

## Final and Binding Decisions of the Constitutional Court: Legislative Obligations in the Legislative Process

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### ABSTRACT

This paper examines the non-compliance of the People's Representative Council (DPR) with the final and binding decisions of the Constitutional Court (MK), as stated in Article 24C Paragraph (1) of the 1945 Constitution. The study explores the reasons behind the delays or failure to implement MK's rulings and their impact on the rule of law, legal certainty, and public trust. Using normative legal research, it analyzes the DPR's responsibility to comply with MK's decisions. The findings reveal that political dynamics, institutional limitations, and structural constraints hinder timely compliance, suggesting the need to strengthen the DPR's capacity and oversight mechanisms to protect democracy and the rule of law.

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## **INTRODUCTION**

Courtesy of the Constitutional Court (MK) in Indonesia, the decisions are not just one of the legal system's technicalities. They are the keystone of the country's democracy, the rule of law, and the Constitution in all its parts. As outlined by Article 24C Paragraph (1) of the 1945 Constitution (UUD 1945), the MK's judgments are final and binding. That is to say, everybody in the government, including the parliamentarians, must acknowledge and follow these decisions, and there is no way to challenge or develop the discussion further.(Efendi & Saleh, 2023) This provision is an unquestionable regulator of the law, making government decisions on time and eliminating all uncertainty and postponement. Nevertheless, the reality is much more demanding in some instances. The executions of these judgments are more challenging and quick than one would like to believe.

Despite the constitutional mandate for the Dewan Perwakilan Rakyat (DPR) to comply with and act on the MK's decisions, there are frequent delays or worse, outright resistance from within the legislative body. This disconnect between constitutional obligations and legislative action raises critical questions: What prevents the DPR from fully and effectively following through on MK's rulings? How does this misalignment between the judicial and legislative branches affect their relationship? And perhaps most importantly, what impact does this failure have on the public's trust in Indonesia's legal system?.(Budisetyowati & Rohman, 2024)

These issues are not just legal or procedural; they touch on the core of the country's democratic values and the public's faith in the institutions meant to protect their rights. The Constitution establishes a clear framework, but when it is not followed, it can lead to significant challenges for the country's governance.(Nobre, 2017)

The DPR's failure to act on MK's decisions erodes the rule of law and challenges the core principles of accountability and democratic governance. The Constitutional Court plays a vital role in safeguarding the Constitution by reviewing laws and regulations to ensure they align with constitutional norms. When MK rules that certain law provisions are unconstitutional, the DPR is expected to amend or repeal them. Failing to do so risks creating a situation where legal uncertainty prevails, and citizens may lose confidence in the institutions that are supposed to protect their rights and uphold justice.(Negara et al., 2022)

The problem goes beyond mere political disagreements or bureaucratic inefficiency. The real challenge lies in how the DPR interacts with MK's decisions and the mechanisms or lack thereof that ensure MK's rulings are swiftly implemented. Although political maneuvering and strategic interests often complicate the legislative process, it is also a question of institutional readiness and the DPR's commitment to fulfilling its constitutional duties. According to Article 20 of the UUD 1945, the DPR ensures that the laws it passes are in harmony with the Constitution. Therefore, ignoring MK's rulings is not just an oversight but a direct violation of the nation's supreme legal framework.(Efendi & Saleh, 2023)

One of the primary obstacles to implementing MK's decisions is the political dynamics within the DPR. Lawmakers sometimes need to work on complying due to conflicting political or ideological agendas. For example, when MK rules against certain provisions in the Election Law, factions within the DPR may hesitate to make the necessary amendments, fearing that such changes might undermine their political interests. This reflects a broader issue the political landscape in Indonesia is often influenced by power struggles, which can impede the timely enforcement of decisions designed to protect constitutional values. (Jaelani et al., 2019)

Another critical issue is the limited capacity of the DPR to respond swiftly to MK's decisions. With a busy legislative agenda and competing priorities, the DPR may struggle to allocate the time and resources necessary to act on MK's rulings especially when the changes required are complex or politically sensitive. This delay can compromise the effectiveness of MK's decisions, leaving gaps in the legal framework that lead to confusion or public frustration. In the worst case, it can create a scenario where the legal order is disrupted, and the very integrity of the legislative process is questioned. (Gusti Ayu Ketut Rachmi Handayani et al., 2019)

This research seeks to identify the underlying causes of these delays and challenges. By understanding how the DPR's actions or inactions affect the integrity of Indonesia's legal system, we aim to provide insights into the relationship between the judiciary and the legislature. The study will also highlight existing gaps in the implementation process and propose practical solutions to overcome them. It will critically assess whether the current legal mechanisms are sufficient to ensure the DPR fully complies with MK's final and binding rulings.

Through this analysis, the research intends to contribute to a deeper understanding of constitutional law in Indonesia. In particular, it will explore how the DPR and MK can work together more effectively to ensure constitutional rulings' swift and proper implementation. The findings will also help inform ongoing discussions about how Indonesia can strengthen its democratic institutions, improve legislative processes, and restore public confidence in the legal system. (Negara et al., 2022)

Furthermore, this study will investigate the structural and procedural challenges hindering MK's decisions' implementation. It will explore the role of political will, institutional readiness, and legal frameworks in ensuring compliance with MK's rulings. By analyzing these factors, the study will provide recommendations to improve the alignment between the legislative actions of the DPR and the constitutional mandates issued by MK. The goal is to foster a more cooperative and productive relationship between the judiciary and the legislature, ensuring MK's rulings are respected and acted upon. (Widiastuti & Wibowo, 2021)

Additionally, this research will propose practical reforms to enable the DPR to respond to MK's decisions more effectively. Whether through institutional changes, better communication channels, or clearer procedural guidelines, the objective is to ensure MK's final and binding decisions are implemented

promptly and in a manner that preserves the integrity of the legal system.(Brouard & Hönnige, 2017) By addressing these challenges, this study will contribute to strengthening Indonesia's constitutional democracy and improving relations between the three branches of government.(Leibo et al., 2018)

Ultimately, implementing MK's decisions is more than just a legal obligation it is a test of the strength and maturity of Indonesia's democracy. A timely and effective response to MK's rulings indicates the nation's commitment to the rule of law and constitutional governance. This research will contribute to the body of knowledge on Indonesia's constitutional law and offer solutions to ensure MK's decisions are not merely theoretical but are actively translated into meaningful legal and legislative actions that benefit the public. (Hamad et al., 2022)

## **LITERATURE REVIEW**

The theory of legislative compliance deals with how much the legislative adheres to and respects a decision or a legal norm by the judiciary.(Nelson & Uribe-McGuire, 2017) In this sense, it is understood that considering that it is the body that should create norms, being so when a court has decided (ruled) something, they should at least in certain cases be obliged to respect those decisions, especially if we refer to Constitutional Courts, which have been constituted in most cases to safeguard and watch over mostly against unconstitutional laws imposed especial, parliaments (Legislative, moreover, I believe that courts are created-instituted for several purposes amongst, of which one will be ensured at all times yes or no if laws made through legislature correspond constitutionally with their Highest expression of validity the constitution.(Naurin & Stiansen, 2020)

## **METHODOLOGY**

This research employs a normative legal research method, using secondary data as the primary source to analyze the legislative obligation in implementing the final and binding decisions of the Constitutional Court (MK) within the Indonesian legal system.(Lailam & Anggia, 2023) The secondary data used include legal materials, legislation, and relevant MK decisions. This analysis will investigate the legal norms that govern the relationship between the legislative branch (DPR) and the judiciary (MK), as well as the DPR's obligation to implement MK's final and binding decisions based on the 1945 Constitution. In this study, we analyze these documents to assess the DPR's implementation of MK's decisions, evaluate their effectiveness, and identify any legal or procedural obstacles that may hinder the execution of these decisions. Additionally, we will propose solutions in line with the legal principles within Indonesia's governance system.(Halim et al., 2019)

## RESEARCH RESULT

Amending the law involving the People's Representative Assembly (DPR) and the Constitutional Court (MK) begins with an initiative pushed by one or more MK members. The Court issues a clear mandate as outlined in Article 24C (1) of the Indonesian Constitution. One of these mandates is that initiatives be brought to Parliament, with time allocated to propose amendments, whether during the pre-election period or in the form of a manifesto, or individually by members. All of this is done with the hope that MK's orders will be complied with. However, in most cases, this does not occur. (Syam & Lowoleba, 2023)

It would be an oversimplification to say that the constant resolution of the issue of law amendments in Indonesia is solely dependent on political considerations or viewed through that lens. (Naurin & Stiansen, 2020) The political character of the DPR and MK further complicates the situation, which could have been better handled had political members chosen to act in a more cooperative manner. This is especially true for amendments to laws that may offer political benefits to certain political parties or individual members of the DPR. (Fahmi, 2020)

A harsh frame, regardless of the complex political arguments, pushes the people to become disillusioned, and compromise takes its toll faster than anything else. Member states assume enough importance in the debate and maneuver across the political landscape, often undermining the interests of the public. Most importantly, MK is the highest legal authority, and its decisions should support and endorse any political actions or decisions. (Handayani & Harahap, 2024)

The DPR's non-compliance with MK's decisions risks undermining the rule of law in Indonesia, as citizens begin to question the effectiveness and fairness of the existing legal system. When the DPR fails to implement MK's decisions, it creates legal gaps that can erode public trust in the integrity of the institutions meant to protect their rights. (Yudanti & Setiadi, 2022)

This study also finds that the relationship between the DPR and MK is not always smooth, with structural and procedural gaps slowing the implementation of MK's decisions. Misalignment between the two institutions causes tensions in Indonesia's governance system, where legislation deemed unconstitutional is not promptly amended or repealed, threatening the stability of the legal and political system. (Efendi & Saleh, 2023)

## DISCUSSION

### *Final and Binding Decisions of the Constitutional Court: Legislative Obligations in the Legislative Process*

The final and binding decisions made by the Constitutional Court (MK) play a vital role in maintaining the integrity and consistency of Indonesia's legal system. According to Article 24C, Paragraph (1) of the 1945 Constitution, MK's decisions must be followed and executed by all state institutions, including the People's Representative Council (DPR). This makes MK the constitutional guardian entrusted with reviewing laws against the Constitution and guiding how laws should be adjusted or amended to comply with constitutional norms.

While this mandate is clear, implementing MK's decisions in DPR often faces several hurdles in practice.(Rishan, 2021)

A major issue is the delay or failure to implement MK's decisions. Even when MK rules that a law or regulation is unconstitutional, DPR sometimes fails to promptly make the required amendments or repeal the law. This non-compliance can be seen as a violation of the rule of law, which dictates that MK's decisions should be followed immediately. DPR's role as the legislative body responsible for law making and amending is crucial in this context. The success of implementing MK's decisions heavily depends on DPR's willingness and ability to act according to constitutional directives.(Bachmid & Rachmitasari, 2022)

One of the key reasons for the delay or non-compliance is the political dynamics within DPR. The legislative process in Indonesia is influenced by political interests, which often shape the decisions of DPR members. In some cases, MK's rulings that require changes to existing laws are not easily accepted, especially when such changes may negatively impact certain groups' political or ideological positions. For example, changes to election laws that affect vote counts or the status of political parties often face significant resistance during implementation. This illustrates how political interests can sometimes overshadow constitutional duties.(Hamad et al., 2022)

In certain situations, DPR may feel that implementing MK's decision could harm their political interests or those of their party and, therefore, choose to delay or even disregard the ruling. This inability to resolve political differences creates gaps that undermine public trust in the integrity of Indonesia's legal system. It shows that while the Constitution establishes legal obligations, political factors often hinder the swift and decisive implementation of MK's rulings.(Ma'Rifatulloh & Suryokumoro, 2019)

In addition to political issues, DPR's administrative and procedural capacity also contributes to delays. As a legislative body with numerous tasks and a heavy agenda, DPR often struggles to respond quickly to MK's decisions that require law amendments or revocations. When DPR is consumed by other pressing legislative priorities, especially those driven by short-term political interests, the implementation of MK's decisions is often side lined. This leads to legal uncertainty that harms the public and causes confusion about the legal status of certain laws.(Efendi & Saleh, 2023)

DPR's failure to comply with MK's decisions reflects the legislature's inability to fulfill its obligations and can damage the relationship between the legislative and judicial branches. As the institution tasked with ensuring laws align with constitutional principles, MK plays a key role in safeguarding constitutional integrity.(Nata & Surabaya, 2022) However, when DPR fails to implement MK's rulings, it strains the cooperation between these two branches, which should work together to ensure legal stability. Without a firm commitment to MK's decisions, the principle of checks and balances between the legislature, executive, and judiciary is weakened.(Satriawan & Lailam, 2019)

Furthermore, non-compliance with MK's decisions undermines the principle of the rule of law in Indonesia. A state governed by the rule of law

mandates that all actions taken by state institutions must adhere to the prevailing laws, including MK's rulings. When MK's decisions are not implemented, the foundation of Indonesia's legal system—the rule of law—becomes threatened. This also breeds public distrust in the legal system, eventually undermining the credibility and legitimacy of the state institutions meant to protect citizens' rights.(Saunders, 2021)

From a constitutional law perspective, DPR's obligation to implement MK's decisions is an expression of respect for the Constitution to strengthen the legal system. Without consistent enforcement of MK's rulings, the authority of MK as the guardian of the Constitution. This would harm Indonesia's legal framework and erode the democratic principles that the country strives to uphold. DPR's reluctance to comply with MK's decisions highlights a tension between state institutions that should work in tandem and harmony.(Rangga Wijaya, 2023)

As the institution responsible for revising or repealing laws, DPR must ensure that every decision aligns with the Constitution; MK's final and binding decisions are especially important, as MK plays a critical role in ensuring that laws and regulations adhere to the fundamental principles of the 1945 Constitution. Therefore, DPR's duty to execute MK's decisions is not only a legal responsibility but also a political one ensuring the integrity of Indonesia's legal system.(Felicia, 2022)

DPR's role in implementing MK's decisions should not be a mere formality; it requires genuine effort and commitment to uphold the Constitution that drafts laws, DPR must prioritize the state's and society's interests over short-term political gain. This is crucial for ensuring Indonesia's legal system functions effectively and that the public benefits from MK's final and binding decisions.

Additionally, failure to implement MK's decisions risks undermining the quality of democracy in Indonesia. If DPR fails to carry out MK's rulings, doubts may arise among the public regarding the effectiveness of Indonesia's democracy. The inability to carry out MK's decisions on time and by procedures also reflects weaknesses in Indonesia's governance system, which should be characterized by integrity, transparency, and accountability. To address this, reforms are needed in the legislative process to support MK's decisions enforcement better. One step is to strengthen mechanisms for oversight and accountability within the legislative process, ensuring that DPR focuses on certain political interests and broader constitutional obligations. Moreover, DPR's capacity to respond to MK's decisions more quickly and efficiently should be improved, reducing legal uncertainty caused by delays.(Sausan & Syahuri, 2021)

In this regard, improved collaboration between DPR and MK is essential for maintaining legal stability and constitutionalism in Indonesia. Without harmonious cooperation between the legislative and judicial branches, implementing MK's decisions will be suboptimal, threatening stability and democracy. Therefore, DPR must prioritize constitutional principles and legal certainty in every decision, ensuring the integrity of Indonesia's legal system. Ultimately, DPR's obligation to implement MK's final and binding decisions is not only important from a legal perspective but also from a political and

democratic standpoint. Ignoring MK's rulings disrupts legal stability and erodes public confidence in Indonesia's legal system and governance. (Nata & Surabaya, 2022)

Therefore, timely and consistent implementation of MK's decisions is crucial to maintaining public trust in state institutions and Indonesia's legal framework. This section allows you to describe your research findings academically. You may not enter figures related to your statistical tests here; instead, you should explain those numbers here. You should structure your discussion with academic support for your studies and a good explanation according to the specific area you are investigating. (Rangga Wijaya, 2023)

## **CONCLUSIONS AND RECOMMENDATIONS**

As per Article 24C Paragraph (1) of the 1945 act, the Constitutional Court (MK) must provide final and binding rulings on matters related to constitutional supremacy Constitution. Nonetheless, the implementation of such decisions is often hindered by political factors within the House of Representatives (DPR), which must amend or nullify laws found to be unconstitutional. The most significant hurdles are political maneuvering, insufficient capacity within the DPR, and tense connections between the two institutions with MK. If the DPR doesn't respond to MK's rulings, it will undermine the rule of law and legal uncertainty and weaken public confidence in Indonesian democracy and its legal system.

These difficulties necessitate the creation of more robust legal and procedural measures to ensure timely and effective implementation of MK's decisions. The DPR must enhance its institutional strength by allocating adequate resources, simplifying legislative processes, and promoting greater comprehension of its constitutional responsibilities. In addition, strict monitoring measures should be implemented, including punishable offenses. The DPR and MK must strengthen communication and coordination to fulfill their constitutional responsibilities. Provide some conclusions and implementation of the research results.

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