

E-MAGAZINE **KONSTITUSI**

**REGIONAL HEAD
ELECTION DISPUTES
DURING A PANDEMIC**



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THE HISTORY...!!!



CONSTITUTIONAL HISTORY CENTER

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Bisariyadi

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INTERNATIONAL AFFAIRS

Sri Handayani

Immanuel Hutasoit

Sherly Octaviana

Wafda Afina

PHOTOGRAPHER:

Gani ▪ Ifa Dwi Septian

VISUAL DESIGN:

Rudi ▪ Nur Budiman ▪ Teguh

COVER DESIGN:

Herman To

DISTRIBUTION:

Utami Argawati

EDITOR'S ADDRESS:

Gedung Mahkamah Konstitusi

Republik Indonesia

Jl. Medan Merdeka Barat No. 6

Jakarta Pusat

Telp. (021) 2352 9000 ▪ Fax. 3520 177

Email: majalahkonstitusi@mkri.id

Website: www.mkri.id

The bustle of the employees of the Constitutional Court of the Republic of Indonesia (*Mahkamah Konstitusi*, from this point forward, will be used interchangeably with "MK" or "MKRI") ahead of the trial for handling the Dispute Case over the 2020 Regional Head Election Result (*Perkara Perselisihan Hasil Pemilihan Kepala Daerah* or "PHPKada 2020") began to appear around mid-December 2020, shortly after the voting was held on December 9, 2020. Case petitions of PHPKada from various regions were also submitted, both offline and online. In short, 132 cases were registered by the MK for dispute cases over election results for the governor, regent, and mayor.

After the petition registration stage, it was followed with the case petition revision and on January 26, 2021, the MK held a preliminary examination of the case handled by three Panels of Justices. Then, starting on February 1, 2021, the MK held a hearing to learn the Respondent's answer, learn the Related Party's statement, and learn the information from the General Election Supervisory Agency (Bawaslu).

On that account, all employees of the MK and the Justices work together to hold and succeed the PHPKada 2020 case handling trial through the Task Force for Handling Dispute over the Regional Head Election Results.

All of the MK Media Team was also involved in the production of news of the PHPKada 2020 trial, starting from registration of the petition, revising the petition, preliminary examination, hearing to learn the answer of the Respondent, the Related Party, Bawaslu, to finally the oral sentence pronouncement of the verdict uploaded to the MK website and TV news broadcasts as well as to be published later in the *Konstitusi Magazine*.

Meanwhile, from the editorial desk of the *Konstitusi Magazine*, we present a variety of interesting and actual information as usual from courtrooms, non-courtrooms, as well as other typical rubrics that are always awaited by loyal readers.

That's our brief introduction. We would like to say thanks to the readers. Good wishes for the constitution!



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SELUK BELUK PHP KADA 2020

A total of 118 regions from 270 regions that participated in the 2020 Election of Governors, Regents, and Mayors (Pilkada 2020) filed petitions for the Dispute over the 2020 Election of Governor, Regent, and Mayor Results (PHP Kada 2020) to the Constitutional Court (MK). The Registrar of the MK recorded 132 registered petitions and proceeded to the hearing that was held on January 26 - February 9, 2021. Then, on February 15-17, 2021, the MK decided that 100 cases failed and could not be continued due to a number of factors.

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WHEN THE JUSTICES OF THE CONSTITUTIONAL
COURT TALK ABOUT JUDGMENT JURISPRUDENCE TO
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VIRTUE OF LEADERSHIP' EISENHOWER

From the 132 cases of dispute over the regional head election results, 100 cases have been resolved by the Constitutional Court of the Republic of Indonesia (*Mahkamah Konstitusi*; from this point forward, will be used interchangeably with "MK" or "MKRI") at the plenary session with the agenda of oral sentence pronouncement of the verdict on February 15-17, 2021. The verdicts varied. In essence, some of them could not be accepted because, for example, they were proven that they did not have legal standing to submit a petition or that a petition was submitted beyond the deadline for submitting a petition.

Besides, there were cases that had been withdrawn by the Petitioners. There was also a condition where the Petitioner did not attend the trial after being properly summoned. With a legal product in the form of a Stipulation, the MK declared the case null and void. Predominantly, through the verdict, the MK stated that the arguments of the Petitioners' petition turned out to be groundless according to law and did not fulfill the provisions for filing the petition as referred to in Article 158 paragraph (2) of Law Number 10 of 2016.

As usual, there are people 'raising a hue and cry' every time the MK has decided a case, whatever it is. As is a common symptom, there is the party who is satisfied or realizes their defeat, silent, ponders, and immediately accepts it. Even if they are irked or disappointed, it can be controlled by logic and intelligence. The other parties, when the verdict does not match their expectations, feel free to pour out their emotions. A few days ago, the media quoted statements from someone: *the decision on the dispute over the regional election results was messy. The trial in the MK was just a 'fake trial'. MK becomes a bulwark of injustice.*

We have often encountered such emotional expressions. As a form of critical expression and a signal

of dissatisfaction with the MK, such statements are inevitable and understandable. Even so, accusations without a factual basis should be avoided. Well, rather than being counterproductive, adding to the tonnage mound of garbage information is burdening the public.

Such emotional expressions are actually a matter of maturity in the legal culture. In a public discussion session, a professor of constitutional law, Jimly Asshiddiqie, said that in his early days in power, President Thomas Jeffersons often bothered his days by 'cursing' the Supreme Court of the United States (US) for his decision. The reason is that many decisions did not match his expectations or his interests. Over time, time and civilization carved out the maturity of

the people. Gradually, similar behavior is almost inexistent until now. There is growing collective awareness that court decisions must be respected and enforced.

US 34th President Dwight David Eisenhower demonstrated a "virtue of leadership" in 1957. That story is fondly remembered for all time. At that time, the verdict known as *Brown v. Board of Education* was opposed by segregationists, including a governor. Eisenhower didn't let it happen. He intervened to take bold steps to uphold the court's decision of the incident and acts of "defiance" against him. For him, court decisions are court decisions, and they must be respected and upheld.

The cases are not exactly the same, but the lessons learned are almost the same: respect the court's decision. Furthermore, the MK will soon decide the other 32 cases of dispute over the regional head election results in the fourth week of March 2021. Of course, it will be done after the parties have followed the trials at the MK seriously, not the 'fake trial' ones. So, let's carefully follow the series of trial processes that are open to the public. It's also good while reading and diving into Eisenhower's 'virtue of leadership' story. Good wishes for the constitution!



SELUK BELUK PHP KADA 2020



A total of 118 regions from 270 regions that participated in the 2020 Election of Governors, Regents, and Mayors (Pilkada 2020) filed petitions for the Dispute over the 2020 Election of Governor, Regent, and Mayor Results (PHP Kada 2020) to the Constitutional Court (MK). The Registrar of the MK recorded 132 registered petitions and proceeded to the hearing that was held on January 26 - February 9, 2021. Then, on February 15-17, 2021, the MK decided that 100 cases failed and could not be continued due to a number of factors.



The Constitutional Court still be the last and final focus for the regional civil servants to seek justice. This is shown by almost 44.1 percent of the Regional Head Election results had been sued to the Constitutional Court. Since it was officially opened on December 23, 2020, the Court had received 136 applications challenging the election results in 118 regions. Then on January 18, 2021, the Court also registered 132 cases of the 136 applications. However, in February 2021, the Constitutional Court received two new applications related to the dispute over Sabu Rajjua Regent Election. First, the petition was filed by the Candidate Pair No. 1 Nicodemus N. Rihi Heke and Yohanis Uly Kale on February 15, 2021. Second, the petition was filed by the Sabu Rajjua Democracy Community Alliance (AMAPEDO) and two individual citizens who received by the Court on February 16, 2021. The two petitions No. 133/PHP.BUP-XIX/2021 and 134/PHP.BUP-XIX/2021 were then registered simultaneously on February 26, 2021. Hence in total, the number of cases registered by the Court was 134 applications out of 138 applications received. All applications were submitted in two ways, online

through the SIMPEL application and directly by the parties to the Constitutional Court Building (offline). The Court noted that 76 applications were submitted online and the other 62 were submitted offline. In detail, a total of 134 cases consist of 7 cases of Governor Election dispute; 117 Regent Election dispute cases; and 11 cases of Mayor Election.

Combination of Two Methods

In the midst of the Covid-19 pandemic, the Court finally decided to combine two hearing methods, namely online hearing using the *Zoom* application and offline hearing by implementing strict health protocols. This is as stated in Article 35 paragraph (1) of the Regulation of the Constitutional Court No. 6 of 2020 (PMK 6/2020). Regarding the choice of hearing combination, the Registrar of the Constitutional Court Muhidin revealed that the Regional Head Election Dispute (PHP Kada) had a different nature of examination from the judicial review. "Even so, the Court hoped it will be held online. However, because the PHP Kada case had a concrete object, so even though the Court applied it online, it could still be held offline. The Constitutional Court also allowed the presence of parties

in the hearing session, although in very limited conditions. The number of parties who could attend the trial was only two people from each case," said Muhidin in his office in January 2021 ago. Then, the only parties who could attend directly to the courtroom were the Petitioner, the Respondent, the Relevant Party, and Bawaslu (Election Supervisory Body) along with their attorney, which was limited to a maximum of two people. The parties must submitted an antigen swab certificate with a negative result which was valid for three days. Likewise, those who attend online were limited to those who were relevant to the case. For the general public, the Court broadcasts the preliminary hearing session live on Youtube channel; as well as the second hearing regarding the answers of the Respondent, the Relevant Parties, as well as the information from Bawaslu; and the ruling hearing. The Court began holding a preliminary hearing on 26 January – 9 February 2021 for 132 cases.

100 Cases Dismissed

Various arguments for violations and fraud were expressed by the Petitioners in their petitions. Fraud in the form of money politics, mobilization of state civil apparatus (ASN)/regional officials, as well as partiality of election organizers in one candidate pair were the arguments for most of the petition received by the Court. From the various arguments expressed by the petitioners in the 132 PHP Kada cases in 2020, in fact the Court had to decide as many as 100 dismissed cases. The ruling hearing for the dismissal cases was held

on February 15-16, 2021. If it was broken down from the 100 cases, the Court issued 10 provisions and 90 decisions. Of the 10 provisions

issued, 6 cases were withdrawn by the Petitioners; as many as 2 cases nullified; and 2 cases were declared not under the authority of

Table 1 The 2020 Withdrawn Cases

| No | Case Number | Case Subject | Petitioner | Decision |
|----|----------------------|--|---|-----------|
| 1. | 45/PHP.BUP-XIX/2021 | 2020 South Bengkulu Regent Election Result Dispute | Budiman dan Helmi Paman | Withdrawn |
| 2. | 04/PHP.BUP-XIX/2021 | 2020 Bulukumba Regent Election Result Dispute | Askar dan Arum Spink | Withdrawn |
| 3. | 25/PHP.KOT-XIX/2021 | 2020 Bandar Lampung Mayor Election Result Dispute | M. Yusuf Kohar dan Tulus Purnomo Wibowo | Withdrawn |
| 4. | 82/PHP.BUP-XIX/2021 | 2020 Nias Regent Election Result Dispute | Christian Zebua dan Anofuli Lase | Withdrawn |
| 5. | 85/PHP.BUP-XIX/2021 | 2020 Rokan Hilir Regent Election Result Dispute | Suyatno dan Jamiludin | Withdrawn |
| 6. | 112/PHP.BUP-XIX/2021 | 2020 Sigi Regent Election Result Dispute | Husen Habibu dan Paulina | Withdrawn |

Table 2 The 2020 Nullified Cases

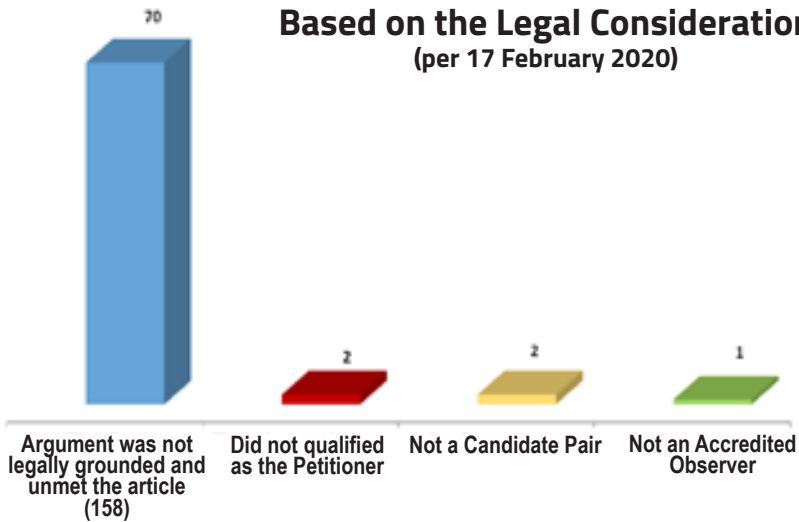
| No | Case Number | Case Subject | Petitioner | Decision |
|----|---------------------|--|------------------------------------|-----------|
| 1. | 35/PHP.BUP-XIX/2021 | 2020 Mamberamo Raya Regent Election Result Dispute | Kristian Wanimbo dan Yonas Tasti | Nullified |
| 2. | 41/PHP.BUP-XIX/2021 | 2020 Medan Mayor Election Result Dispute | Akhya r Nasution dan Salman Farisi | Nullified |

Table 3 The 2020 Rejected Cases

| No | Case Number | Case Subject | Petitioner | Decision |
|----|---------------------|--|--|----------|
| 1. | 07/PHP.BUP-XIX/2021 | 2020 Konawe Regent Election Result Dispute | Muhammad Oheo Sinapoy dan Muttaqin Siddiq | Rejected |
| 2. | 69/PHP.BUP-XIX/2021 | 2020 Pangkajene and Kepulauan Regent Election Result Dispute | Abd. Rahman Assagaf dan M u a m m a r Muhayang | Rejected |

The 2020 Regional Head Election Result Dispute

Based on the Legal Consideration
(per 17 February 2020)



the Constitutional Court (rejected). Then, the Court also ruled that the verdict was unacceptable for 90 cases which, 75 cases did not meet the legal status and 15 cases passed the grace period. With the decision of 100 PHP Kada cases in 2020, only 32 cases remain in the hearing for Witnesses, Experts and Evidence examination. Further hearings were held by the Court on February 22 - March 4, 2021. ■

LULU ANJARSARI



The atmosphere of the Regional Head Election Results Dispute session



Chief Justice of the Constitutional Court (MK), Anwar Usman, was present as the keynote speaker at the event held in Jember on Sunday (24/1/2021). Photo: Public Relations/Hendy.

WHEN THE JUSTICES OF THE CONSTITUTIONAL COURT TALK ABOUT JUDGMENT JURISPRUDENCE TO CONSTITUTIONAL LAW

Amid the bustle of handling cases of dispute over the regional head election results from late December to early April, this did not become a barrier for the MK, especially the Justices of the Constitutional Court, to manage their time to share knowledge and experience in the field of law and justice. From the end of January to February, the Justices of the Constitutional Court have remained active as presenters in several academic activities at universities or communities and legal professional associations in Indonesia.

Compilation of Judgment Jurisprudence

The Hanns Seidel Foundation (HSF) held a workshop entitled "Compilation of Judgment Jurisprudence of the Constitutional Court Regarding Guarantee of Public Participation in

Various Laws" in collaboration with the Center for Pancasila and Constitutional Studies (PUSKAPSI), Universitas Jember. The event was attended by the Rector of Universitas Jember, Iwan Taruna; Director General of Legislation of the Ministry of Law and Human Rights, Widodo Ekatjahjana; and workshop participants virtually.

On that occasion, Chief Justice of the Constitutional Court (MK), Anwar Usman, and Secretary General of the Constitutional Court, M. Guntur Hamzah, were present as key speakers at the event held in Jember on Sunday (24/1/2021). In this case, Anwar sees that from the implementation of the event, there are some dimensions, first, a form of academic responsibility to build awareness and understanding of the importance of public participation and guarantee of public participation in various policies issued by authorities,

particularly in the form of laws that becomes the verdict of the MK. Then, there is an increase in public awareness and understanding of the Constitutional Court's decision regarding the guarantee of public participation in the formation of laws. This will certainly have a very significant direct impact on maintaining the constitutionality of the state.

Besides, Anwar conveyed that the compilation of judgment jurisprudence of the constitutional court regarding the guarantee of public participation in various laws will certainly provide its readers with insights and knowledge later. Although the concept of a rule of law in Indonesia does not use a stare decisis system, he continued that the compilation of judgment jurisprudence of the constitutional court that was compiled later could be used as a reference for similar cases that might arise in the future. It must also be accompanied by an understanding

that each case can have its own characteristics, and the MK may also leave its original position, from the previous decision, due to different reasons and legal considerations.

"From a theoretical perspective, the term '*negara hukum*' is a translation of *rechtsstaat* or the rule of law. However, although *rechtsstaat* or the rule of law is interpreted as '*negara hukum*,' the two terms have different backgrounds because they come from different legal traditions," said Anwar. (Hendy Prasetya/Lulu Anjarsari)

The Procedural Law of the Constitutional Court

Justice of the Constitutional Court, Suhartoyo, became a speaker for the Advocate Professional Special Education (PKPA) virtually on Saturday (6/2/2021) afternoon. This event was held by the Faculty of Law (FH), Universitas As-Syafi'iyah, in collaboration with the Branch Leadership Council of the

Indonesian Advocates Association (DPC Peradi) of West Jakarta.

On that occasion, Suhartoyo clearly explained the four powers and one obligation of the Constitutional Court (MK) in accordance with Article 24C Paragraph (1) and Paragraph (2) of the 1945 Constitution and Law Number 24 of 2003 concerning the MK and Law Number 48 of 2009 concerning Judicial Power.

Suhartoyo said that the main authority of the MK was to examine laws against the 1945 Constitution. In judicial review, if necessary, the President and the House of Representatives were summoned by the MK to be asked for information regarding the petition filed by the Petitioner. However, the President and the House of Representatives as legislators or other state institutions are not the Defendants or the Respondent who must oppose the Petitioners' lawsuit. The President and the House of Representatives are present to provide information.

In judicial review, there are no Petitioners and Respondents as in general courts. This is because what is being tested is the norm of the law. "Unlike the other powers of the MK, deciding disputes over authority between state institutions, deciding the dissolution of political parties, deciding disputes over general election results are purely concrete cases. There are the Petitioners and the Respondents, the Plaintiffs and the Defendants so that the dimensions of the case are judicial disputes," explained Suhartoyo to the PKPA participants.

HTN Public Lecture

Justice of the Constitutional Court, Enny Nurbaningsih, became a speaker for the Webinar on Constitutional Law Lecture held by the Faculty of Law, Universitas Gadjah Mada (FH UGM) online on Saturday (13/2/2021) morning. "On this occasion, I would like to present an introduction for students who wish to study constitutional law.



Justice of the Constitutional Court, Suhartoyo, became a speaker for the Advocate Professional Special Education (PKPA) virtually on Saturday (6/2/2021) afternoon. Photo: Public Relations/Agung



Justice of the Constitutional Court, Enny Nurbaningsih, became a speaker for the Webinar on Constitutional Law Lecture held by the Faculty of Law, Universitas Gadjah Mada, on Saturday (13/02) at the Constitutional Court Building. Photo: Public Relations/Panji.

So, it is important for me to deliver material related to constitutional law," said Enny opening the lecture.

Talking about constitutional law, said Enny, it is inseparable from aspects related to constitutional law itself. One of them is political science. When it comes to constitutional law, one cannot be apart from political science. Constitutional law and politics are likened to as skeleton and flesh that cannot be separated. Constitutional law provides a framework for political behavior to be carried out, so that the behavior must be in line with the legal framework.

Furthermore, Enny emphasized that the 1945 Constitution is one of the important sources of law for students who study constitutional law. Besides,

there are also other important sources of law, for example, the decisions of the Constitutional Court and the decisions of the Supreme Court. Thus, based on Enny's confession, when teaching constitutional law courses, she obliges students to bring the version of the 1945 Constitution before and after being amended in every class. This is important to build a constitutional conscious life.

"We continue to campaign on how to live constitutionally conscious. Furthermore, once we have made the Constitution as a source of law, we must also understand that the study of constitutional law cannot be separated from two important components, including the study of the political superstructure and the

study of political infrastructure," Enny explained.

Enny said that the study of constitutional law covers various aspects, including the history of the constitution in Indonesia from the time of independence to the amendments to the 1945 Constitution, the contents of the 1945 Constitution, regarding judicial power, post-reform state institutions such as the Constitutional Court and the Judicial Commission. Moreover, there is material on the management of state finances, including the Law on State Financial Management. Lastly, there is material on the dynamic central and regional relations, as well as interesting issues regarding citizenship and human rights. (Nano Tresna Arfana/Nur R.)



THE CONSTITUTIONAL COURT IN THE APPRECIATION ROOM FOR STATE INSTITUTIONS

Deputy Chief Justice of the Constitutional Court (MK), Aswanto, received a medal for the 25th Anniversary of the Kazakh Constitution Referendum which was handed over directly by Deputy Head of Mission, Kairat Malayev, Monday (27/01), at the Constitutional Court Building. Photo: Public Relations/Ifa.

As a state institution, the Constitutional Court in its work does not only develop itself into a modern judicial institution. The Constitutional Court also helps build cooperation with various state institutions, both at home and abroad.

Medal of the 25th Anniversary of the Kazakh Constitution Referendum

Deputy Chief Justice of the Constitutional Court (MK), Aswanto, received a medal for the 25th Anniversary of the Kazakh Constitution Referendum, on Monday (25/1/2021), at the Constitutional Court Building. The medal was handed over by the

Counselor/Deputy Head of Mission, Kairat Malayev, as support for the good relationship between the Indonesian Constitutional Court and the Constitutional Council of the Republic of Kazakhstan.

“This medal is a proof of respect from the President of Kazakhstan for the commemoration of the 25th National Referendum of the Republic of Kazakhstan as evidence of supporting good relations between the MKRI and the Constitutional Council of the Republic of Kazakhstan,” said Kairat.

Moreover, at the event, Kairat said he would continue to support the cooperation between Kazakhstan and Indonesia in the future. According to him, both countries are classified as having the strongest economies, both Kazakhstan in Central Asia and Indonesia in Southeast Asia. He also

expressed his condolences for the natural disasters that befell Indonesia at that time.

Then, Kairat invited MKRI to attend the event which will be held by the Constitutional Council of the Republic of Kazakhstan in August 2021. He hopes that Covid-19 will be completely handled so that MKRI can attend the event.

On that occasion, Aswanto responded positively to what was conveyed by the representative from Kazakhstan. Aswanto expressed his gratitude for the awarding of the medal and cooperation and warm hospitality during the holding of the AACC event in August 2020. “We also express our gratitude for the support of the Constitutional Council of the Republic of Kazakhstan. God willing, the MKRI

will come to Kazakhstan in August if Covid-19 is completely handled," Aswanto said.

The Glory of the Judge Lies in the Individual Discernment and Wisdom

Chief Justice of the Constitutional Court (MK), Anwar Usman, attended the inauguration of Chief Justice of the Supreme Court, Muhammad Syaifuddin, as an Adjunct Professor of Criminal Law, Universitas Diponegoro, virtually, Thursday (11/02/2021). The inauguration program was also attended by the President and Vice President, attendees, and invited guests who followed the health protocol offline, as well as online.

Syarifuddin read out the professor's inauguration speech with the theme "Reform of the Criminal System in Modern Judicial Practices, A Legal Heuristic Approach". Syarifuddin stated that the judge, law, and justice are like triangles that cannot be separated from one another. Justices have an important role to play in harmonizing law and

justice, interpreting rules, forming new rules in a norm.

"Imposing a crime is the culmination of a conscience struggle and the creative work of justices to uphold law and justice," said the man who was born in Baturaja.

Furthermore, Syarifuddin said that law enforcement is a process of selecting and sorting and then determining the final form as heuristics. Law enforcement is an art that requires special skills possessed by the executing actors, the justices. Law enforcement must be able to narrate justice completely, in which there is a rationalization framework and substantive justice.

The judge, through their decision, is responsible to God so that the judge is the only position to exercise part of God's power to uphold justice so that the judge is called a noble. However, the glory is not in their great power, but in the individual discernment and wisdom.

Syarifuddin revealed that there are still convictions that cause disparity or gaps in the conviction, especially decisions in criminal acts of corruption that have the same legal problems

causing injustice. Society is generally subjective about how justice is interpreted.

"Disparities are considered responsible for the emergence of injustice, so it is worried that it will raise skepticism towards law enforcement officials, and people's respect for the law will be low," Syarifuddin said.

Syarifuddin said that procedural justice hampered people from obtaining justice. Besides, he added, the independence of justices consists of two aspects, including independence in thinking and independence in making decisions. Problem-solving will be difficult if a judge is fixated on following their normative rules. Thus, according to him, justices must think holistically and progressively to realize true justice.

Finally, Syarifuddin quoted Umar bin Khattab's message to Abu Musa al Asy'ari "Equalize the position of humans in your view, your assembly, and your decisions, so that weak people do not despair of your justice, on the other side, people who have a high position cannot attract you to cheating." (Ilham Wiryadi Muhammad/Nur R.)



Chief Justice of the Constitutional Court, Anwar Usman, attended the inauguration of Chief Justice of the Supreme Court, Muhammad Syaifuddin, as an Adjunct Professor of Criminal Law, Universitas Diponegoro, virtually, Thursday (11/02/2021) at the Constitutional Court Building. Photo: Public Relations/Ifa.

Strengthening the Legislative System

THE Constitutional Court (MK), in collaboration with the Association of Constitutional Law Teachers and State Administrative Law (APHTN-HAN), held a National Seminar in the context of the opening of the VI National Conference (Munas VI APHTN-HAN) in Samarinda, East Kalimantan, on Wednesday (3/2/2021). The event entitled "Strengthening the Legislative System and Central and Regional Relations" was opened by the Governor of East Kalimantan, Isran Noor. In his remarks, Isran stated that the mandate for regional autonomy has been in the Constitution. Referring to Article 18 of the 1945 Constitution, which is the source of the implementation of autonomy, it can be understood to encourage the realization of the aspired idea, which is autonomy as well as being a pillar in the unitary state of the Republic of Indonesia.

"Article 33 of the Constitution also mandates that all forms of governance over the resources and potential of the state are used as much as possible for



the welfare of the people. Thus, the relationship between the center and the regions is an autonomous construction that embodies the decentralized order of the Republic of Indonesia," Isran explained.

Isran also said that the main function of the system of relations between the Central and Regional Governments is to create community welfare, maximize public services, bring policymaking closer to the community, and respect the local wisdom of a region within the Republic of Indonesia. However, this is not as easy as turning the palm of the hand between regulation and law to regulate everything centrally.

As it is known, the National Seminar on VI National Conference of the Association of Constitutional Law Teachers and State Administrative Law (APHTN-HAN) was attended by the Chairman of the Regency/Municipal Legislative Council (DPRD) of East Kalimantan, Makmur HAPK, and attended by 700 participants consisting of 50 participants offline and 650 participants virtually. The Professor of FH UI, who was also the first female the Justice of the Constitutional Court, Maria Farida Indrati, and Professor of FH UII, Ni'matul Huda, were present virtually as the speakers. (Panji Erawan/Lulu Anjarsari)



RPH Related to 2020 Simultaneous Regional Head Elections

THE Constitutional Court (MK) has currently finished conducting the initial stages of the trial and further discussions are being carried out to examine internal cases through a justices deliberation meeting (*rapat permusyawaratan hakim* or "RPH"). In this RPH, hearing the results of cases

conducted by each panel will be held. This was stated by the Registrar of the Constitutional Court, Muhidin, in an interview with the MK Media on Friday (12/2/2021) at the Constitutional Court Building.

Muhidin said more clearly that at the preliminary examination, the MK had examined the case against the preliminary examination agenda by examining the petition filed by the Petitioners some time ago. At the trial, Muhidin continued, the Petitioners were asked to explain the petition filed

to the CMK, starting from the legal standing, deadline, and the principal of the petition. Furthermore, the MK has also finished conducting a follow-up examination with the agenda of hearing the Respondent's answer and the statements of the Related Party and Bawaslu. "These agendas have been completed by the MK and the last was held on Tuesday, February 9, 2021," said Muhidin.

For the next agenda of the MK, Muhidin said that for cases that were declared to be processed further, a trial of evidence would be held. At this stage, the parties can add evidence, both written and presenting Witnesses and Experts. However, the important remark is that the Experts and Witnesses who will be presented at the trial are only to provide their testimony and information online. "So, it is also expected that the parties will submit a list of witnesses and experts who will be presented at the trial at least 1 day before the trial," Muhidin explained. (Sri Pujianti/Lulu Anjarsari).

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