

The Urgency of *Amicus Curiae* in The Indonesian Law (A Case Study of the 2024 Presidential Election Dispute)

Sulistiyowati¹, Lisa Mery^{2*}, Dewi Nadya Maharani³, Andi Andika⁴

^{1,4}Universitas Nasional, Indonesia

²Universitas Indonesia Timur, Indonesia

³Universitas Borobudur, Indonesia

Correspondent Email: lismery1802@gmail.com

Abstract

One of the authorities of the Constitutional Court (MK) is to resolve disputes over general election results. In the 2024 presidential election, the presidential candidate pair Anies Baswedan-Muhaimin and the Ganjar-Mahfud pair filed a lawsuit with the Constitutional Court. This study uses normative research. The results show that many figures have emerged as Amicus Curiae, such as Megawati Soekarnoputri, Dien Syamsudin and others. In addition, this Amicus Curiae is very important in order to achieve openness and justice in general election disputes in the Indonesian legal system.

Keywords: Judicial system; Amicus curiae; Presidential election.

Abstrak

Salah satu kewenangan Mahkamah Konstitusi (MK) adalah menyelesaikan sengketa hasil pemilihan umum. Dalam pemilihan presiden tahun 2024, pasangan calon presiden Anies Baswedan-Muhaimin dan Pasangan Ganjar-Mahfud mengajukan gugatan ke MK. Penelitian ini menggunakan penelitian normatif. Hasil menunjukkan bahwa banyaknya tokoh yang muncul sebagai *Amicus Curiae*, seperti Megawati Soekarnoputri, Dien Syamsudin dan yang lainnya. Selain itu, *Amicus Curiae* ini sangat penting demi mencapai keterbukaan dan keadilan dalam sengketa pemilihan umum dalam sistem hukum Indonesia.

Kata Kunci: Sistem hukum; Amicus curiae; Pemilohan presiden.

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INTRODUCTION

The Constitutional Court has the authority to adjudicate general election disputes, including the presidential election. In addition, the Constitutional Court has the right to dissolve political parties, decide disputes between state institutions, conduct judicial review, and decide on the application of the House of Representatives for impeachment before the People's Consultative Assembly.¹ After the presidential election vote on February 14, 2024, Prabowo and Gibran were elected. Of course, this disappoints other couples because they are allegedly full of cheating. So then the issue of impeaching President Jokowi rolls over with his right to question. As is known, the House of Representatives has 3 (three) rights: the right of interpellation, the right to inquiry, and the right to express an opinion.²

The rights of the questionnaire had been discussed many times but withered before growing. It takes a long time to implement the impeachment in Indonesia. However, in the end, all focused on the decision of the Constitutional Court, which, for the first time in the presidential election, had a dissenting opinion, and even an *Amicus Curiae* appeared. This study will discuss *Amicus Curiae*'s position in the Indonesian justice system.

METHOD

Normative legal research methods³ are one approach used in the Law study. This approach analyzes existing legal norms and how the courts apply the law. In this method, researchers study theories, concepts, principles of law, and legislation relevant to their research topic. This approach is often referred to as literature research because it involves an in-depth analysis of books and other kinds of literature. The normative legal research method is one of the approaches used in the study of law. This research is qualitative.

RESULT AND DISCUSSION

1. *The Procedure of Impeachment in Indonesia*

Some time ago, there was much discussion about the right of inquiry owned by the House of Representatives—the right to investigate what the government is doing. The issue was rolling wildly as if there was a direction towards the impeachment of the president on suspicion of fraud committed in the presidential election because one contestant, Gibran, was his son. Unfortunately, the questionnaire rights just dimmed and then disappeared. Even if the right of inquiry is carried out, the road to impeachment is still long.

The procedure of impeachment or impeachment in Indonesia is regulated in articles 7A and 7B of the 1945 Constitution and is clarified in articles 164A to 164h of Law Number 2 of 2011 concerning the Second Amendment to the 1945 Constitution, which mentions the word dismissal⁴. The

¹ Abu Nawas, Kedudukan dan Kewenangan Mahkamah Konstitusi Sebagai Pelaku Kekuasaan Kehakiman, *Jurnal Iblam Law Firm*, Vol 1 (2), 2021, hlm. 163-164.

² Daniel Panggabean, Implementasi Hak Angket Dewan Perwakilan Rakyat Dalam Melakukan Kontrol Atas Kebijakan Pemerintah, *Jurnal Magister Hukum Program Pascasarjana Universitas HKBP Nommensen*, Vol 3 (1), 2022, hlm. 33.

³ Depri Liber Sonata, Metode Penelitian Hukum Normatif dan Empiris : Karakteristik Khas dari Metode Meneliti Hukum, *Jurnal Ilmu Hukum*, Vol 8 (1), 2014, hlm. 1-21.

⁴ Erman Syarif, Pemakzulan Presiden Dan/Atau Wakil Presiden Berdasarkan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, *JDIH Pemerintah Provinsi Lampung*, 2023, hlm. 5-6.

impeachment procedure in Indonesia involves three state institutions: the House of Representatives, the Constitutional Court, and the People's Consultative Assembly. The first institution of the House of Representatives has the authority to propose the impeachment of the president and/or vice president if they are suspected of seriously violating the 1945 Constitution, committing reprehensible acts, or permanently incapable of performing their duties and obligations⁵.

If the impeachment proposal is approved by 2/3 of the votes of all members of the House of Representatives, then the House of Representatives will form an Ad hoc committee to conduct investigations and prosecutions. This Ad hoc committee will investigate and impeach the president and/or Vice President. The indictment will be submitted to the House of Representatives if sufficient evidence is found. Subsequently, the House of Representatives will hold a plenary session to vote on the charges. If 2/3 of all members of the House of Representatives approve the indictment, the impeachment proposal will be forwarded to the Constitutional Court. Second, The Constitutional Court. After the House of Representatives decides, the application will be submitted to the Constitutional Court. The Constitutional Court then holds a hearing to examine the charges against the president and / or Vice President. The session is presided over by the chairman of the Constitutional Court and attended by the House of Representatives as well as the president and/or Vice President. The Constitutional Court will decide whether to approve the application of the House of Representatives or reject it. If the Constitutional Court decides that the president and / or vice president are found to have committed gross violations of the 1945 Constitution, the Constitutional Court may recommend their removal from office⁶. Third, The People's Consultative Assembly. After the Constitutional Court grants the application of the House of Representatives, the House of Representatives will bring the decision to the session of the House of Representatives. However, the decision of the Constitutional Court does not automatically mean total legality because the Assembly of People's Representatives must decide whether to accept the decision of the Constitutional Court. If the Assembly of People's Representatives does not accept, then the decision of the Constitutional Court is only recommendatory without execution.

However, if the Assembly of People's Representatives agrees in the session, then the dismissal of the president and/or vice president based on the decision of the Constitutional Court can be implemented. The House of Representatives shall vote, and if 2/3 of all members of the House of Representatives approve the dismissal, the president and / or Vice President shall be removed from office⁷.

The Constitutional Court has an essential role in maintaining democracy and enforcing the Constitution in Indonesia. The Constitutional Court's authority to test laws and help ensure that all state institutions and laws and regulations operate under the Constitution. In addition, the Constitutional Court also has a vital role in maintaining justice and legal certainty in elections. The Constitutional Court's authority to decide disputes about election results helps ensure that elections in Indonesia run

⁵ Reny H. Nendissa, Kewenangan Memutuskan Pendapat DPR Tentang Dugaan Pelanggaran Presiden dan/atau Wakil Presiden, *Jurnal Konstitusi Fakultas Hukum Universitas Pattimura*, Vol III (1), 2011, hlm. 8.

⁶ Winasis Yulianto dan Dyah Silvana Amalia, Kewenangan Mahkamah Konstitusi Dalam Pemakzulan Presiden dan/atau Wakil Presiden Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, *Jurnal Penelitian*, Vol 7 (2), 2023, hlm. 550.

⁷ Raden Roro Evtasari Yurika Anggaraini dan Ryan Muthiara Wasti, Optimalisasi Kewenangan Majelis Permusyawaratan Rakyat (MPR) Dalam Sistem Ketatanegaraan Indonesia, *Jurnal Hukum dan Pembangunan*, Vol 52 (2), 2022, hlm. 350.

honestly and fairly. Indonesia's political development ahead of the 2024 presidential election is a flashback to how the democratic process takes place.

Starting from the intensive campaign of the presidential and vice presidential candidates they conducted an intensive campaign to attract support from various walks of life. The main issues are the economy, education, health, and security of the public debate process. The main highlight was the public debate between the candidates, where they presented their vision and mission and answered questions from the public and panelists. Prabowo-Gibran won the contest. Two other couples, namely Anies Muhaimin and Ganjar-Mahfudz, applied to the election Presidential Election Election results after the election results were announced to the Constitutional Court. The General Election Commission was the respondent due to the election organizers, who announced the victory of the Prabowo-Gibran candidate pair. At the same time, Prabowo-Gibran became a related party⁸.

The Constitutional Court held a series of hearings to hear the arguments of the petitioners, the reading of the respondent's answers (Election Commission), and related parties. This trial includes the examination of evidence, including letters, witnesses, and experts. The Constitutional Court rejected all applications for the 2024 presidential election dispute filed by the Anies-Muhaimin and Ganjar-Mahfud couple. This verdict confirms the victory of Prabowo Subianto-Gibran Rakabuming Raka. The decision of the Constitutional Court provoked various reactions from the public and supporters of each candidate. Some accepted with open arms, while others criticized the decision.

There are some exciting things about the Constitutional Court's decision regarding the 2024 presidential election. For the first time, there was a dissenting opinion. There are 3 (three) constitutional judges, namely Eny Nurbaningsih, Saldi Isra, and Arief Hidayat, differing opinions from 5 (five) other judges. The three judges argued that the Constitutional Court's decision was not only based on the difference in the number of votes cast but could also consider the existence of structured, systematic, and massive (SSM) fraud in the electoral process. This is under the authority of the Constitutional Court stipulated in Article 24 Paragraph (2) of the Constitution of the Republic of Indonesia in 1945 and Article 15 Paragraph (2) of Law Number 15 of 2004 concerning the Constitutional Court.

SSM fraud is an election violation committed planned, organized, and widespread to influence the election outcome. The characteristics of SSM fraud, among others, are structured. It is carried out by certain parties with power or influence, such as election organizers, state civil apparatus, or political organizations. Systematic, repeated, and planned, using the same patterns and methods. Massive, carried out widely and thoroughly, which had a significant impact on election results⁹. The Constitutional Court needs strong and convincing evidence to prove the existence of SSM fraud. Such evidence may include witnesses. Testimony from witnesses who saw or experienced direct SSM fraud. Expert: information from electoral or criminal law experts and other relevant fields. Documents. Documents that indicate the existence of SSM fraud, such as a warrant, voice recording, or video. Statistical Data showing irregularities in election results. After that, the Constitutional Court will assess all the evidence submitted by the parties and consider it carefully. If the Constitutional Court believes that there has been significant SSM fraud that affects the election results.

⁸ Arrian Setiagama dan Nyoman Mas Aryani, Pihak Terkait dalam Pemeriksaan Persidangan Peradilan Konstitusi, *Jurnal Ilmu Hukum*, Vol 7 (6), 2019, hlm. 7.

⁹ Asnawi dkk, Penegakan Hukum Pelanggaran Pemilihan Umum Yang Bersifat Terstruktur, Sistematis dan Masif, *Jurnal Tugas Akhir*, Vol 3 (3), 2023, hlm. 299.

The Constitutional Court can cancel the election results in a particular region. In the decision of the Constitutional Court regarding the dispute over the results of the 2024 presidential and vice-presidential elections, there are differences of opinion or dissenting opinions from three constitutional judges, namely Saldi Isra, Enny Nurbaningsih, and Arief Hidayat¹⁰. Although the decision of the Constitutional Court is final and binding, this difference of opinion shows that the three judges have different views in responding to the lawsuit filed by the pair of presidential and vice-presidential candidates Serial Number 01 Anies Rasyid Baswedan-Abdul Muhaimin Iskandar.

2. The Use of Dissenting Opinions in The Judiciary

Dissenting opinion, often translated as "different opinion" or "diverging opinion", is an opinion expressed by one or more judges that disagrees with the majority decision in a case. Dissenting opinion is part of the court decision and must be included¹¹. The use of dissenting opinions in the judiciary has several purposes¹². Among them is first realizing the independence and accountability of judges: Dissenting opinion allows the judge to express his position freely and openly, without being influenced by the majority. This increases public confidence in the judicial system. Second, it presents a different perspective: a Dissenting opinion provides another point of view on a case, which can help improve the quality of the verdict and enrich the legal discussion. The third encourages the development of law. Dissenting opinion can be the basis for future legal changes, and differences of opinion can occur in presidential election decisions.

The most common dissenting opinion in the court's decision is the decision of judicial review No. 6/PU-III / 2013 on testing Law No. 23 of 2014 on Local Government. In this case, two judges expressed dissenting opinions that did not agree with the majority of judges in dismissing the head of the region. Arief stated that re-elections should be held in several regions, such as DKI Jakarta, West Java, Central Java, East Java, Bali, and North Sumatra. According to him, the decision of the General Election Commission Number 360 of 2024 regarding the determination of the results of the general elections of the president and Vice President, Members of the House of Representatives, House of Regional Representatives, House of Provincial Regional Representatives, and House of regional representatives of districts/cities nationwide in the 2024 election must be canceled.

Saldi argued that the neutrality of some acting regional heads caused the election not to take place honestly and fairly. He supported the applicant's arguments regarding the politicization of social assistance and the mobilization of the apparatus, which, in his opinion, are legally valid. Therefore, Saldi considered that the Constitutional Court should have ordered a re-vote in some regions. Enny Nurbaningsih stated that the president's provision of social assistance before the election negatively impacted election participants because it created inequality. According to him, under the provisions of the law, the provision of social assistance is unfair and must be stopped.

Although the application was rejected in the end, it was interesting because it showed that 3 (three) judges saw the SSM cheating in the presidential election. Not only that, for the 2024 presidential election, it also attracted the attention of all circles because there was an Amicus Curiae (Friends of the Court) application at the Constitutional Court for the first time.

¹⁰ Putusan Mahkamah Konstitusi Nomor 1/PHPU.PRESS-XXII/2024

¹¹ Jerry Mario Laluyan, Dissenting Opinion Putusan Pengadilan Dalam Hukum Positif Indonesia, *Jurnal Lex Et Societatis*, Vol 3 (9), 2015, hlm. 70.

¹² Ni Luh Kadek Rai Surya Dewi dan I Dewa Made Suartha, Nilai-nilai Positif dan Akibat Hukum Dissenting Opinion Dalam Peradilan Pidana di Indonesia, *Jurnal Ilmu Hukum*, Vol 5 (3), 2016, hlm. 3-4.

Amicus Curiae is a third party with an interest in a case but not a party to the case¹³. They provide legal opinions as an aid to judges in deciding cases. The Constitutional Court accepts *Amicus Curiae* (friends of the court) from communities and organizations, which provide additional legal views regarding disputes over election results. The term *Amicus Curiae* comes from Roman law and began to be used in countries with a standard legal system. This practice was later widely recorded in the All England Report in the 17th and 18th centuries. The main functions of *Amicus Curiae* are to clarify factual issues, explain legal issues, and represent particular groups. They do not have to be drawn up by a lawyer and do not relate to the parties of the plaintiff or defendant.

Although *Amicus Curiae* is commonly used in countries with "common law" legal systems, this practice is also applied in Indonesia with "civil law" legal systems. *Amicus Curiae* in Indonesia is based on Article 5 Paragraph (1) No. 48 of the 2009 law on Judicial Power. They provide legal opinions as an aid to the judge, not as evidence or witnesses, but can be considered by the judge in deciding the case¹⁴.

In the legal world, two central legal systems underlie various countries: Civil Law and Common Law. Each of these systems has different characteristics, sources of law, and ways of applying them, so it is vital to understand them well. Civil Law, also known as Continental law, has its roots in Roman Law and is practiced in continental European countries, Latin America, and some Asian countries. This system is characterized by a systematic and written codification of law, with statutes and regulations being the primary sources of law. In contrast, Common Law, or Anglo-American law, originated in England and developed in Anglo-Saxon countries such as the United States, Canada, Australia, and India. A distinctive feature of this system is the crucial role of precedents (decisions of previous judges) as the primary source of law, with the doctrine of *stare decisis* obliging judges to follow similar past decisions.

The main difference between Civil Law and Common Law lies in the sources of law and its role in the judicial system¹⁵. Legal codification is the main focus of Civil Law, with laws and regulations listed in a systematic and structured legal codification. An example is the Civil Code in Indonesia. Precedent in Civil Law has a minor role and is used as an interpretation and complement to legislation, where judges are not bound to follow precedent. Meanwhile, in Common Law, precedent is the primary source of law. The relevant and binding verdict of the previous judge forms the basis for deciding a similar case. Codification does exist, but its role is more of a complement to precedent.

Another difference is in the role of the judicial system. Civil Law adheres to an inquisitorial system in which judges play an active role in unearthing facts and material truths and have the authority to call witnesses and Order Investigations¹⁶. Advocates in this system assist the judge in gathering evidence and information, but the judge has a more dominant role in directing the course of the trial. On the other hand, the common law adheres to the adversarial system¹⁷. Where both parties (plaintiff

¹³ Rizal Hussein Abdul Malik dkk, Penerapan *Amicus Curiae* Dalam Pemeriksaan Perkara di Pengadilan Negeri Tangerang, *Jurnal Soedirman Law Review*, Vol 4 (2), hlm. 153-163

¹⁴ Linda Ayu Pralampita, Kedudukan *Amicus Curiae* Dalam Sistem Peradilan di Indonesia, *Jurnal Lex Renaissance*, Vol 3 (5), 2020, hlm. 567

¹⁵ Praise Junta W.S Siregar, Perbandingan Sistem Hukum Civil Law dan Common Law Dalam Penerapan Yurisprudensi Ditinjau Dari Politik Hukum, *Jurnal Dharmasiswa*, Vol 2 (2), 2022, hlm. 1027-1034.

¹⁶ Anggita Doramia Lumbanraja, Urgensi Peran Aktif Pada Peradilan Tindak Pidana Informasi Elektronik, *Jurnal Crepido*, Vol 1 (1), 2019, hlm. 5.

¹⁷ Sri Rahayu, Hak Tertuduh Dalam Peradilan Pidana Berdasarkan Adversary System, *Jurnal Inovatif*, Vol 3 (1), 2015, hlm. 30-39.

and defendant) play an active role in presenting evidence and arguments through an open trial process. Advocates are essential in this system, as they are responsible for strategizing, presenting evidence, and presenting legal arguments before judges, while judges act as arbitrators and pass judgments based on the evidence and arguments presented by the parties.

In Indonesia, no legislation expressly regulates the requirements for *Amicus Curiae*. However, based on practice and some decisions of the Constitutional Court, the following conditions must generally be met to be *Amicus Curiae*, first having an interest or concern for the case. Second, have relevant legal expertise or knowledge. Third, the *Amicus Curiae* must have legal expertise or knowledge relevant to the case in which it will give its opinion. The opinion given is intended to benefit the judge in considering the case's decision. Fourth, apply to the court. This application must be submitted in writing and contain some information, such as the applicant's identity, the applicant's interest or concern for the case, and a brief description of the legal opinion that the judge will give and allow.

The judge can consider whether to accept or reject an *Amicus Curiae* application. The judge will consider several factors, such as the relevance of the legal opinion to be given to the case, the applicant's legal expertise or knowledge, and whether the *Amicus Curiae* will assist the judge in considering the decision of the case and whether to give an objective and neutral legal opinion. The legal opinion given cannot be in favor of one of the litigants.

In addition to the above conditions, it should also be noted that *Amicus Curiae* cannot act as a party to the case. It is forbidden to do anything that may interfere with the smooth running of the proceedings. Obtaining any remuneration or benefit from any party in connection with its role as *Amicus Curiae* is forbidden. Then, was *Amicus Curiae* influenced by the 2024 presidential election dispute? Does not have much influence. Clearly, the filing of *Amicus Curiae* by several figures, including Megawati Sukarnoputri, Rizieq Shihab, and Din Syamsuddin, shows moral support for the Constitutional Court to decide the case following his sermon. *Amicus Curiae* is not expressly regulated in Indonesia's laws and regulations but adheres to the existing legal basis. Its function is to strengthen the conviction of judges in deciding cases of disputes over the results of the 2024 presidential election to match the expectations of the parties seeking justice.

Political observer Karyono Wibowo explained that *Amicus Curiae* is only public involvement in the judiciary; its influence lies in judges' conviction and relevance to the case being handled. Although the *Amicus Curiae* statement has not been considered valid evidence, it can be used as a consideration for the judge in evidence at the trial.

In the context of the 2024 presidential election dispute, the *Amicus Curiae* filing indicates the importance of the Constitutional Court's decision in adjudicating this dispute because the public pays excellent attention to allegations of systematic and massive structured violations and fraud (SSM) in the 2024 election, which may have an impact on the future of Indonesian democracy. Why is that? It is because it is tinged with cheating. However, in the end, the Constitutional Court decided the victory for Prabowo Gibran, which was final and binding. The decision of the Constitutional Court, which is final and binding, is regulated in Article 24 paragraph (2) of the Constitution of the Republic of Indonesia year 1945 and Article 28 paragraph (1) of Law Number 15 year 2004 concerning the Constitutional Court.

In the context of the presidential election in Indonesia, the Constitutional Court has a crucial role with a final and binding nature in its decisions related to disputes over presidential election results. "Final" means the Constitutional Court's decision cannot be changed once announced, providing legal

certainty that prevents protracted disputes at the highest legal level. Meanwhile, "binding" indicates that the decision of the Constitutional Court must be obeyed by all elements of the nation, including election organizers, election participants, and the Indonesian people. Compliance with this decision is the basis for maintaining political stability and democracy.

The legal basis of the final and binding nature of the Constitutional Court decision is affirmed in Article 24A paragraph (7) of the 1945 Constitution and Article 81 paragraph (1) of Law No. 24 of 2003 on the Constitutional Court. The implication of this nature is obvious: the two candidates declared victorious by the Constitutional Court are entitled to be sworn in as president and Vice President. At the same time, a lawsuit or other legal effort related to the presidential election results is unacceptable.

Understanding the final and binding nature of Constitutional Court decisions is essential for legal practitioners and law students. They need to understand that this concept is an essential pillar of democracy, given that the decisions of the Constitutional Court determine the legitimacy of the transition of power. The ability to analyze legal cases, including the nature of Constitutional Court decisions, is an essential asset for a career in law and contributes to maintaining the rule of law and democracy in Indonesia.

The Constitutional Court's final and binding ruling in the presidential election dispute has far-reaching and profound consequences, going beyond the legal and political realms. In the realm of law, solid legal certainty is one of the impacts. The final and binding decision of the Constitutional Court serves as a guarantee of legal certainty in the conduct of presidential elections. The results of the presidential election passed by the Constitutional Court cannot be contested, thus minimizing the potential for legal disputes and chaos. This fosters public confidence in the democratic system and encourages participation in subsequent elections. In addition, the consistent application of constitutional norms is ensured by the final and binding nature of the decisions of the Constitutional Court. The Constitutional Court, as the guardian of the Constitution, has the authority to cancel laws and regulations that contradict the 1945 Constitution, and its decisions must be obeyed by all elements of the nation, including election organizers, election participants, and law enforcement officials. The decision of the Constitutional Court in the presidential election dispute also sets a solid and binding legal precedent for the resolution of presidential election disputes in the future, helping to create legal certainty and prevent the recurrence of violations in the implementation of the presidential election.

The political impact is also significant. The pair of candidates, who were declared victorious by the Constitutional Court and sworn in as president and vice president, have legitimacy. Their victory has been legalized through the legal process despite being tinged with fraud so that they can confidently run the government and gain broad support from the people. In addition, the final and binding nature of the Constitutional Court's decision encourages all parties to accept the results of the presidential election freely, even though it may differ from their political choices. This shows the maturity of democracy in Indonesia and minimizes the potential for destructive political conflicts. Legal certainty and acceptance of presidential election results that are realized through the final and binding nature of Constitutional Court decisions also contribute to national political stability in the long term. This creates a climate conducive to the nation's development and progress and encourages the government's focus on solving people's problems.

A concrete example that can be taken is the 2019 presidential election, where two pairs of candidates filed a lawsuit to dispute the results of the presidential election to the Constitutional Court. The Constitutional Court, after a long and comprehensive trial process, decided to reject the lawsuit and

designate candidate pair 01 as the winner of the presidential election. The decision of the Constitutional Court is final and binding, and candidate pair 01 was sworn in as president and Vice President. Another example is the 2004 presidential election, in which the Constitutional Court annulled the results of the second round of presidential elections because it found systematic and structured fraud. The Constitutional Court then ordered the Election Commission to hold a second round of presidential elections, demonstrating its crucial role in maintaining the integrity and fairness of the democratic process.

CONCLUSION

In conclusion, the final and binding nature of the Constitutional Court's decision in the presidential election dispute is fundamental to Indonesia's democratic system. The positive consequences are significant in the legal and political spheres. Understanding these consequences helps law students and Indonesian society maintain the rule of law, democracy, and national stability.

In the 2024 presidential election, there are two exciting things: the dissenting opinion of 3 (three) constitutional judges and the emergence of *Amicus Curiae*. The dissenting opinion essentially questions the existence of social assistance used by the government to win one of the candidates and the involvement of state officials and officials. The victory obtained by Prabowo Gibran is considered due to fraud committed in a structured, systematic, and massive manner. Of course, this undermines democracy and can affect national stability. The second uniqueness of yesterday's presidential election was the involvement of many figures, such as *Amicus Curiae*, Megawati Soekarnoputri, and many others, in becoming a court judge. What happened shows the concern of all elements of the nation for a better Indonesia. Two things that appear, although not regulated, are positive things that need more space in our justice system, if necessary, revisions in procedural law in the judiciary.

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