

The Position of Constitutional Court Decisions on Legislative and Executive Legal Products

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Abstrak: *The Constitutional Court (MK) plays an important role in the Indonesian constitutional system as an institution that upholds the supremacy of the constitution and maintains the balance of power among state institutions, particularly in testing legislative and executive legal products to ensure they align with the 1945 Constitution. The purpose of this research is to analyze the position and binding power of MK decisions on legislative and executive legal products, as well as to examine the implications for the formation and implementation of national law. The research problem is focused on how the legal position of MK decisions affects legislative and executive legal products and to what extent these decisions influence the practice of the Indonesian constitutional system. This research uses a normative legal method with legislative, conceptual, and case approaches, and data collection is conducted through literature studies of primary, secondary, and tertiary legal materials. The research findings indicate that MK decisions are final and binding, have general applicability (erga omnes), and serve as constitutional guidelines in the formation of laws and government policies. In conclusion, the effective implementation of MK decisions is a measure of the success of the Indonesian rule of law in upholding the principles of constitutionalism, legal certainty, and equitable democracy.*

Keywords: *Constitutional Court Decisions; legislative; executive*

INTRODUCTION

The Constitutional Court (MK) is a high state institution that occupies a central position in the Indonesian constitutional system. This institution exists as part of the judicial power (yudikatif) that functions to uphold the constitution and ensure that all state administration operates in accordance with the principles contained in the 1945 Constitution of the Republic of Indonesia (UUD 1945).¹ The establishment of MK is evidence of the Indonesian nation's commitment to the principle of the rule of law, where the constitution is regarded as the highest norm binding all elements of state administration. The background of the establishment of the

Constitutional Court is inseparable from the dynamics of the post-reform constitutional system in 1998, when there were demands to strengthen the oversight system over the use of state power. Before MK was established, there was no clear mechanism for testing laws against the UUD 1945. As a result, legal products that contradicted the constitution could not be effectively tested. This situation raised awareness of the need for an institution specifically authorized to safeguard the supremacy of the constitution so that every regulation and government action does not deviate from the fundamental values contained in the UUD 1945.²

¹ Kansil, C. S., & Liwe, K. P. (2024). KEDUDUKAN PELAKU KEKUASAAN KEHAKIMAN TERHADAP MAHKAMAH KONSTITUSI DALAM SISTEM HUKUM KETATANEGARAAN INDONESIA. *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora*, 4(2), 99-106.

² Rahmawati, L. PERBANDINGAN KEWENANGAN PENGUJIAN UNDANG-UNDANG TERHADAP UNDANG-UNDANG DASAR PADA MAHKAMAH KONSTITUSI INDONESIA DAN JERMAN DALAM MEKANISME CONSTITUTIONAL QUESTION. *KATA PENGANTAR KETUA*

The establishment of MK is officially regulated in the third amendment to the UUD 1945, which was ratified in 2001, and this institution began operating in 2003 after the enactment of Law Number 24 of 2003 on the Constitutional Court. The presence of MK marks a new milestone in the Indonesian legal system, as it introduces the model of constitutional adjudication that was previously unknown. Thus, MK exists to bridge the principles of democracy and the protection of citizens' constitutional rights. One of MK's fundamental functions is to be the guardian of the constitution. In this capacity, MK has the responsibility to ensure that all legal norms and government actions are within the constitutional framework. MK also serves as the final interpreter of the constitution, so the interpretations provided by MK are binding and serve as guidelines for all state institutions.³ Consequently, every state institution must adhere to the results of MK's interpretation of constitutional norms.

In the context of the Indonesian constitutional system, the Constitutional Court (MK) is a tangible manifestation of the principle of checks and balances. Its presence complements the mechanism of balance among the branches of state power: legislative, executive, and judicial, to prevent the domination of power that could potentially lead to abuse of power. Through its mechanism of testing laws and other authorities it possesses, the MK acts as a controller to ensure that the legal products created by the legislature and the actions of the government (executive) remain within constitutional limits. The main authority of the MK, as regulated in Article 24C of the 1945 Constitution, includes: testing laws against the 1945 Constitution (judicial review), resolving disputes over authority among state institutions whose powers are granted by the

Constitution, deciding on the dissolution of political parties, resolving disputes over election results, and providing rulings on the DPR's opinions regarding alleged legal violations by the President and/or Vice President.⁴ This variety of authority demonstrates that the MK plays a strategic role in maintaining the balance and legitimacy of the constitutional government system. Among these authorities, the judicial review function holds the most significant position as it empowers the MK to assess the constitutionality of a law. Through this testing, the MK ensures that the legal norms enforced do not contradict the fundamental principles of the constitution, such as justice, equality, and the protection of human rights. The MK's rulings in this context often have far-reaching impacts on the national legal system and can even change the direction of public policy through the annulment or new interpretation of certain legal norms.

The legal power of the MK's rulings is final and binding, meaning that these rulings cannot be appealed, cassated, or reviewed, and they bind all state institutions and citizens.⁵ This provision indicates that the MK is the final decision-making body in constitutional matters. Its binding nature also means that all state institutions are obliged to implement and respect the contents of the MK's rulings, thereby ensuring the effectiveness of constitutional supremacy in the practice of state administration. Through its rulings, the MK not only plays a role in upholding the constitution normatively but also contributes to the formation of national law (law making through judicial decision). In various cases, the MK interprets constitutional articles progressively to address contemporary legal issues, such as those related to citizens' constitutional rights, elections, regional autonomy, and the judicial

BAGIAN HUKUM TATA NEGARA FAKULTAS HUKUM UNIVERSITAS BRAWIJAYA, 25.

³ Roring, E. B. (2025). Dekonstruksi Marwah Mahkamah Konstitusi Terkait Krisis Legitimasi Tafsir Etika Konstitusional. *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, 2(2), 152-164.

⁴ Kurniawati, I., & Liany, L. (2019). Kewenangan Mahkamah Konstitusi Sebagai

Negative Legislator Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945. *ADIL: Jurnal Hukum*, 10(1).

⁵ Maulidi, M. A. (2017). Problematika Hukum Implementasi Putusan Final dan Mengikat Mahkamah Konstitusi Perspektif Negara Hukum. *Jurnal Hukum Ius Quia Iustum*, 24(4), 535-557.

system. The MK's interpretations become new sources of law that enrich the Indonesian legal system and provide direction for more constitutional legal reforms.

The position of the Constitutional Court is not only as a guardian of constitutional purity but also as a shaper of the direction of national legal development through its final and binding rulings. However, on the other hand, the implementation of this constitutional function cannot be separated from the context of the relationship between the branches of state power, particularly the legislative and executive, which also have authority in the formation and implementation of legal norms. In the Indonesian constitutional system, legislative and executive legal products are tangible manifestations of the exercise of state power regulated by the 1945 Constitution. Legislative legal products in the form of laws are the result of the political and legal process between the House of Representatives (DPR) and the President as the holder of the power to form laws.⁶ Meanwhile, executive legal products include government regulations, presidential regulations, and various administrative policies issued to implement laws.⁷ However, in the hierarchy of laws, all these legal products must not contradict the constitution, thus requiring constitutional oversight by the Constitutional Court (MK).

The position of the Constitutional Court's decision regarding legislative and executive legal products is superior in a juridical sense. The Constitutional Court's decision can annul, reinterpret, or reinforce the validity of a legal norm in laws and their implementing regulations. When the Constitutional Court declares that a provision or article of law is contrary to the constitution, that provision loses its binding legal force from the moment the decision is pronounced. Similarly, if the Constitutional Court provides a constitutional

interpretation of a norm, that interpretation becomes a reference for all state institutions in applying the relevant legal provisions. The implications of the Constitutional Court's decisions on state administration practices are very significant. In the legislative realm, the Constitutional Court's decisions often compel the House of Representatives and the President to review or amend laws that have been declared unconstitutional, either in whole or in part.⁸ The Constitutional Court can also provide normative guidance through conditional decisions (conditionally constitutional or conditionally unconstitutional), which guide lawmakers to formulate legal provisions in accordance with the principles of constitutionalism. On the other hand, in the executive sphere, the Constitutional Court's decisions can influence the implementation of government policies, especially if a government regulation or presidential regulation contradicts the constitutional interpretation established by the Constitutional Court.

The study of the position of the Constitutional Court's decisions regarding the legal products of other state institutions is of high urgency. This analysis is not only important for assessing the extent of the binding power of the Constitutional Court's decisions but also for understanding how the relationship between the judiciary and the legislative and executive powers is carried out within a constitutional framework. Theoretically, the Constitutional Court functions not only as a corrective institution that annuls unconstitutional norms but also as a constructive institution that provides direction for national legal reform.

RESEARCH METHOD

This research uses a normative juridical method, which focuses on the analysis of positive legal norms and constitutional principles that govern the relationship between

⁶ Santio, E., & Nasution, B. J. (2021). Analisis Kewenangan Presiden Republik Indonesia Di Bidang Legislatif Menurut Undang-Undang Dasar Negara Republik Indonesia 1945. *Limbago: Journal of Constitutional Law*, 1(1), 152-169.

⁷ Kurniawaty, Y. (2016). Penggunaan Diskresi Dalam Pembentukan Produk Hukum (The

Use of Discretion in The Formation of a Legal Product). *Jurnal Legislasi Indonesia*, 13(01).

⁸ Sari, A. F. P., & Raharjo, P. S. (2022). Mahkamah Konstitusi sebagai negative legislator dan positive legislator. *Sovereignty*, 1(4), 681-691.

the Constitutional Court and the legislative and executive institutions.⁹ The approaches used include a statutory approach to examine the legal basis and authority of the Constitutional Court as regulated in the 1945 Constitution of the Republic of Indonesia and Law Number 24 of 2003 concerning the Constitutional Court; a conceptual approach to explore theories about the rule of law, constitutional supremacy, and checks and balances; and a case approach, by examining Constitutional Court decisions that have direct implications for legislative and executive legal products. Data collection is conducted through library research, which includes primary, secondary, and tertiary legal materials, and then analyzed qualitatively to assess the juridical position and the effectiveness of the binding power of the Constitutional Court's decisions in upholding the principle of constitutional supremacy in the Indonesian state administration system.

RESULT AND DISCUSSION

The Position and Binding Power of the Constitutional Court's Decisions on Legislative and Executive Legal Products

In the structure of state administration, the position of the Constitutional Court is on par with other high state institutions such as the President, the House of Representatives, the People's Consultative Assembly, the Supreme Court, the Audit Board, and the Judicial Commission. This equality indicates that the Constitutional Court is not an institution that is above or below other state institutions, but rather has different yet complementary functions within the framework of checks and balances.¹⁰ With this position, the Constitutional Court plays a role as an institution that carries out constitutional

oversight to ensure that each state institution does not exceed its authority as regulated in the constitution. Through this function, the Constitutional Court becomes the guardian of the balance of power among branches of government. The main function of the Constitutional Court is to safeguard the constitution (the guardian of the constitution).¹¹ In this capacity, the Constitutional Court has the responsibility to uphold the principle of constitutional supremacy, which is the supremacy of the constitution as the highest law in the national legal system.¹² Every legal product produced by legislative institutions and every policy issued by executive institutions must adhere to the fundamental norms contained in the 1945 Constitution. Thus, the Constitutional Court plays an important role in preventing constitutional deviations and ensuring that all public policies are always based on the principles of constitutionalism.

This authority demonstrates that the MK has a strategic role in maintaining constitutional balance, both from legal, political, and institutional aspects. The legal power of the Constitutional Court's decisions is final and binding as stipulated in Article 10 paragraph (1) letter a of Law Number 24 of 2003 concerning the Constitutional Court. The term "final" means that the MK's decision is conclusive and cannot be subject to other legal remedies such as appeals, cassation, or judicial review. This emphasizes the position of the MK as the final adjudicator in constitutional matters. Meanwhile, the term "binding" means that the MK's decisions must be implemented by all parties, including state institutions, the government, and society, without exception.¹³

Furthermore, the MK's decisions have erga omnes effect, meaning they are binding in

⁹ Ali, Z. (2021). *Metode penelitian hukum*. Sinar Grafika.hlm. 12

¹⁰ Jayadi, H., Basniwati, A. D., & Sofwan, S. (2022). Lembaga-lembaga Negara Sederajat Dalam Struktur Kelembagaan Negara Berdasarkan Undang-Undang Dasar 1945. *Jurnal Kompilasi Hukum*, 7(2).

¹¹ Anggreni, D., Fuadi, A., Fitriyani, F., & Al-Kautsar, M. I. (2024). Peran Mahkamah Konstitusi dalam Menjamin Kedaulatan Hukum di Indonesia. *Hutanasyah: Jurnal Hukum Tata Negara*, 3(1), 11-26.

¹² Pradana, S. A. A., Sukri, I. F., Husni, H., & Daufal, A. (2024). Persimpangan antara Supremasi Konstitusi dengan Sistem Pembentukan Hukum: The Intersection Between the Supremacy of the Constitution and the Legal Drafting System. *JAPHTN-HAN*, 3(2), 113-132.

¹³ Librayanto, R., Riza, M., Ashri, M., & Abdullah, K. (2019). Penataan Kewenangan Mahkamah Konstitusi dalam Memperkuat Independensi Kekuasaan Kehakiman. *Amanna Gappa*, 43-66.

general and not limited to the parties involved in the case. This means that a decision by the MK declaring a legal norm contrary to the 1945 Constitution has implications for all citizens, state institutions, and the legal system as a whole.¹⁴ This is different from court decisions in general, which only bind the parties in dispute (*inter partes*). This *erga omnes* character reinforces the position of the MK as the final interpreter of the constitution, determining the direction and consistency of the implementation of constitutional principles in Indonesia. Despite having strong legal power, the implementation of MK's decisions in state administration still faces challenges. Some MK decisions, especially those that annul legal norms or mandate regulatory revisions, are not always followed by the legislative and executive branches in a timely manner. This condition reflects a gap between the normative aspect (which emphasizes constitutional supremacy) and the empirical aspect (implementation by state institutions). Delays or disregard for MK's decisions can reduce the effectiveness of constitutional oversight functions and potentially undermine the authority of the constitutional judiciary itself.

The position of MK's decisions in this regard becomes a main pillar in maintaining the principle of constitutional supremacy, which states that the constitution occupies the highest position in the hierarchy of national legal norms. The position of MK's decisions regarding legislative legal products reflects the constitutional oversight function over the powers of the law-making body, namely the House of Representatives (DPR) together with the President.¹⁵ In the Indonesian legal system, the DPR has the authority to enact laws, but this authority is not absolute. The MK exists as an institution that ensures that legislative products do not deviate from constitutional values. When the MK declares a legal norm contrary to the 1945 Constitution, that norm loses its binding

legal power from the moment the decision is pronounced (*ex nunc*). This emphasizes that the legislative authority of the DPR is always under constitutional control. MK's decisions, which are final and binding, have a direct impact on the validity of a law. The final nature means there are no further legal remedies against MK's decisions, while the binding nature indicates that all state institutions, including the DPR and the President, are obliged to implement them.¹⁶ When the MK annuls a provision or norm in a law, that norm is legally considered to have never existed since the decision was read. Consequently, the DPR can no longer use that legal basis in the formation of subsequent regulations and is prohibited from reviving the substance of the norm that has been annulled.

In addition to legislative products, the decisions of the Constitutional Court (MK) also have significant implications for executive legal products. As the implementing agency of the law, the President and the ministries/agencies under it are obliged to adjust all implementing regulations, such as Government Regulations, Presidential Regulations, and Ministerial Regulations, in accordance with the rulings of the MK. When a norm in a law is annulled by the MK, all implementing regulations derived from that norm automatically lose their legal basis. This shows that the MK has the power to influence the validity of executive policies. In the context of state administrative law, the role of the MK becomes crucial because this institution functions to uphold the principles of legality and accountability of the executive. The MK ensures that government administrative actions do not deviate from the constitution and continue to respect the constitutional rights of citizens. In other words, the MK acts as a guardian to keep executive power within the legal framework, so that the principle of checks and balances can operate effectively.¹⁷ In practice, the applicability of MK's decisions to

¹⁴ Nugroho, F. B. S. (2019). Sifat Keberlakuan Asas Erga Omnes Dan Implementasi Putusan Mahkamah Konstitusi. *Gorontalo Law Review*, 2(2), 95-104.

¹⁵ Nasir, L., Rijal, S., & Akbar, M. A. (2025). Kedudukan Putusan Mahkamah Konstitusi

Dalam Pembentukan Undang-Undang di Indonesia. *Jurnal USM Law Review*, 8(2), 622-638.

¹⁶ Arbie, A. (2024). Sifat final dan mengikat putusan Mahkamah Konstitusi berdasarkan asas erga omnes. *Lex Privatum*, 13(1).

¹⁷ Kurniawati, D., & Rohmah, E. I. (2024). PERAN MAHKAMAH KONSTITUSI DALAM

legislative and executive legal products creates harmonization between state institutions. The DPR and the President are expected to use the MK's decisions as normative guidelines in the formation and implementation of laws. The awareness of state institutions to respect the MK's decisions will strengthen the principle of the rule of law, where every policy and regulation is based on constitutional legitimacy, not merely on political interests.

Although legally the MK's decisions take effect from the moment they are pronounced, the effectiveness of their implementation in the field often faces obstacles. One of the main factors determining the success of implementing MK's decisions is the level of compliance of state institutions, both legislative and executive. In some cases, the DPR and the government have not promptly followed up on MK's decisions with revisions or the establishment of new laws that align with the rulings. Such non-compliance causes the MK's decisions to lose their substantive meaning and creates the impression that the supremacy of the constitution has not been fully respected. Compliance with MK's decisions is a tangible measure of the implementation of the rule of law principle. If the legislative or executive institutions ignore the MK's rulings, it could potentially lead to a conflict of norms within the national legal system. For example, when a legal norm has been declared unconstitutional by the MK but is still applied in practice, it will create legal uncertainty in society. This condition can weaken public trust in the constitutional justice system and create disharmony between the law and its implementation.¹⁸

All state institutions have a constitutional obligation to adjust the regulations and policies they produce in accordance with the legal interpretations provided by the MK. If this

principle is violated, it results not only in a formal legal violation but also in a weakening of the integrity of the constitutional system itself. The MK's decisions in practice are not only declarative, meaning they state something is contrary to or in accordance with the constitution, but they also have constitutive and corrective qualities. The constitutive nature means that they can nullify or create new norms through constitutional interpretation. Meanwhile, the corrective nature means that the MK's decisions function to rectify errors in the formulation of laws to align with the spirit of the 1945 Constitution.¹⁹

In constitutional law theory, the MK's decisions have been recognized as part of the formal sources of law in Indonesia. This aligns with the development of modern law, where jurisprudence or decisions of the constitutional court are considered a source of law that has binding force. The MK's decisions serve as guidelines not only for lawmakers (DPR and President) but also for law enforcement officials and government agencies in exercising their authority.²⁰

The implementation of the Constitutional Court's decisions within the national legal system also demonstrates the function of this institution as a guardian of legal and political stability. Through its decisions, the Constitutional Court often acts as a mediator in conflicts between state institutions, such as in disputes over the authority of state institutions or disputes regarding election results. The existence of the Constitutional Court ensures that the resolution of these conflicts is carried out legally, rather than through political interests. In this way, the Constitutional Court contributes to the creation of a balance of power and the integrity of the democratic governance system. Additionally, the Constitutional Court's decisions have legal educational value for the

PENGUATAN PRINSIP CHECKS AND BALANCES DALAM SISTEM KETATANEGARAAN INDONESIA. *Qaumiyyah: Jurnal Hukum Tata Negara*, 5(2), 183-207

¹⁸ Tokan, C. F., Zaskiyah, A., & Reko, M. M. I. (2025). Peran Mahkamah Konstitusi dalam Menjaga Konstitusionalitas Undang-Undang di Indonesia. *Multilingual: Journal of Universal Studies*, 5(1), 399-415.

¹⁹ Rahman, F., & Wicaksono, D. A. (2024). *Putusan bersyarat oleh Mahkamah Konstitusi: karakteristik dan dinamika perkembangannya*. UGM PRESS. hlm. 24

²⁰ Nasir, L., Rijal, S., & Akbar, M. A. (2025). Kedudukan Putusan Mahkamah Konstitusi Dalam Pembentukan Undang-Undang di Indonesia. *Jurnal USM Law Review*, 8(2), 622-638.

public and state organizers. Each decision contains deep legal considerations and constitutional arguments that can serve as references for understanding citizens' rights and the limits of government authority. Through the publication and socialization of its decisions, the Constitutional Court encourages public constitutional awareness, which is the understanding that the constitution is the highest foundation in state life that must be upheld by all elements of the nation.

In the context of upholding constitutionalism, the Constitutional Court's decisions have strategic significance as they serve as an instrument to ensure that all state actions are within the bounds of legitimate law. Constitutionalism demands limitations on power to prevent arbitrary actions, and in this regard, the Constitutional Court acts as the highest oversight mechanism. Each time the Constitutional Court nullifies norms that contradict the constitution, it is actually strengthening a government system based on law, not power.

Implications of the Constitutional Court's Decisions on the Formation and Implementation of Legislative and Executive Legal Products

The Constitutional Court (MK) is an institution that plays a central role in maintaining the purity and supremacy of the constitution in Indonesia. Each decision made by the Constitutional Court carries profound meaning as it not only resolves constitutional disputes but also has far-reaching consequences for the legal system and governance.²¹ The implications of the Constitutional Court's decisions encompass juridical, political, and administrative dimensions, each of which impacts the structure of state governance and the practice of power. Juridically, the implications of the Constitutional Court's decisions relate to the change in the status of the legal norms being tested. If a legal norm is

declared contrary to the 1945 Constitution, that norm loses its binding legal force from the moment the decision is pronounced (*ex nunc*). This means that the Constitutional Court not only removes the norm from the legal system but also establishes new boundaries in legislation to align with the constitution. According to Jimly Asshiddiqie, the Constitutional Court's decisions have *erga omnes* effect, meaning they apply to all parties and all state institutions, not just to the parties involved in the case. This implies that the Constitutional Court's decisions cannot be ignored as they have binding power over the entire national legal structure.²²

From the perspective of legal politics, the Constitutional Court's decisions have implications for the direction of legislative policy and the exercise of governmental power. When the Constitutional Court nullifies a legal norm, the Parliament and the Government are not only required to adjust the regulation but also to reflect on the legal formation paradigm they adhere to. In this regard, the Constitutional Court acts as a guardian of constitutional morality, ensuring that every public policy and legal norm is grounded in principles of justice and the protection of citizens' constitutional rights.²³ Meanwhile, in the administrative context, the implications of the Constitutional Court's decisions relate to the obligations of the executive and other state institutions to adjust their policies or administrative actions based on the norms that have been annulled. For example, if the legal basis for a government policy is declared unconstitutional, that policy must be immediately halted or revised. Non-compliance with this can lead to legal consequences, even potentially creating unlawful administrative actions (*ultra vires*).

The implications of the Constitutional Court's (MK) decisions on legislative legal products are very significant because the MK functions as a constitutional control tool (constitutional review) over the laws made by

²¹ Studi Kasus Putusan-Putusan Penting. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 312-320

²² Arbie, A. (2024). Sifat final dan mengikat putusan Mahkamah Konstitusi berdasarkan asas *erga omnes*. *Lex Privatum*, 13(1).

²³ Muhtar, M. H., Maranjaya, A. K., Arfiani, N., & Rahim, E. (2023). *Teori & hukum konstitusi: Dasar pengetahuan dan pemahaman serta wawasan pemberlakuan hukum konstitusi di Indonesia*. PT. Sonpedia Publishing Indonesia. hlm.18

the DPR (People's Consultative Assembly) and the President. Whenever the MK declares a norm contrary to the constitution, the DPR is obliged to revise the law or adjust subsequent legislation to avoid resurrecting the annulled norm. Thus, the MK's decisions are not only reactive to constitutional violations but also preventive in preventing the recurrence of legislative errors in the future. Furthermore, the MK also creates constitutional precedents that serve as references for lawmakers in drafting academic texts and Draft Laws (RUU).²⁴ Every ratio decidendi or legal consideration contained in the MK's decisions must be taken into account as part of the official interpretation of the 1945 Constitution. According to Prof. Maria Farida Indrati, a constitutional law expert in Indonesia, the MK's decisions serve as a "normative compass" that guides the direction of law-making to align with the ideals of constitutional law.²⁵

From the perspective of national legal development, the implications of the MK's decisions also impact the harmonization of legislation. The MK's rulings often serve as a momentum for evaluating and restructuring the existing legal order. For example, the annulment of discriminatory norms in laws often becomes the basis for drafting new, more inclusive legislation that respects human rights. In addition, the MK's decisions have implications for fostering constitutional awareness among lawmakers and the public. Each ruling emphasizes the importance of making the constitution the primary guideline in every legal action and public policy. A legislative process that does not heed the MK's decisions reflects a weak constitutional culture among state officials. Therefore, the successful implementation of the MK's decisions is an

important measure of the constitutional maturity of the Indonesian nation.

The decisions of the Constitutional Court (MK) have direct consequences for the implementation of legislative legal products by the executive branch. In Indonesia's constitutional system, the executive branch plays the role of implementing the laws formed by the DPR and the President.²⁶ Therefore, when a legal norm is declared unconstitutional by the MK, the executive is obliged to adjust all administrative policies, programs, and implementing regulations to align with the ruling. This shows that the relationship between the legislative and executive powers in the context of law enforcement must adhere to the supremacy of the constitution as emphasized by the MK.

The obligation to adjust these policies is not optional but rather a form of implementing the rule of law principle and a guarantee of legal certainty. When the MK annuls a norm in a law, all derivative regulations based on that norm automatically lose their legal basis. For example, if a provision in a law that serves as the basis for issuing Government Regulations (PP) or Presidential Regulations (Perpres) is annulled, then the PP or Perpres must also be revised or revoked to avoid violating the principle of legality. In this context, the MK not only functions as a norm tester but also as a guardian of the validity of laws that are constitutionally legitimate. Additionally, the government's responsibility to follow up on the MK's decisions reflects the professionalism of state administration. The government is required to conduct a comprehensive regulatory review of all sectoral policies affected by the MK's decisions.²⁷ This is important to prevent overlaps or disharmony among regulations that could lead to legal uncertainty in practice. This

²⁴ Monteiro, J. M., & SH, S. (2025). *MENGENAL MAHKAMAH KONSTITUSI: Teori, Gagasan, & Pembentukan Peradilan Konstitusi, Wewenang MK, Constitutional Question, Acuan Dasar MK*. PENERBIT KBM INDONESIA. hlm. 20

²⁵ Nurbaeti, R., Wahyuni, W., & Rahmah, N. (2025). *KEDAULATAN MAHKAMAH KONSTITUSI DALAM MENJAGA KONSTITUSIONALITAS UNDANG-UNDANG*. *Jurnal Media Akademik (JMA)*, 3(7).

²⁶ Kusuma, S. B., Jayadi, H., Basniwati, A. D., & Fallahiyan, M. A. (2024). Hubungan Fungsional antara Dewan Perwakilan Rakyat (DPR) dan Presiden dalam Bidang Pengawasan di Indonesia menurut UUD 1945. *Jurnal Diskresi*, 3(1).

²⁷ Hasibuan, M. F., & Rumesten, I. (2023). Reorientasi Kewenangan Judicial Review Di Mahkamah Konstitusi Berdasarkan Prinsip Supremasi Konstitusi. *EKSPOSE: Jurnal Penelitian Hukum dan Pendidikan*, 22(2), 42-55.

evaluation also serves as a form of executive accountability to the principle of constitutional compliance, ensuring that every government action does not deviate from the constitution.

The failure of the executive branch to adjust policies and implementing regulations in accordance with the rulings of the Constitutional Court (MK) can lead to *onrechtmatige overheidsdaad* or unlawful governmental acts. In administrative law doctrine, such actions are considered unlawful acts by the government that can be challenged in court.²⁸ Therefore, compliance with the MK's rulings is not only a moral and political responsibility but also a legal obligation that can have implications for administrative and state financial accountability. Furthermore, the MK's rulings also have institutional implications for governance. With the MK's rulings, the executive branch is encouraged to apply the principles of good governance, namely transparent, accountable, and law-based government.²⁹ The rulings of the MK often serve as a momentum for the government to reorganize overlapping regulations, improve administrative procedures, and ensure that public policies align with constitutional principles and human rights.

However, in practice, the implementation of the MK's rulings often faces structural and coordination challenges. One of the main issues is the weak follow-up administrative mechanisms after the MK's rulings. It is not uncommon for ministries and government agencies to delay adjusting implementing regulations due to the absence of technical guidelines or effective inter-agency coordination. As a result, some policies continue to be implemented based on legal grounds that have been annulled by the MK, ultimately leading to conflicts of norms in the field. In the context of regulatory reform, the MK's rulings should be seen as a momentum to strengthen the regulatory oversight system under the law. The government can establish a

special mechanism, such as a regulatory harmonization unit post-MK ruling, tasked with ensuring that all implementing regulations are consistent with the constitution and the rulings. This mechanism will strengthen the synergy between the Ministry of Law and Human Rights, the State Secretariat, and other technical agencies in effectively overseeing the implementation of the MK's rulings.

In addition to administrative impacts, the MK's rulings also have implications for the executive's legal politics. The government is required to be more cautious in formulating policies that have constitutional dimensions, especially those concerning citizens' rights and the distribution of authority among institutions. Any public policy that potentially contradicts the MK's rulings can create new legal and political issues and undermine the government's credibility in the eyes of the public. Thus, the implementation of the MK's rulings becomes an important instrument in maintaining the integrity and legality of executive policies. In the academic realm, legal experts such as Jimly Asshiddiqie emphasize that the MK's rulings have corrective and constructive power over government practices. The MK does not merely reprimand or annul norms but also provides new directions for state administration to be more constitutional.³⁰ With this function, the MK becomes a key pillar in realizing a law-based government oriented towards substantive justice. Therefore, the implementation of the MK's rulings by the executive is a concrete manifestation of upholding constitutionalism in Indonesia.

The relationship between the MK and the legislative branch demonstrates how the mechanism of constitutional oversight works in practice. When the House of Representatives (DPR) together with the President enacts laws that contradict the 1945 Constitution, the MK has the authority to annul those norms. This annulment is not an intervention in legislative power but rather the implementation of the

²⁸ Edyanti, Y. (2022). Perbuatan Melawan Hukum Oleh Penguasa (Onrechtmatige overheidsdaad)(Suatu Tinjauan Analisis Administrasi Pemerintahan). " *Dharmasiswa* " *Jurnal Program Magister Hukum FHUI*, 2(2), 14.

²⁹ Nurhidayat, I. (2023). Prinsip-prinsip good governance di Indonesia. *Journal Education and Government Wiyata*, 1(1), 40-52.

³⁰ Tarigan, R. S. (2024). *Dinamika Implementasi Putusan Mahkamah Konstitusi*. Ruang Karya Bersama. hlm. 35

principle that the constitution is above the law. In this case, the MK's rulings serve to ensure that legislative products remain within the constitutional framework and do not harm the constitutional rights of citizens. On the other hand, the relationship between the MK and the executive branch is also dynamic. When the MK declares a legal norm unconstitutional, the executive branch is obliged to adjust all its policies and implementing regulations. However, the implementation of the MK's rulings often leads to political and administrative tensions, especially if the rulings directly impact the government's strategic policies. These tensions reflect a healthy power balancing process within a constitutional democracy, as long as it is accompanied by a mutual commitment to uphold the supremacy of the constitution.

Furthermore, the implications of the relationship between state institutions after the Constitutional Court's decision emphasize the importance of institutional coordination in implementing that decision. Although the Constitutional Court does not have the executive authority to compel other institutions to carry out its decisions, the spirit of constitutionalism demands that every state institution consciously respects and implements the Constitutional Court's rulings. In this regard, the implementation of the Constitutional Court's decisions becomes a test of the quality of Indonesia's constitutional democracy, namely to what extent state institutions adhere to the constitution and the supremacy of law. In practice, institutional tensions often arise when the outcomes of the Constitutional Court's decisions are perceived to disrupt certain political interests or the government's strategic policies. For example, the Constitutional Court's decisions regarding the electoral system, the age limit for regional head candidates, or the annulment of norms in strategic laws such as the Job Creation Law often provoke significant political reactions. This phenomenon indicates that the Constitutional Court's decisions not only have legal impacts but also legal-political

implications that can change the direction of national policy. As stated by Saldi Isra, the relationship between state institutions after the reform has shifted from executive dominance to a more balanced relationship pattern, where the Constitutional Court plays a crucial role in controlling the distribution of power.³¹

From the perspective of constitutionalism theory, the existence of the Constitutional Court is a manifestation of efforts to limit power to prevent its abuse. Through its decisions, the Constitutional Court ensures that every legislative and executive action is based on constitutional legitimacy. The Constitutional Court's decisions also strengthen the principle of legal certainty within the national legal system. By asserting constitutional limits on legislative and executive actions, the Constitutional Court provides clear direction for the application of legal norms. This legal certainty is essential to guarantee the stability of the legal system and protect the constitutional rights of citizens from potential abuses of power. Each decision of the Constitutional Court is a concrete form of effort to constitutionalize national law so that all legislative norms align with the fundamental values of the 1945 Constitution.

CONCLUSION

The position and binding power of the Constitutional Court's decisions indicate that the Constitutional Court is the main guardian of the constitution, playing a role in ensuring that all legislative and executive legal products are always in line with the principle of constitutional supremacy. The Constitutional Court's decisions, which are final and binding, place it in a superior legal position over laws and government policies, thus requiring all state institutions to comply and adjust accordingly. The implications of these decisions not only affect the formation of new legal norms that are more constitutional but also the implementation of administrative policies to align with the fundamental values of the 1945 Constitution. Thus, the implementation of the Constitutional

³¹ Suri, M. (2025). DINAMIKA HUBUNGAN LEMBAGA EKSEKUTIF DAN LEGISLATIF DALAM SISTEM PRESIDENSIAL

DI INDONESIA. *Jurnal Manajemen, Akuntansi dan Pendidikan*, 69-81.

Court's decisions becomes an important indicator in realizing the harmonization of the national legal system, strengthening the constitutional culture, and ensuring the establishment of a democratic and just rule of law.

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