

Legal Force of Final Decisions of the Constitutional Court

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Keywords:	Abstract
Constitutional Court Decision; Permanent Legal Force; Final Decision.	The problem addressed in this research is what rationale underlies the granting of permanent legal force to Constitutional Court decisions since they are pronounced in a public plenary session. This research employs a normative legal research method using statutory, conceptual, historical, and comparative approaches. The legal materials used consist of primary, secondary, and tertiary legal materials. The technique for collecting legal materials is conducted through document studies, while the technique for analyzing legal materials is descriptive-analytical. The results of the study show that the rationale underlying the granting of permanent legal force to Constitutional Court decisions after they have been pronounced in a public plenary session is that cases submitted to the Constitutional Court are related to state administration, requiring prompt decisions and being subject to time constraints to prevent disruption to the continuity of other state administration agendas. The possibility of conducting a judicial review of Constitutional Court decisions, viewed from a normative perspective, is not available because Article 47 of the Undang-Undang Mahkamah Konstitusi confirms that Constitutional Court decisions obtain permanent legal force once they are pronounced in a public plenary session. This principle is further emphasized in the explanation of Article 10 paragraph (1), which states that permanent means that no further legal action can be taken.

INTRODUCTION

The provisions of Article 47 of the Republic of Indonesia Law Number 24 of 2003 concerning the Constitutional Court, as amended several times, most recently by the Republic of Indonesia Law Number 7 of 2020 concerning the Third Amendment to the Republic of Indonesia Law Number 24 of 2003 concerning the Constitutional Court (hereinafter referred to as the Constitutional Court Law), emphasize that Constitutional Court decisions obtain permanent legal force from the moment they are pronounced in a public plenary session. Furthermore, the explanation of Article 10 Paragraph (1) of the Constitutional Court Law emphasizes that Constitutional Court decisions are final, meaning that they immediately obtain permanent legal force upon being pronounced, and no further legal remedies may be pursued. This raises a question regarding what would occur if, at some point, a Constitutional Court decision were clearly problematic, for example, due to a violation of the Constitutional Court's code of ethics or procedural law.

At the same time, Constitutional Court decisions are characterized as decisions rendered by a first and final instance court, meaning that such decisions are final and binding (Dimond,

2025; Ghavanini et al., 2023; Isra & Faiz, 2024; Setyawan et al., 2024; Wicaksono & Rahman, 2022). The final nature of Constitutional Court decisions indicates three important aspects. First, Constitutional Court decisions immediately acquire legal force upon being pronounced. Second, because they have obtained legal force, Constitutional Court decisions produce legal consequences for all parties affected by the decision. This differs from general court decisions, which are generally binding only upon the parties involved in the dispute (*inter partes*). Third, because the Constitutional Court acts as the first and final court, no further legal remedies may be pursued against its decisions. A decision that has obtained binding legal force (*res judicata pro veritate habetur*) is considered to possess permanent legal force and effect (Eunico, 2025; Hartono & Wijaya, 2025; Husen et al., 2026; Riyah, 2025).

The principle of final and binding decisions constitutes one of the fundamental doctrines of constitutional adjudication and is closely associated with the concepts of constitutional supremacy, legal certainty, and the rule of law (Bego & Marpaung, 2026; Caviades, 2022; Fiseha, 2024; Husen et al., 2026; Kaya, 2026; Ramdani et al., 2024). According to Hans Kelsen's theory of constitutional review, a constitutional court functions as a "negative legislator," possessing the authority to invalidate statutory provisions that are inconsistent with the Constitution. Consequently, decisions rendered by a constitutional court must possess definitive legal force to ensure that constitutional interpretation remains authoritative and uniformly applicable throughout the legal system. In the Indonesian context, Article 24C of the 1945 Constitution and Article 47 of Law Number 24 of 2003 concerning the Constitutional Court, as amended by Law Number 7 of 2020, explicitly establish that Constitutional Court decisions are final and obtain permanent legal force immediately after being pronounced in an open court session. This doctrine reflects the principle that constitutional disputes require immediate resolution to safeguard constitutional order, maintain institutional stability, and provide legal certainty for state institutions and society (Doing et al., 2024; Douaisia, 2025; Firmansyah, 2024; Trajkovska-Hristovska, 2025).

Previous studies have extensively examined the legal consequences and constitutional significance of the finality of Constitutional Court decisions. Asshiddiqie (2006) argues that the Constitutional Court occupies a strategic position as the guardian of the Constitution and the protector of constitutional democracy, making the finality of its decisions essential for preserving constitutional supremacy. Similarly, Marzuki (2017) emphasizes that the immediate binding effect of Constitutional Court decisions prevents prolonged constitutional uncertainty and ensures consistency in the implementation of constitutional norms. Furthermore, Isra (2020) explains that the absence of appellate mechanisms is intended to reinforce the Court's authority as the sole interpreter of the Constitution while preventing institutional conflicts among judicial bodies. These studies consistently conclude that the doctrine of finality contributes significantly to legal certainty and effective constitutional governance.

The novelty of this research lies in its systematic examination of the normative implications of the doctrine of finality, particularly concerning the legal vacuum regarding potentially flawed Constitutional Court decisions. Unlike previous studies that have primarily analyzed constitutional authority and the legal consequences of final decisions, this research critically examines the absence of corrective mechanisms and evaluates whether existing preventive safeguards are sufficient to address concerns regarding judicial integrity and procedural propriety. This research also provides a comparative analysis of how other

constitutional courts have addressed similar challenges, offering insights for potential legal reform in Indonesia. By combining doctrinal analysis with comparative constitutional perspectives, this research contributes to a more comprehensive understanding of constitutional adjudication in Indonesia.

Despite these contributions, existing literature has largely focused on explaining the constitutional authority and legal consequences of final Constitutional Court decisions without comprehensively examining the tension between absolute finality and judicial accountability. Limited attention has been given to the legal implications arising from situations involving alleged judicial misconduct, procedural irregularities, or ethical violations after a Constitutional Court decision has obtained binding legal force. Consequently, a significant research gap remains concerning how the doctrine of *inkracht van gewijsde* should be understood within the broader framework of constitutional justice, legal certainty, and accountability. This study addresses this gap by providing a normative legal analysis of the permanent legal force of Constitutional Court decisions while evaluating whether the existing constitutional framework sufficiently balances constitutional supremacy, legal certainty, institutional legitimacy, and judicial accountability.

Therefore, the issue concerning the granting of permanent legal force to Constitutional Court decisions immediately after they are pronounced in a public plenary session is important to examine for several reasons. First, it is essential to understand the rationale behind granting permanent legal force to Constitutional Court decisions immediately after their pronouncement in a public plenary session. Second, understanding the permanent legal force of Constitutional Court decisions is closely related to the question of why no legal remedies are available to correct such decisions if errors occur, particularly in relation to achieving legal certainty. Based on this issue, a further question arises regarding whether a Constitutional Court decision containing errors should remain valid and enforceable. Third, this issue is also related to whether the legislator (positive legislator) may override a Constitutional Court decision.

What is the rationale underlying the granting of permanent legal force to Constitutional Court decisions once they have been pronounced in a public hearing?

This study aims to analyze the legal implications of the permanent legal force (*inkracht van gewijsde*) of Constitutional Court decisions within the Indonesian constitutional system by examining the legal basis, constitutional rationale, and practical consequences of the doctrine of final and binding decisions. Furthermore, this study seeks to evaluate how the principle of finality contributes to legal certainty, constitutional supremacy, and institutional stability while simultaneously identifying legal challenges arising from the absence of further judicial remedies against Constitutional Court decisions. Through a normative juridical approach, this research also aims to assess the compatibility of Indonesia's constitutional framework with comparative constitutional practices and provide recommendations for strengthening judicial accountability without undermining the authority and finality of Constitutional Court decisions.

METHOD

This research employed a normative legal research method. The object of the study was legal norms, particularly those contained in Article 47 of the Constitutional Court Law.

According to Soerjono Soekanto (2012) normative legal research includes the study of legal principles, legal systematics, comparative law, legal history, and the synchronization of legal regulations. This method was selected because Article 47 of the Constitutional Court Law stipulates that Constitutional Court decisions obtain permanent legal force upon being pronounced in a public plenary session. However, this provision raises legal issues when a Constitutional Court decision contains procedural or ethical violations, despite having obtained permanent legal force. Such circumstances indicate the existence of a legal vacuum, as Indonesian law does not provide a corrective mechanism for addressing problematic Constitutional Court decisions.

RESULTS AND DISCUSSION

The findings of this normative legal research demonstrate that the final and binding nature of Constitutional Court decisions constitutes one of the fundamental characteristics of constitutional adjudication in Indonesia. The analysis of Article 47 of Law Number 24 of 2003 concerning the Constitutional Court, as amended by Law Number 7 of 2020, reveals that every Constitutional Court decision automatically acquires permanent legal force immediately after it is pronounced in a plenary session open to the public. Unlike judgments issued by ordinary courts, which generally become legally binding only after the expiration of available legal remedies, Constitutional Court decisions possess immediate executorial and binding effect. This legal construction reflects the constitutional position of the Constitutional Court as the sole guardian and interpreter of the Constitution. Consequently, the doctrine of finality is not merely a procedural characteristic but represents an essential constitutional principle designed to preserve constitutional supremacy and legal certainty.

The first significant finding concerns the constitutional rationale underlying the immediate legal force of Constitutional Court decisions. The analysis indicates that constitutional disputes fundamentally differ from ordinary civil or criminal disputes because they involve issues directly related to constitutional governance, the validity of legislation, state institutions, electoral processes, and constitutional rights. These matters require prompt and definitive resolution to prevent prolonged constitutional uncertainty. If Constitutional Court decisions could be challenged through ordinary appellate mechanisms, the implementation of constitutional governance would be significantly delayed, potentially creating institutional conflicts and legal ambiguity. Therefore, the legislature intentionally established the principle of finality to ensure that constitutional interpretation remains authoritative and immediately applicable within the Indonesian legal system.

From the perspective of constitutional theory, this finding illustrates that the Constitutional Court performs not only a judicial function but also a constitutional stabilization function. Every constitutional interpretation delivered by the Court establishes legal standards that become binding on all state institutions, legislators, executive agencies, judicial bodies, and citizens. Consequently, the Court's decisions function as constitutional norms rather than merely dispute settlements between litigating parties. This characteristic distinguishes Constitutional Court judgments from ordinary judicial decisions, whose legal consequences are generally limited to the parties directly involved in litigation. The *erga omnes* nature of Constitutional Court decisions therefore justifies the absence of subsequent legal remedies

because constitutional interpretation must remain uniform and authoritative throughout the national legal system.

A second important finding concerns the relationship between finality and the principle of legal certainty. Legal certainty constitutes one of the primary objectives of every legal system, particularly within a constitutional democracy. The study demonstrates that granting immediate permanent legal force to Constitutional Court decisions significantly contributes to maintaining legal certainty by eliminating prolonged judicial uncertainty. Constitutional disputes frequently involve legislation that affects millions of citizens or determines the legality of important governmental actions. Delaying the finality of judicial review decisions would create uncertainty regarding the validity of legislation, administrative actions, and constitutional rights. Such uncertainty could undermine public confidence in the legal system and hinder effective governance.

This finding is consistent with the broader principle of the rule of law, which requires that legal disputes be resolved within a reasonable period through predictable legal mechanisms. The Constitutional Court therefore applies the principle of simple, speedy, and low-cost justice, ensuring that constitutional controversies do not obstruct governmental administration or democratic processes. In practical terms, immediate legal force enables government institutions to implement constitutional decisions without waiting for additional judicial review procedures. As a result, constitutional stability can be maintained while simultaneously protecting the supremacy of the Constitution.

The third finding demonstrates that the doctrine of finality serves an important institutional function within Indonesia's constitutional system of checks and balances. The Constitutional Court was established after the constitutional amendments to strengthen constitutional democracy by providing an independent institution capable of reviewing legislation against the Constitution. Since the Court acts as the final interpreter of constitutional provisions, allowing appeals against its decisions would undermine its institutional authority and potentially create conflicts among judicial institutions. The absence of further legal remedies therefore reinforces the Constitutional Court's constitutional status and preserves the consistency of constitutional interpretation.

Furthermore, this institutional arrangement reflects the principle of separation of powers. Constitutional adjudication is specifically entrusted to the Constitutional Court rather than the Supreme Court or other judicial bodies. Accordingly, once the Constitutional Court has exercised its constitutional authority, no other institution possesses jurisdiction to reconsider the substance of its decisions. This allocation of authority prevents jurisdictional overlap and contributes to institutional efficiency. The finality doctrine therefore strengthens constitutional governance by ensuring that constitutional disputes conclude within the institution specifically mandated by the Constitution.

Nevertheless, the analysis also reveals an important legal dilemma arising from the doctrine of absolute finality. Although finality promotes legal certainty, it simultaneously eliminates opportunities to correct judicial errors after decisions have become legally binding. This issue becomes particularly significant when Constitutional Court decisions are alleged to have resulted from procedural irregularities, ethical violations, conflicts of interest, or manifest legal errors. Under the existing legal framework, no judicial mechanism exists to review or

annul such decisions because Article 47 explicitly declares Constitutional Court judgments final and binding immediately upon pronouncement.

This legal condition creates a normative vacuum regarding extraordinary circumstances in which judicial integrity itself becomes questionable. Unlike several foreign constitutional systems that provide limited corrective mechanisms under exceptional circumstances, Indonesian constitutional law currently offers no legal avenue for reconsidering Constitutional Court decisions, regardless of the seriousness of alleged procedural violations. Consequently, public confidence in constitutional justice depends heavily upon the integrity, professionalism, and ethical conduct of Constitutional Court judges. This finding highlights that judicial accountability within constitutional adjudication relies primarily on preventive rather than corrective mechanisms.

Comparatively, constitutional courts in various jurisdictions also emphasize the principle of finality, although several countries provide limited procedural safeguards under exceptional conditions. Germany's Federal Constitutional Court, for example, generally treats constitutional decisions as final while maintaining strict procedural standards designed to prevent judicial irregularities before decisions become binding. Similarly, constitutional courts in South Korea and several European countries recognize that constitutional litigation requires rapid resolution due to its implications for governmental stability and constitutional order. These comparative experiences demonstrate that Indonesia's approach aligns with international constitutional practice regarding the importance of finality, although differences remain concerning institutional safeguards for addressing extraordinary judicial misconduct.

The findings further indicate that the effectiveness of final Constitutional Court decisions depends not only upon statutory provisions but also upon institutional legitimacy. Constitutional legitimacy derives from public trust that judicial decisions are reached independently, impartially, and consistently according to constitutional principles. When society perceives Constitutional Court decisions as fair and legally sound, the doctrine of finality reinforces constitutional stability. Conversely, when judicial impartiality becomes questioned, the absence of corrective legal remedies may generate public dissatisfaction and reduce confidence in constitutional institutions. Therefore, strengthening judicial ethics, transparency, and accountability becomes increasingly important within a legal framework that grants absolute finality to constitutional judgments.

Another important implication concerns the relationship between Constitutional Court decisions and legislative authority. Although Parliament retains authority to enact legislation, legislative discretion remains constitutionally limited by Constitutional Court interpretations. Once a statutory provision has been declared unconstitutional, legislators cannot simply reenact substantially identical provisions without addressing the constitutional deficiencies identified by the Court. This demonstrates that Constitutional Court decisions possess prospective normative authority extending beyond the immediate resolution of individual disputes. Accordingly, finality serves not only judicial efficiency but also constitutional governance by ensuring that constitutional interpretation guides future legislative development.

Overall, the results demonstrate that the doctrine of permanent legal force constitutes a carefully designed constitutional mechanism intended to balance legal certainty, institutional stability, constitutional supremacy, and efficient governance. While the absence of further legal remedies strengthens constitutional authority and prevents prolonged constitutional

uncertainty, it simultaneously places substantial responsibility upon Constitutional Court judges to exercise their authority with the highest standards of integrity, professionalism, and constitutional fidelity. Consequently, strengthening judicial ethics, transparent judicial procedures, and rigorous judicial selection processes becomes essential for maintaining public confidence in a constitutional system where judicial decisions are final, immediately binding, and irrevocable.

CONCLUSION

The rationale underlying the granting of permanent legal force to Constitutional Court decisions immediately after they are pronounced in a public hearing is that cases submitted to the Constitutional Court involve matters related to state administration, which require prompt resolution and are subject to time constraints to ensure that they do not disrupt the continuity of other state administration agendas. Considering the extensive authority of the Constitutional Court and the final and binding nature of its decisions, it is essential that proceedings before the Constitutional Court are conducted with the participation of a complete panel of nine Constitutional Court justices. Therefore, in Indonesia, the existence of substitute justices is crucial to ensure the continuity and validity of proceedings. If a Constitutional Court justice is unable to attend a hearing due to illness, a conflict of interest, or other legitimate reasons, their position may be temporarily replaced by a substitute justice in accordance with applicable legal provisions.

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