

## Binding Legal Force of Supreme Court Decision over General Election Commission

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### ABSTRACT

Election Commission Regulation Number 26 Year 2018 established by the General Election Commission as a Follow-up to the Constitutional Court Decision Number 30 / PUU-XVI / 2018 which basically prohibits candidates for Regional Representative Council who are concurrently acting as administrators of political parties but the General Election Commission's rules are canceled by the Supreme Court based on its decision Number 65 / P / HUM / 2018. The purpose of this study is to analyze and find out whether the Supreme Court's Decision has binding legal force over the General Election Commission. The research method used is juridical-normative and qualitative analysis. The research results show that the Supreme Court Decision which nullifies legal norms in the General Election Commission Regulation still has binding legal force because in principle every judge's decision must be considered valid according to the law until there is equipment (*res judicata pro veritate habetur*), as well as the juridical decision of the Supreme Court immediately published in the State news, with the enactment of the Supreme Court's Decision it would naturally become the basis for the validity of the *a quo* Decision. The decision issued by the Supreme Court indirectly gave birth to a legal obligation for the General Election Commission, for that the General Election Commission must carry it out properly. Therefore, the Election Supervisory Body needs to oversee the election commission in carrying out the mandate of the decision.

Keyword : Supreme Court's Decision; Judicial Review; The Election Commission Regulations.

### ABSTRAK

Peraturan Komisi Pemilihan Umum Nomor 26 Tahun 2018 yang dibentuk oleh Komisi Pemilihan Umum sebagai Tindak Lanjut Putusan Mahkamah Konstitusi Nomor 30/PUU-XVI/2018 yang pada pokoknya melarang calon anggota Dewan Perwakilan Daerah yang merangkap sebagai pengurus partai politik tetapi peraturan Komisi Pemilihan Umum tersebut dibatalkan oleh Mahkamah Agung berdasarkan putusannya Nomor 65/P/HUM/2018. Tujuan Penelitian ini adalah untuk menganalisis serta mengetahui apakah Putusan Mahkamah Agung memiliki kekuatan hukum mengikat terhadap Komisi Pemilihan Umum. Metode penelitian yang digunakan yaitu yuridis-normatif dan menganalisis secara kualitatif. Hasil Penelitian menunjukkan bahwa Putusan Mahkamah Agung yang membatalkan norma hukum dalam Peraturan Komisi Pemilihan Umum tetap memiliki kekuatan hukum mengikat karena setiap putusan hakim harus dianggap sah menurut hukum sampai ada pembatalan (*res judicata pro veritate habetur*), begitu pula secara yuridis putusan Mahkamah Agung langsung dimuat dalam berita Negara, dengan diundangkan Putusan Mahkamah Agung maka tentunya menjadi dasar legitimasi berlakunya Putusan *a quo*. Putusan yang dikeluarkan oleh Mahkamah Agung secara tidak langsung telah melahirkan kewajiban hukum bagi Komisi Pemilihan Umum untuk itu Komisi Pemilihan Umum wajib menjalankannya sebagaimana mestinya. Oleh karena itu, Badan Pengawas Pemilihan Umum perlu mengawasi komisi pemilihan umum dalam menjalankan amanah putusan tersebut.

Kata Kunci : Putusan Mahkamah Agung; Judicial Review; Peraturan Komisi Pemilihan Umum.

## A. INTRODUCTION

The existence of judicial power nowadays is associated with Trias Politica, a classical liberal theory of separation of powers among legislature, executive, and judiciary power into different branches of government. The purpose of power separation is to prevent government from practicing arbitrary government or abusing of executive power which may potentially lead to violation of rights of the people they rule. Historically, this theory was first proposed by John Locke in his book entitled *Second Treatise of Civil Government* (1960) which stated that

“the best way to avoid a perverted government was to provide constitutionally for separation of legislative and executive powers. Montesquieu in his *Spirit of the Laws* (1748), added the third powers come into being” (Martosoewignjo, 2014)

John Locke stated that there are three types of powers in a government which have to be divided into separated branches of government consisting of legislative power (making laws), executive power (executing laws), and federative (security and foreign affairs). The influence of Locke's theory concerning the separation of state power is not as much as the influence of Montesquieu (1689-1755), a French philosopher who, in 1748, published a book entitled *L'Esprit des Lois* (The spirit of the laws). Montesquieu, like John Locke, proposed the idea of power separation in a state into three types of powers consisting of legislative power (making laws), executive power (executing or enforcing laws), and judicial laws (adjudicating violations of laws) (Yulistyowati, Endah & Mulyani, 2016).

Judicial institutions in Indonesia are the realization of judicial power that is the independence of judiciary as mandated by the constitution to enforce the constitution and other laws. The independence of judiciary conveys meaning that the role of judge along with other judicial administrators must be free from other parties involvement, either executive, legislative or other extra judicial powers such as NGO (Non-Governmental Organization) (Prang, 2011). The power of judge is embodied by a Supreme Court and judicial bodies under it, as the administrators of justice, Supreme Court is given authority to adjudicate on cassation level, to review legislation under the laws against the laws, and to conduct other authority given by the law. (Simamora, 2013).

In relation to the type and hierarchy of Laws as determined by Article 7 Law Number 12 Year 2011, Article 8 section) 1 adds that

“Other kinds of Rules than as intended in Article 7 paragraph (1) covers the regulations stipulated by Institutions or Commissions equivalent, which is formulated according to the laws by the government under the order of the law.”

Thus, institutional or commission regulations meant in Law P3 may cover regulations determined by institutions such as Corruption Eradication Commission (KPK), Indonesian Broadcasting Commission (KPI), The Commission for Business Competition (KPPU), and General Elections Commission because P3 Law does not determine the limit to what Institutions or Commission has authority to make regulation. For this reason, If KPU stipulates

KPU Regulations (PKPU), these Regulations are considered valid under the law as one of laws, and they definitely have binding power over all people.

In context of the formulation of Regulation of General Elections Commission (PKPU), substantially, KPU Regulation Number 26 Year 2018 concerning The Second Amendment of General Elections Commission Regulation Number 14 Year 2018 concerning Individual Candidacy of Participants of General Election of Regional Representatives Council is principally established or determined by General Elections Commission (KPU) under Constitutional Court Number 30/PUU-XVI/2018. In essence, Constitutional Court's Decision prohibits candidate of Regional Representative Council to be a political party official either in central or regional level when participating for the elections. Therefore, KPU directly follows up by issuing KPU Regulation Number 26 year 2018 which contains "Constitutional Court's Decision Number 30/PUU-XVI/2018. This is supported by Article 60A KPU Regulation Number 26 Year 2018 stipulating that one of the requirements which must be fulfilled in order to be a Regional Representative Council Member is that the candidate is not in a position as a political party official in central, provincial, and municipal/ city level (see Constitutional Court's Decision No 30/PUU-XVI/2018)". However, in the progress, KPU Regulation was pleaded to have judicial review by the Supreme Court over Law Number 12 Year 2011 concerning Legislations Drafting Process, thus generating Supreme Court's Decision Number

65/P/HUM/2018 that essentially mentions that Supreme Court states that Article 60A KPU Regulation Number 26 Year 2018 contravenes Article 5 Law Number 12 Year 2011 and does not have binding legal force.

Based on the background of the problem aforementioned, the author is interested in examining whether Supreme Court's Decision Number 65/P/HUM/2018 has binding legal force over General Elections Commission.

Theoretically, a legal state or state of law can be separated between Continental Europe State of law and Anglo Saxon State of law. The concept of legal state in Continental Europe was developed by thinkers such as Immanuel Kant, Paul Laband, Julius Stahl, and others using German term *rechtsstaat*. Meanwhile, in American Anglo tradition the concept of legal state was developed by pioneer A.V. Dicey with the term *The Rule of Law*. According to "Julius Stahl, the concept of legal state called *rechtsstaat* is : (a). Protection of Human Right; (b). Power division based on *trias politica* in order to guarantee the implementation of human rights; (c). Government based on laws; (d). Administration Trial is in dispute (Siallagan, 2016)". Still according to A. V. Dicey, the characteristics of legal state called *The Rule of Law* are : (a). Supremacy of law; (b). Equality before the law; (c). The guarantee of the implementation of human rights by the law and Court's decisions. In addition, Jimly Asshiddiqie divided the principles of legal state into the following 12 parts : "(a). Supremacy of law; (b) Equality before the law; (c).

The principle of Legality; (d). Restriction of power; (e). Independent executive organs ; (f). Free and fair trial; (g). State Administrative Court; (h). Peradilan Tata Negara; (i). Protection of Human Rights; (j). Democratic; (k). Functioning as an instrument to realize the goal of a state (welfare rechtsstaat); (l). Social transparency and control (Muntoha, 2009)".

Furthermore, in the study of legislation, there is a theory of hierarchy (stufenbau theory) stated by Hans Kelsen. This theory states that legal norms which have lower hierarchy must not contradict legal norms which have higher hierarchy, and legal norms with higher hierarchy must not contradict norms which become the foundation of the enactment of other laws (Aditya, & Winata, 2018). According to "Bagir Manan citing opinion of P.J.P Tak in his book entitled *Rechtsvorming in Netherland* described the definition of legislations in material sense of meaning which in essence means: (a). Legislations are written decisions contained legal rules to regulate citizens behaviors; (b). Legislations are stipulated by officials or official environment (body, organ) which have authority to make rules which are valid and binding the public; (c). Legislations binding the public are not meant to have to bind every individual. Binding public only means that legislations do not apply for concrete events or certain individual". (Aditya, & Winata (2018).

Supreme Court's Decision Number 65/P/HUM/2018 which nullified Article 60A Section (1) KPU Regulation No 26 Year 2018 is supposed to be a decision which is legally binding over General

Elections Commission or KPU because Supreme Court's Decision directly became a law in state news (Article 31A Section (8) Law No 3 Year 2009). However, as a matter of fact, after Supreme Court's Decision had become Law in State News, General Elections Commission still did not obey the Decision.

This study is a novel research because it was based on latest issue in 2019. One of the issues is different opinion between Supreme Court's Decision and Constitution Court's Decision concerning the candidacy requirements of Regional Representative Council member General election. However, this study will focus on the examination of binding legal force of Supreme Court's Decision over General Elections Commission or KPU. Therefore, there is difference with some previous studies, such as study by Ahmad Mulyatno discussing Problems of Judicial Review in Supreme Court and Constitution Court (Mulyanto, 2013). Moreover, a study by Andryam discusses the Implication of The Decision of the right to Judicial Review in Supreme Court on The Legality of The Head of Regional Representative Council Republic of Indonesia (Andryan, 2018). In addition, a study by Riki Yuniagara, Eddy Purnama, and M. Saleh Sjafei concerning " Binding Legal Force of SEMA No. 7 Year 2014 concerning The Application of Review of Court Decision in Criminal Case (Yuniagara, Purnama, & Sjafei, 2017). Meanwhile, an international journal by Ole W Pedersen discusses "A study of Administrative Environmental Decision-Making before the Courts (Pedersen, 2019)" and a study by Benjamin Salas Kantor and Maria Elisa

Zavala Achurra discusses "The Principle of res judicata before the International Court of Justice: in the Midst of Comradeship and Divorce Between International Tribunals" (Kantor, & Achurra, 2019).

## B. RESEARCH METHOD

Method used in this research was juridical normative with statute approach and conceptual approach in order to analyze binding legal force of Supreme Court's Decision in judicial review of KPU Regulation Number 26 Year 2018 qualitatively

## C. RESULT AND DISCUSSION

### 1. The Urgency of General Elections Commission Regulation (PKPU) Number 26 Year 2018

General Elections Commission is an independent permanent state institution. In constitutional system, KPU serves to help realize The five Principles (Pancasila) based democracy. Thus, it is no surprise if KPU is present not only in central level, but also in regional level. KPU has many branches in each region. It is one of state institutions mandated by the Constitution to organize general election (Article 22E Section (5) The Constitution of the Republic of Indonesia). As an election organizer, Law No 7 year 2017 concerning General elections has given KPU authority to draft and stipulate General Elections Commission Regulation in order to organize the implementation of general election (Article 75 Section (1) Law & Year 2017). Therefore, General Elections Commission Regulation (PKPU) is admitted as one type of legislations according to

Article 8 Section (1) Law no 12 Year 2011 concerning legislation drafting stating that "Other kinds of Rules than as intended in Article 7 paragraph (1) covers the regulations stipulated by the People's Consultative Agency, House of Representatives, Regional Representatives Council, the Supreme Court, the Constitutional Court, the State Audit Board, the Judicial Commission, Bank of Indonesia, the Minister, agency, institution, or same level commission established by Law or Government on the instruction of Law, Provincial Regional House of Representatives, Governor, Regency/Municipality Regional House of Representatives, Regent/Municipal Government, the Village Head or the equivalent. ". Thus, by following the logic of P3 Law, it is clear that legislation also covers Commission Regulations, in this case written General Elections Commission Regulation (PKPU). PKPU contains legal norms and at the same time has binding force in public scale.

Zainal Arifin Hoesein explained in his research entitled "The Formulation of Law in Perspective of Law Reformation" that legislation itself has two main functions consisting of internal and external function. Moreover, he also explained that internal function serves as; (a) creation of law; (b) reformation of law; (c) pluralism integration of legal system; (d) legal certainty. Meanwhile, external function serves as; (a) function of change; (b) function of stability; and (c) function of ease (Hoesein, 2012)

Judicially, the drafting of legislations must take into account the principles of legislation drafting itself.

Some of the principles state that legislation drafting must have clarity of goal, proper drafting institutions, versatility, and expedience as well as compatibility to legislation types, content of material, and hierarchy. More specifically, according to the principle of *Lex Superiori Derogate Legi Inferiori* which means legislation in lower hierarchy must not contravene legislation in higher hierarchy. Therefore, the drafting of PKPU or KPU Regulation No 26 year 2018 must not contravene the Law of Election, P3 Law, and other laws because hierarchically they have higher position. One of the urgencies or emergency to make KPU Regulation Number 26 Year 2018 concerning Second Amendment of KPU Regulation Number 14 year 2018 concerning Candidacy, independent candidacy, Participants of the general election of Regional Representative Council Members is due to Constitution Court's Decision Number 30/PUU-XVI/2018, which basically is contained in pages 49-51 a quo Decision. This decision gives KPU legal obligation to prohibit the candidates of Members of Regional Representative Council who is during the candidacy also serving as political party officials either in central level or regional level. This Decision had given KPU legal obligation so that the Constitution Court's Decision was followed up and covered in KPU Regulation No 26 Year 2018. This can be seen clearly in the provision of Article 60A section (1) stating that "the fulfillment of the requirement of Regional Representative Council Members as intended in Article 60 Section (1) letter P includes not in a position as political party officials in

central, provincial, and municipal level. Section (2) states that prospective candidates of Regional Representative Council Members as intended in Section (1) have to resign from his/her position as political party officials before the period of member candidacy of Regional Representative Council. This KPU Regulation ever sparked a debate either in political or juridical domain. As a result, a quo Regulation was proposed for judicial review to Supreme Court by some parties who felt defeated as caused by the enactment of a quo regulation.

## 2. Judicial Review (KPU Regulation No 26 Year 2018) by The Supreme Court

Ni'matul Huda and R. Nazriyah distinguished between the term Judicial Review and Constitutional Review. Constitutional Review is a process of legislation review using the Constitution (The 1945 Constitution) as review guidance to assess laws or other legislations. Meanwhile, Judicial Review has quite wide definition because it covers all process of legislations review. It is not only limited to constitutions, but also covers the legality of the legislations under the law against the law (Umam, 2016). The term of judicial review means that court institutions has authority to nullify every single government action which contravenes the constitution or legislation (Mulyatno, 2013). According to Supreme Court Regulation (PERMA) Number 1 year 2011 concerning The Right of Judicial Review, it is the right owned by Supreme Court to assess the material content of a legislation under the laws against higher laws. This is because the object of the

Right of Judicial Review is legislation which is defined as a written rule which publicly binds under the laws.

The review of legislations in Indonesia Constitution was first adopted by The Republic of Indonesia in 1970 through the ratification of Law No 14 Year 1970 concerning keys of judgment power. This legislation substantially gives authority to Supreme Court to assess and at the same time review the legislations under the law against the laws. Then, the concept of judicial review was reaffirmed in the Constitution after the Amendment of the 1945 Constitution, in the third Amendment exactly. The mechanism of judicial review is a process to solve a norm conflict or overlapping of legislations through constitutional instrument. Judicial review of legislations is a vertically normative control of products of law or laws passed in order to maintain a consistency and normative harmonization vertically in a democratic state law (Hoesin, 2009). As a state which follows European Continental Law State, the government must base its conduct on the principle of legality.

The legality of government action is based in state Constitution. Therefore, constitution has regulated that Supreme Court is a state institution which is given constitutional authority to conduct judicial review, as stipulated in the provision of Article 24A 1945 Constitutions stating that:

"Supreme Court has authority to adjudicate in cassation level, conduct judicial review of the legislations under the law against the law, and to implement other authority given by the law."

Therefore, judicial review of legislation under the law is the authority of Supreme Court. It is the task of Supreme Court to review and determine whether a regulation or legislation is valid or not or to nullify legislations with lower level than law if there is provisions against the laws or higher level laws (Putra, 2013). In context of judicial review of legislation, there are some Supreme Court's Decisions concerning the case of judicial review which interpretation is not found in the Constitutions during. This decision can be seen in some decisions such as in PUTUSAN No. 54/P/HUM/2010, PUTUSAN No. 09/P/HUM/2004, PUTUSAN No. 4/P/HUM/2013, and PUTUSAN No. 42/P/HUM/2012. The decision mentioned the last is the decision of a plea of judicial review of Presidential Decree of The Republic of Indonesia Number 3 Year 1997 concerning The Supervision and Control of Alcoholic Beverages over Law No. 36 Year 2009 concerning Health, Law No. 8 Year 1999 concerning Consumer Protection, and Law No. 7 year 1996 concerning food. This decision can be said as a decision which is rich of legal argumentation compared to other decisions. However, if we examine carefully, there is no constitutional consideration in the Decision. Although the Supreme Court cannot make The Constitutions or The 1945 Constitutions as a guiding stone, perspective of constitution needs to be addressed in its legal consideration in order to maintain the harmonization among the hierarchy of the legislations (Junaenah, 2016). This is different from Supreme Court's Decision Number

65/P/HUM/2018 concerning Judicial Review of General Elections Commission Regulation (PKPU) Number 26 year 2018. This decision has a very clear basis of legal argumentation stating that Supreme Court sees that the constitutionality of Article 60A PKPU No. 26 Year 2018 is contradictory to Article 5 Law No. 12 year 2011 concerning Legislation Drafting which is about the principle of institution authority or authorized agencies which can make laws. Supreme Court argues that Decision of Constitution Court Number 30/PUU-XIV/2018 should not be followed up by KPU. What is the reason? Because to follow up a Constitution Court's Decision is the obligation of People's Representative Council and Government as mandated by Article 10 Section (2) Law No. 12 Year 2011. The follow up of Constitution Court's Decision through the mechanism of drafting or amending the laws or by issuing Government Regulation in Lieu of Law aiming to cover the content material of Constitution Court's Decision (Lumbuun, 2009). Therefore, the provision of Article 60A initially containing the prohibition for the candidate of Regional Representative Council members to concurrently hold position as political party officials is nullified by the Supreme Court so that it no longer has binding legal force. Judicially, if a legal norm in legislation has been nullified by a court institution (in this case the Supreme Court), the legislation no longer has binding legal force for every single individual of its citizen to obey it.

### 3. Binding Legal Force of Supreme Court's Decision

A judge can only pass a decision in a trial if the judge has comprehended the real problem of the case. When a decision is passed, it means that the examination of the case is complete. Then, judge reaches a verdict of decision. According to Sudikno Mertokusumo, Supreme Court's Decision is a statement passed by a judge as a state official who is given authority to do so, uttered by a judge in a trial and aiming to solve a case or dispute between the parties involved (Sulardi, 2015). Each decision must be uttered in a trial open for public, if not, then the decision will not have binding legal force. This is basically in accordance with the Principle of Justice which applied universally, which is "an open trial for public". The principle of open trial for public aims to give people a role to be able to control the implementation of clean, honest, and fair trial.

In regard to Supreme Court Judge's Decision Number 65/P/HUM/2018, judicially, the Decision remains valid and has binding legal force because it is announced in a trial open for public (on Saturday 10<sup>th</sup> November 2018). However, what is interesting is that it obeys Supreme Court's Decision Number 65/P/HUM/2018 either the legal consideration, judicial verdict, or legal consequence arising from the decision. As a matter of fact, theoretically this decision can be categorized as a monumental decision because the decision contains three traits of judge's verdict or decision, declaratoir, constitutief, and condemnatoir. How so? First of all, the decision contains the sense of declaratoir meaning because a quo decision states that KPU Regulation contravenes



Article 5 Law P3. This means that the judge stated that this what the law is supposed to be, and KPU has to obey it. Second of all, the decision contains the sense of *constitutief* because this decision nullifies or cancels legal norm listed in KPU Regulation No. 26 Year 2018. One of the legal norms nullified is legal norm stated in Article 60A stipulating that candidate of Regional Representative Council Member must not concurrently serve as political party officials. Third of all, the decision contains the sense of *condemnatoir* because it punished the petitionee (in this case KPU) to implement PKPU in 2019 general election and returned some names of Regional Representation Council candidates into the fixed candidates list (DCT, Daftar Calon Tetap). Therefore, a *quo* decision is legally binding over KPU.

The question remains is what is meant by a decision legally binding. In the author's opinion, a decision legally binding is Judge's Decision which according to the provisions of law binds the parties involved and cannot be challenged. This means that there is no other legal effort to nullify the decision. The binding trait of a decision leads to legal consequence for the associated parties. This means that one party will have a right and the other party will have an obligation. Therefore, both parties must mutually obey and follow the decision.

The substance of judge's decision must contain points regulated in Article 50 Law No. 48 Year 2009 concerning the Power of Judgment i.e.:

"Court judgment must contain not only the reason and basis of a decision, but also certain articles from

related legislation or unwritten sources of law as the basis to pass a judgment"

The substance of Supreme Court's Decision No. 65/P/HUM/2018 has fulfilled the elements of a decision as determined by the Law of Judgment. Therefore, Judge's Decision No. 65/P/HUM/2018 must be considered valid until there is nullification (*Res Judicata Pro Veritate Habetur*). Thus, Supreme Court's Decision Number 65/P/HUM/2018 nullified the provision of Article 60A KPU Regulation No. 26 Year 2018 because it is considered contradictory to Article 5 Law No. 12 Year 2011. KPU must consider this is the valid decision until there is nullification. This is a form of KPU's respect to independent justice institution.

Although legal norm in KPU Regulation is sourced from Constitution Court's Decision No.30/PUU-XVII/2018, it is important to note that every judge has his own freedom to decide a case so that any court is not bound to other judges' decision. Even more, Supreme Court's Decision which nullifies a legal norm in legislation under the law must be passed in state news or regional news (Article 31A section (8) law No 3 Year 2009) for legal certainty and legal expedience. Since Supreme Court's Decision is passed in state news or regional news, it means that automatically it has fixed legal force and there is no legal effort that General Elections Commission can make in order to nullify the decision (Hoesein, 2012). Supreme Court's Decision which has fixed legal force means that it binds General Elections Commission legally because the decision

has given General Elections Commission obligation not to issue a regulation or Decision which restricts citizens' constitutional right to participate in general election. Theoretically, when legislation is published in state news, all of the citizens are considered noticing the legislation and therefore, they are obligated to obey it. The ignorance of a regulation which has been published cannot be a reason of justification and an excuse (The theory of Law Fiction) (Mas, 2016). The purpose of publishing Supreme Court's Decision in State News is to inform the people that there is amendment or nullification of a norm in legislation under the law. Therefore, when Supreme Court's Decision is inkracht, in order to secure legal certainty, General Elections Commission and associated citizens are obligated to obey the decision. (Ardian, Akib., & Budiyono, 2016).

#### D. CONCLUSION

KPU Regulation No 26 Year 2018 was stipulated due to Constitutional Court's Decision, however then, it was nullified by the Supreme Court based on Decision Number 65/P/HUM/2018 because it was considered contradicting to the principles of proper legislation drafting. Theoretically, Judiciary power is independent in deciding a case and is not bound to any judge's decisions. Thus, legal norms in KPU Regulation nullified by the Supreme Court must be considered valid according to the law. It means that the decision is automatically and directly binding KPU. Moreover, Supreme Court's Decision in case of judicial review under law is final as a result this

closes the path for KPU to take other legal actions. Each Supreme Court's Decision mentioned in a trial open for public, immediately ordered to be published in state news so that by doing this, Supreme Court's Decision becomes basic foundation of "binding legal force" over general elections commission to obey the decision because Supreme Court's Decision also contains certain legal obligation to general elections commission or KPU. Therefore, in terms of implementation, Election Supervisory Agency (BAWASLU) is required to supervise General Elections Commission (KPU) in implementing the constitution mandate as conveyed in Supreme Court's Decision Number 65/P/HUM/2018.

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