



THE 5th INTERNATIONAL SHORT COURSE FOR LEGAL OFFICERS

The Protection of Citizens Constitutional Rights in General Election: The Dynamics of the Constitutional Court's Decisions in Diverse Society

Dr. Manahan MP Sitompul, S.H., M.Hum

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The Constitutional Court and Election



- The role of the Constitutional Court in protecting the constitutional rights of citizens is also actually performed by virtue of the authority to settle disputes over the result of general election, either presidential/vice presidential general election, legislative general election, or regional head general election.
- The Constitutional Court safeguards the democracy by protecting the right of a citizen to elect and/or to be elected in a General Election so as to be able to be granted in accordance with the principle and rule of a democratic General Election as assured under the 1945 Constitution.



Authority: Article 24C paragraph (1) UUD 1945

**To conduct a review of laws
against the 1945 Constitution**

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To settle disputes on authority between state bodies,
which authority is granted by the 1945 Constitution

2

To decide the dissolution of a political party

3

To settle disputes over the result of general election

4

Authorities and Obligations



Temporary Authority

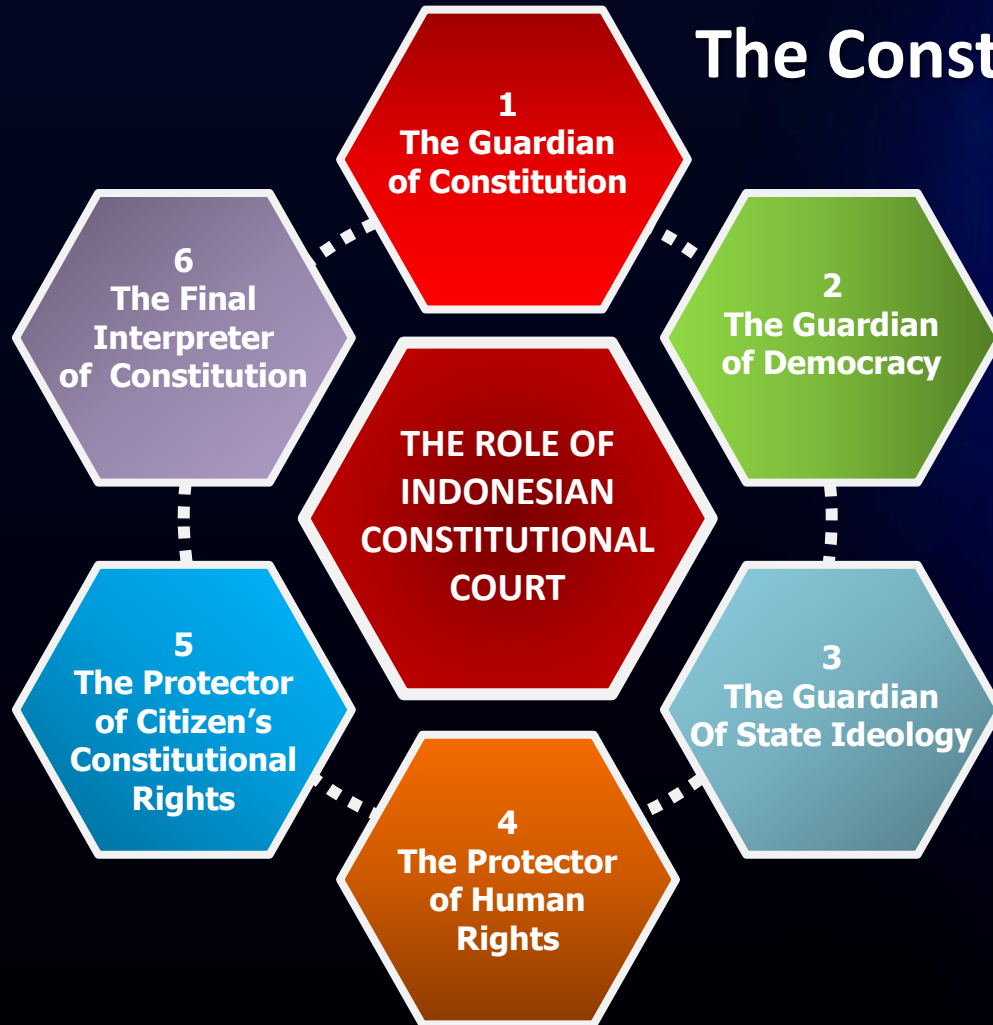
Decision No. 97/PUU-XI/2013, Article 157 paragraph (3) of Law Number 10 of 2016 was born which regulates the authority of the Constitutional Court in deciding disputes over the results of the election of governors, regents and mayors

The Obligation : Pasal 24C ayat (2) UUD 1945

The Constitutional Court is required to make decisions based on the opinion of the People's Legislative Assembly about the alleged violation by the President and/or Vice President under the 1945 Constitution)

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The Constitutional Court's Role



The Protection of Election Rights



- The Constitutional Court ensures that the right to elect and/or the right to be elected as a citizen are shielded from manipulation and any form of misappropriation which is not only contradictory to the democracy, but also detrimental to citizens.
- In the event that the result of general election is proven to have been obtained by manipulating the right to elect and/or the right to be elected and violating the principle of democracy, the Constitutional Court may rescind the aforementioned result of general election.



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Constitutional Democratic State



The Constitutional Court stands on the front guard to make Indonesia as a democratic constitutional state and democratic state under the laws, which also means taking a role in protecting the integrity of the Unitary State of the Republic of Indonesia.



Conclusion



- The authority to settle disputes over the result of general election, the Constitutional Court plays a role in assuring and ensuring that the right to elect and/or the right to be elected as the constitutional rights of citizens are shielded from any form of manipulation and misappropriation detrimental to citizens.
- The Constitutional Court plays a role in protecting the integrity of the Unitary State of the Republic of Indonesia, namely protecting the democracy so as to be established in accordance with and under the 1945 Constitution.

