MPR).

4. Megawati Soekarnoputri's statement that defying a Constitutional Court ruling is equivalent to violating the Constitution contains substantial legal truth, even though it was made in a political context. Under the logic of constitutional supremacy, a Constitutional Court ruling is a concrete manifestation of the Constitution; to defy it is to defy the Constitution itself.
5. The greatest weakness in Indonesia's current Constitutional Court system lies not in the normative nature of its final and binding rulings—which are already very strong—but in the weakness of the mechanisms for enforcing and monitoring the implementation of those rulings. Significant regulatory and institutional strengthening is needed to ensure that normative finality is followed by practical finality.

Ultimately, the final and binding nature of Constitutional Court rulings reflects how seriously a nation treats its constitution. If Constitutional Court decisions can be easily ignored, subverted, or circumvented, then what is truly being undermined is not only the Constitutional Court as an institution, but the Constitution itself as the supreme law upon which the entire system of government is based. And a nation that undermines its own Constitution is a nation that is undermining its own foundation.

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