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Finality and Binding Force of Constitutional Court Decisions: An Analysis of Original Intent and Executory Problematics in the Judicial Review of Law

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ABSTRACT

The final and binding nature of Constitutional Court decisions in the judicial review of Law was designed as a power-balancing instrument to limit the arbitrariness of lawmakers. This generally binding force, in reality, clashes with the absence of an executory apparatus instrument, thereby engendering an executory procedural law vacuum at the related Law level. This research aims to discover the essential meaning of the decision's binding force by tracing constitutional history, while simultaneously conducting a juridical analysis of the executory problematics to formulate follow-up governance that guarantees legal certainty. This normative legal research employs the statutory, conceptual, and historical approaches to analyze legal materials deductively. The research results indicate that the original intent of the amendment framers placed constitutional court decisions as an absolute control tool against the domination of lawmaker institutions. However, the deletion of the decision follow-up time limit has legitimized institutional arrogance, culminating in the phenomenon of constitutional disobedience. Legislative and executive actions that deliberately revive unconstitutional norms prove the exploitation of loopholes in executive governance weaknesses. The resolution to this problem demands a comprehensive restructuring that integrates a progressive judicial order approach with legislative obligations. The conclusion of this research affirms the urgency of amending Law Number 12 of 2011 to insert the obligation to institutionalize constitutional court decisions into the National Legislative Program, with a maximum time limit of one year, in order to sever the chain of disobedience by positive lawmakers.

Keywords: Constitutional Court; Constitutional Disobedience; Final and Binding Decision; Lawmakers; Norm Execution.

INTRODUCTION

The establishment of the Constitutional Court within Indonesia's constitutional architecture underscores the strengthening of the rule-of-law principle. This institution occupies a central position as the guardian and the final interpreter of the constitution. The primary authority of this judicial institution lies in the judicial review of the law against the 1945 Constitution. The basis of this authority is regulated in the provision of Article 24C section (1) of the 1945 Constitution. This judicial review right provides a means to limit power so that lawmakers do not enact legal norms that contradict the constitutional intent. This mechanism ensures that every legislative product remains subject to the limitations imposed by human rights and rule-of-law principles (Ginsburg, 2003).

The judicial review of Law decisions possesses juridical characteristics of finality and bindingness (Landfried, 2019). The finality means the decision immediately obtains permanent legal force the moment it is pronounced in an open plenary session. This legal status closes all doors for further legal remedies for the parties. Besides being final, this decision is generally binding on all citizens and state institutions. This characteristic is inherent because the object of review is a Law norm, which is abstract and impersonal. The conceptual essence of the constitutional court's decision is to guarantee legal certainty without providing room for unilateral interpretation by other state organs (Pitriyantini & Astariyani, 2022).

This generally binding nature generates a constitutional compliance obligation for all legal subjects. This obligation specifically targets the legislative and executive institutions that exercise lawmaking power. Lawmakers are the primary addressees of the decision and are obliged to follow up on the annulment of a norm. The compliance of these state power executors becomes an indicator of the decision's success in realizing substantive justice. The absence of a physical coercive instrument makes the effectiveness of the decision's execution highly dependent on the compliance level of the addressed institutions (Sulistiyowati et al., 2020).

Based on a review of various literature and previous studies, the discourse regarding constitutional court decisions generally centers on two main trends. The first trend focuses on the essence of legal certainty and the compliance of state institutions as the target objects of the decision (Sulistiyowati et al., 2020; Pitriyantini & Astariyani, 2022). The second trend highlights the weaknesses in the implementation of the generally binding principle within the authority area of lawmakers, which subsequently gives rise to the idea of technical intervention in the dictum of the decision (Miyonita et al., 2024; Phiau et al., 2025). Although these studies have elaborated on executory constraints in detail, this literature review indicates the absence of an analysis that treats noncompliance as a procedural law vacuum stemming from the deviation from the original intent of the constitution framers.

The absence of studies bridging this legal vacuum opens a loophole for the emergence of legal resistance phenomena by other branches of power. This situation creates a deadlock in the balance of authority between the constitutional judicial institution and lawmakers (Muttaqin et al., 2026). The legislative institution frequently delays the execution of decisions or even revives annulled norms through a new Law. This act of lawmakers ignoring constitutional orders is dogmatically construed as a form of constitutional disobedience (Pratiwi et al., 2025). This phenomenon of disobedience threatens the enforcement of the legal norm hierarchy, as unconstitutional norms are still enforced.

The resolution of the problem of state institution noncompliance cannot be understood solely in terms of officials' behavior. Approaching this problem requires an in-depth normative legal tracing into the historical roots of the constitution's formation. Tracing the drafting records of the 1945 Constitution is necessary to discover the original intent of the framers regarding the jurisdictional limits of the judicial institution. The discovery of this historical meaning serves as a foundation to dissect the issue of the executory procedural law vacuum at the Law level. A dogmatic analysis of this legal vacuum is crucial to formulate the governance of follow-ups on juridically binding decisions.

Based on the elaboration above, this research has two interconnected main objectives. First, this research aims to discover and analyze the essential meaning of the finality and binding force of Constitutional Court decisions in the judicial review of Law through tracing the history of the constitution's drafting. Second, this research aims to conduct a juridical analysis of the executory problems that trigger constitutional disobedience by state institutions, to formulate governance mechanisms for decision follow-ups that guarantee normative legal certainty. The results of this research are expected to provide theoretical benefits by enriching the constitutional law literature on the binding force of constitutional court decisions. In practice, this research is expected to serve as a guideline for the House of Representatives and the President in drafting a legislative framework that complies with the Constitutional Court's decisions.

METHOD

This research employs a normative legal research type. The selection of this research type is based on the problem formulation, which focuses on analyzing norm vacuums, legal antinomies, and conflicts between statutory regulations (Qamar & Rezah, 2020). The research approaches utilized include the statutory, conceptual, and historical approaches (Marzuki, 2017). The statute approach is used to analyze the hierarchy and consistency of the regulation regarding the binding force of constitutional court decisions within positive law. The conceptual approach is applied to trace the finality doctrine and the essence of legal certainty. The historical approach is focused on discovering the original intent of the constitutional amendment framers regarding the design of state power limitations.

The legal materials used in this research are classified into primary legal materials and secondary legal materials (Soekanto, 2006). Primary legal materials encompass the 1945 Constitution, Law Number 24 of 2003¹, Law Number 12 of 2011², and Constitutional Court Regulation Number 7 of 2025. These primary legal materials also include the minutes of the constitutional amendment sessions as authentic historical evidence of norm formulation, as well as official copies of judicial review of Law decisions relevant to the locus of the dispute. The secondary legal materials used include literature, scientific journals, and results from previous studies examining constitutional compliance.

The technique for collecting legal materials involves a literature review (Sampara & Husen, 2016). Document tracing is systematically conducted across statutory archives, court decisions, and academic literature that directly relate to the problem formulation. All collected legal materials are subsequently inventoried

¹Law Number 24 of 2003, as amended several times, lastly by Law Number 7 of 2020.

²Law Number 12 of 2011, as amended several times, lastly by Law Number 13 of 2022.

and classified based on their relevance. This classification process strictly separates legal materials into those focusing on the institution's history of establishment and those related to present-day executory problems. The synchronization of these legal materials is carried out to ensure that every constructed argument possesses a valid and measurable dogmatic foundation.

Legal material processing is conducted using a normative qualitative analysis technique grounded in deductive reasoning. All synchronized legal materials are synthesized and elaborated through a prescriptive exposition to answer the research objectives (Ibrahim, 2013). This reasoning process rejects the use of sociological measurement instruments or statistical figures, instead evaluating the conformity of legal principles, positive legal norms, and their application within legislative and administrative products. The drawing of conclusions is carried out by outlining the major premise in terms of constitutional provisions and the minor premise in terms of state institutional actions.

The stages of this data analysis are operationalized into four systematic argumentation steps that will structure the results and discussion section (Mertokusumo, 2010). The first stage focuses on unpacking the original intent of the constitution framers regarding the judicial review of Law authority by dissecting the amendment minutes documents. The second stage dogmatically analyzes the legal antinomy between the generally binding doctrine and the executory procedural law vacuum at the Law level. The third stage conducts a case study analysis to demonstrate the phenomenon of constitutional disobedience by lawmakers against the court's decisions. The fourth stage is directed at formulating a governance design for decision follow-ups that is solutive and juridically binding for state institutions.

RESULTS AND DISCUSSION

A. The Construction of Original Intent and Constitutional Supremacy in the Judicial Review of Law

The rule-of-law conception views the constitution as the supreme law that limits the exercise of state power. This constitutional supremacy demands a strict safeguard mechanism to ensure that every legal product generated by lawmakers does not deviate from the constitutional mandate. The enforcement of such legal supremacy will never be achieved in practice if the decisions of the highest court safeguarding the constitution are deliberately ignored by other branches of power (Salia, 2017). Therefore, the constitutional architecture requires a specialized judicial institution with absolute authority to correct legislative enactments that infringe on citizens' constitutional rights.

The need for such constitutional safeguarding was realized through the establishment of the Constitutional Court during the momentum of amending the 1945 Constitution. The basis for the judicial review of Law authority by the Constitutional Court is explicitly regulated in Article 24C section (1) of the 1945 Constitution. This provision firmly attributes finality to constitutional court decisions. This final nature is subsequently reaffirmed in Article 47 of Law Number 24 of 2003, which stipulates that the decision immediately acquires permanent legal force upon its pronouncement in an open plenary session.

The granting of such final and binding nature is not merely a procedural rule, but rather possesses deep constitutional historical roots. Tracing the minutes documents of the People's Consultative Assembly sessions from 1999 to 2002 proves the formulation of the original intent of the constitutional amendment framers. At the beginning of the constitutional amendment period, various factions such as the Golkar Party Faction, the Crescent Star Party Faction, and the Love the Nation Democratic Party Faction critically highlighted the weaknesses of the highly centralistic past constitutional system. These factions demanded an expansion of the checks-and-balances mechanism among state institutions to prevent the arbitrariness of the lawmaking authority held by the President and the House of Representatives (Wasito et al., 2010).

The discourse regarding this supervisory mechanism gave rise to the idea of the judicial review right as a control instrument for the balance of state institutions. Based on the records of the constitutional session minutes, constitutional law expert Sri Soemantri Martosoewignjo provides a fundamental view that the right of judicial review cannot be separated from the foundation of the separation of powers theory. The judicial review of Law is specifically designed to prevent the potential abuse of power by the political superstructure of lawmakers (Wasito et al., 2010). Within this framework, the absolute independence of the judicial institution is a strict prerequisite for constitutional judges to interpret the original intent of the constitution without pressure or intervention from either the executive or legislative branches of power (Suherman, 2019).

The subsequent historical debate converged on determining the institutional architecture entitled to exercise the judicial review of the law authority. In the meeting forum of Ad Hoc Committee I of the Working Body of the People's Consultative Assembly, Iskandar Kamil as the representative of the Supreme Court issued a stern warning regarding the essence of expanding this authority. The right to review Laws, culminating in the annulment of norms, may be considered a judicative intervention against the legislative authority of lawmakers. However, this judicative intervention was precisely deemed necessary by the framers to

ensure that Law products are evaluated solely on their constitutional law aspects, independent of compromising political factors in parliament (Wasito et al., 2010).

The conclusion of the framers' lengthy debate culminated in a strategic agreement to separate the Constitutional Court from the Supreme Court (Wasito et al., 2010). This institutional separation was intended so that the Constitutional Court stands equally and possesses absolute decisiveness to annul legislative political products. The position of constitutional court decisions is situated as an instrument guarding legal sovereignty as well as a balancer in the equilibrium of the distribution of state power (Arifin, 2023). Based on this historical construction, the finality of Constitutional Court decisions was deliberately designed by the constitution framers as the ultimate weapon to curb lawmakers' dominance.

Such historical and philosophical design places Constitutional Court decisions at the apex of the legal certainty hierarchy in the formation of statutory regulations. Decisions that annul a Law norm are designed to immediately bind all citizens and state institutions, without leaving room for debate. However, the normative theoretical construct glorifying this final and generally binding nature faces severe structural hurdles in its implementation. The supreme textual authority granted by the constitution apparently is not balanced by adequate decision-execution apparatuses. This situation triggers a dogmatic clash between the generally applicable binding force doctrine and the reality of the absence of an executory apparatus, ultimately creating a loophole for lawmakers to resist.

B. The Antinomy of Finality and Erga Omnes Binding Force against the Absence of an Executory Apparatus

Judicial review of Law decisions issued by the Constitutional Court occupies the highest degree in the hierarchy of norm dispute resolution. The Constitutional Court holds absolute power to declare an article or paragraph within a Law unconstitutional. A decision invalidating such a norm automatically removes its binding force for all Indonesian people. This status is known as the *erga omnes* (generally binding) principle without exception. This characteristic is inherent because the object of review is a Law, which is initially designed to regulate public life broadly, thus its annulment must also apply universally.

The application of this *erga omnes* principle is a logical consequence of the final nature of the decision. According to Pitriyantini and Astariyani (2022), the essential essence of a final and binding decision closes all room for unilateral interpretation by state executors regarding constitutional orders. This final and binding nature means that the decision serves as an instrument to conclude constitutional debate deadlocks. Not a single state institution possesses the legitimacy to reinterpret, let alone reject, the enforcement of the decision's dictum.

This nature is necessary to maintain the unity of the legal system and prevent the enforcement of norms that injure citizens' constitutional rights.

The binding force of constitutional court decisions is rigidly locked within Indonesian positive law. Based on the provision of Article 58 of Law Number 24 of 2003, a Law remains considered valid and applicable before there is a decision stating otherwise. However, when a decision of unconstitutionality is handed down, Article 57 of Law Number 7 of 2020 explicitly revokes the binding legal force of the annulled norm. This normative construction strictly separates the validity timeframe of a norm from the point of its invalidation within the national legal order.

The reach of constitutional court decisions is not limited merely to the correction of statutory texts, but extends to the fundamental protection of the state order as a whole. [Harvelian \(2016\)](#) argues that the macro strengthening and protection of the constitution heavily rely on compliance with constitutional court decisions. This affirms that the binding force of a decision possesses an expansive dimension that tangibly affects the operational policies of state administrators. When a norm is annulled, lawmakers are obliged to halt all policy practices stemming from the unconstitutional article to prevent further systemic losses.

Such a solid conceptual and dogmatic construct, in reality, clashes severely with the absence of a physical coercive instrument. Constitutional Court decisions are characterized as *non-self-executing* (unable to execute themselves automatically). The constitutional judiciary is not equipped with an executive apparatus, such as bailiffs or prosecutors, which is controlled by the general judiciary under the Supreme Court. This situation engenders a serious legal antinomy between the decision's claimed general applicability and the weakness of legal certainty implementation in the field ([Phiau et al., 2025](#)). The execution of decisions regarding regulatory corrections relies entirely on lawmakers' willingness and good faith.

The root of the problem concerning this weakness in binding force is further exacerbated by the executory procedural law vacuum at the technical regulation level. Legislative history indicates that lawmakers have deleted Article 59 section (2) of Law Number 24 of 2003 through the enactment of Law Number 7 of 2020. The deletion of this provision eliminates the time limit that previously obliged the House of Representatives and the President to immediately follow up on constitutional court decisions. The absence of explicit legal sanctions for state institutions as the primary addressed parties of the decision causes the ignorance of constitutional orders to bear no juridical consequences whatsoever ([Sulistyowati et al., 2020](#)).

This execution time limit vacuum and the absence of a physical coercive instrument open a wide window for deviation by powerful actors. Lawmakers realize this legal loophole and utilize it to reduce the decision's binding force through various tactics of delay and legislative manipulation. This practice of evading constitutional obligations can no longer be viewed merely as administrative negligence, but rather as an act of active resistance by other branches of power. Lawmakers' deliberate disregard of the substance of constitutional court decisions constitutes a bad precedent that serves as a major driver of constitutional disobedience.

C. The Phenomenon of Constitutional Disobedience by Lawmakers

The executory procedural law vacuum plaguing the constitutional justice system provides vast maneuvering room for lawmakers. The act of ignoring or circumventing constitutional court decisions by institutions holding legislative power cannot be reduced merely to a technical negligence of lawmaking. This practice of resistance is dogmatically constructed as a form of constitutional disobedience that subverts the legal order hierarchy. Such disobedience is blatant when lawmakers deliberately revive annulled norms or create new norms that contradict the *ratio decidendi* (judges' legal reasoning) of the decision (Pratiwi et al., 2025).

This phenomenon of disobedience represents a sharp clash of authority between the constitutional judiciary and the legislative branch. The Constitutional Court essentially acts as a negative legislator whose authority ceases at the annulment of norms. The restoration of the legal state post-annulment absolutely requires the intervention of a positive legislator. The refusal of legislative and executive institutions to follow up on the decision creates a deadlock in the balance of authority among state institutions, directly endangering the enforcement of constitutional supremacy (Muttaqin et al., 2026).

A tangible manifestation of disobedience by the holder of executive power can be traced in the follow-up to Constitutional Court Decision Number 91/PUU-XVIII/2020. The decision held that Law Number 11 of 2020 suffered from a formal defect and was conditionally unconstitutional. The dictum of the decision explicitly ordered the correction of the lawmaking procedure within a two-year time limit by involving meaningful public participation. This constitutional order constitutes a dogmatic test of lawmakers' commitment to the rule-of-law principle.

The response to the decision precisely demonstrated a tactic of evasion from binding constitutional obligations. Instead of correcting the legislative procedure alongside the House of Representatives, the President took a shortcut

by issuing a Government Regulation in Lieu of Law. The use of this subjective right of compelling urgency is fundamentally a form of legal smuggling to neutralize the binding force of the constitutional court decision. This practice of authority deviation exhibits the limits of the Constitutional Court's accountability deadlock when directly confronting the political will of lawmaker elites (Rezah & Sapada, 2023).

Similar disobedience was blatantly exhibited by the legislative branch in its response to Constitutional Court Decision Number 60/PUU-XXII/2024. This decision is highly essential as it altered the regional head nomination threshold to restore the constitutional rights of marginalized political parties. The dictum of the decision, along with its legal reasoning, is immediately binding and must be applied in simultaneous regional head elections without further interpretation. This decision called for a rapid adjustment of technical regulations to ensure electoral justice for all political contestants.

The reaction of the House of Representatives to the decision presented a constitutional anomaly that undermines legal certainty. The people's representative institution maneuvered to ignore the Constitutional Court's reasoning by attempting to pass a revision of the regional head election law whose substance diametrically contradicted the decision. Although the maneuver was ultimately not passed due to widespread public rejection, the intent to engineer this norm has undermined the principle of legal compliance. This norm dispute in the realm of general elections demonstrates highly destructive implications for the legitimacy of the democratic dispute resolution process at the regional level (Rezah & Sapada, 2024; Muttaqin et al., 2026).

These two constitutional precedents confirm that the absence of a legal coercive instrument has legitimized institutional arrogance. Lawmakers frequently fail to translate decision orders into coherent and synchronous legislative language. The asynchrony of the Law's material content post-constitutional court decision is not caused by a weakness in legal drafting capacity, but rather results from the absence of intent to submit to the limitation of power (Bachmid, 2025). Legal products born from this disobedience process once again become vulnerable to being reviewed and annulled, thereby creating an endless vortex of regulatory uncertainty.

The dogmatic fact of this structured disobedience by positive lawmakers demands a fundamental reevaluation of the decision-execution procedure. Relying on the moral good faith and voluntary compliance of political institutions is a fragile constitutional strategy in safeguarding constitutional supremacy. The failure to implement the *erga omnes* principle underscores the need for a new,

juridically binding executive governance. Efforts to unravel this deadlock require optimizing available positive legal instruments and innovating in the renewal of the constitutional court's decision.

D. The Restructuring of Execution Governance: The Optimization of Statutory Provisions and the Judicial Order Approach

The constitutional fact of widespread legislative disobedience demands an overhaul of the governance system for decision execution. Relying on institutional moral awareness has proven ineffective in ensuring compliance with the *erga omnes* principle. The absence of a physical executory apparatus within the constitutional justice system must be answered through normative legal engineering capable of absolutely binding the legislative branch of power. This governance engineering requires optimizing available positive legal instruments while simultaneously demanding innovation in the architecture of the decision's dictum.

The normative way out of this executory deadlock has essentially been provided by lawmakers through the regulatory instrument of statutory regulation. The provision of Article 10 section (1) letter d of Law Number 12 of 2011 provides a highly strong imperative foundation. Such a norm mandates that the follow-up to constitutional court decisions constitutes a mandatory material content that must be regulated within a new Law. This provision alters the decision's status, which was originally declaratory, into a legislative obligation that cannot be bargained away by political institutions.

Optimizing such an article shifts the compliance paradigm from mere good faith to procedural compliance that is juridically binding. The House of Representatives and the President lose the legal basis to delay or ignore the adjustment of annulled norms. Legal compliance in adopting constitutional court decisions into the legislative program constitutes the primary indicator of a Law product's validity (Rakia et al., 2024). The ignorance of this material-adaptation obligation renders the legislative product substantially defective and, once again, vulnerable to future constitutional review.

Although the legislative obligation has been clarified, the Constitutional Court is still required to alter its judicial communication pattern by sharpening the decision's dictum. Thus far, the constitutional judiciary frequently takes refuge behind conditionally unconstitutional decision dictums in order to avoid a legal vacuum post-norm annulment. However, Putra (2023) highlights that the use of conditionally unconstitutional decision dictums frequently triggers problematic implications because it provides room for double interpretation for lawmakers. A highly abstract condition formulation is precisely utilized by the legislative

institution as a pretext to create new norms that deviate from the judges' *ratio decidendi*.

Addressing such an interpretation loophole, the constitutional judiciary requires a more commanding (imperative) instrument. [Miyonita et al. \(2024\)](#) propose explicitly applying a judicial order in the decision's dictum as a tactical instrument to address such disobedience. This approach allows judges not only to annul a norm but also to impose specific time limits and material limitations that must be complied with by lawmakers when drafting the substitute norm. The issuance of this judicial order reduces the parliamentary maneuvering room because the framework for the Law's correction has been rigidly set by the court.

The application of such a more imperative approach is highly possible within the framework of the latest procedural law. The enactment of Constitutional Court Regulation Number 7 of 2025 provides a more dynamic framework for judges in deciding judicial review cases. This flexibility is evident in the authority to adjust trial stages and formulate policies not specifically regulated, to facilitate the smooth handling of cases. This procedural leeway constitutes a dogmatic modality for judges to begin formulating decision dictums that contain direct orders to lawmakers.

The tactical step of the constitutional judiciary in issuing such measurable orders is frequently criticized as an overstep of authority. However, this progressive step gains dogmatic justification whenever lawmakers continue to commit omissions that harm the public. The progressive legal approach justifies issuing decisions that exceed the petitioner's request (*ultra petita*) to safeguard citizens' constitutional rights from the paralysis and arrogance of the legislative system ([Afriansyah & Setiyono, 2023](#)). The decisiveness of this judicial stance becomes the final shield to ensure that substantive justice is not held hostage by the representative institution's political reluctance.

The existence of the constitutional judiciary's internal regulation, along with such progressive steps by the judges, indeed constitutes a procedural breakthrough; however, this instrument possesses a fundamental weakness when viewed in the context of the hierarchy of statutory regulation. Based on the construction of Article 7 *juncto* Article 8 of Law Number 12 of 2011, the Constitutional Court Regulation's position is legally recognized, yet hierarchically it cannot bind, let alone dictate, institutions of the caliber of the House of Representatives and the President in executing the legislative function. The binding force of such court regulation is confined to the internal dimension of the judicial organ and the technicalities of the parties' trial. Therefore, relying solely on court regulations is insufficient to force the execution of Law formation, thus an instrument that is hierarchically equal is required to lock the obligations of such political institutions.

As a more concrete effort to affirm the urgency of decision execution, an amendment as a follow-up is required, specifically to the provisions of Article 10 section (1) letter d and section (2) of Law Number 12 of 2011. This regulatory renewal must contain the insertion of a new clause within Article 10 of the Law, which essentially orders lawmakers to include the bill for the decision's adaptation into the National Legislative Program. Such a new provision must contain a rigid time limit, namely, no later than one year from the date the Constitutional Court decision is pronounced. The construction of this precise time limit will close all room for omission, ensure legislative priority, and transform voluntary compliance into an absolute constitutional obligation.

The integration of legislative obligations into the formation law of statutory regulation and the issuance of progressive judicial orders produce a robust governance design for execution. This restructuring severs the chain of constitutional disobedience by closing every loophole of legal delay by the House of Representatives and the President. Legal certainty in the judicial review of Law ultimately no longer relies on the availability of a physical executory apparatus, but rather stems from a norm system that interlocks authority among state institutions. The analytical proof across this entire series of problems culminates in a whole conclusion regarding the need for a comprehensive enforcement of constitutional supremacy.

CONCLUSIONS AND SUGGESTIONS

The finality and binding force of Constitutional Court decisions in the judicial review of laws were historically designed as a power-balancing instrument to limit the arbitrariness of lawmakers. The generally binding nature essentially closes the door to unilateral interpretation by any state institution. However, such textual supremacy experiences an antinomy when clashing with the absence of a physical coercive instrument within the constitutional justice system. This executory apparatus vacuum is exacerbated by the loss of the decision follow-up time limit at the related Law level.

Such an executory procedural law vacuum has systematically engendered the phenomenon of constitutional disobedience by the holders of legislative and executive power. The act of ignoring decisions, issuing Government Regulations in Lieu of Law that smuggle unconstitutional norms, and maneuvering to revise Laws that contradict the judges' *ratio decidendi* constitute tangible manifestations of authority resistance. This practice of omitting constitutional obligations demonstrates that lawmakers continue to exploit the loophole in the decision-making process to maintain a lawmaking process that deviates from the constitutional mandate.

The resolution to this executory deadlock demands a comprehensive restructuring of the decision follow-up governance. In the judicial realm, the Constitutional Court needs to adopt a progressive legal approach by explicitly and measurably incorporating judicial orders into its decision-making to set material limitations for lawmakers. In the legislative realm, tangible follow-up steps are urgently required through an amendment to Law Number 12 of 2011. This regulatory renewal must include a clause that mandates the institutionalization of constitutional court decisions into the National Legislative Program, with a maximum execution time limit of one year.

The construction of a precise time limit combined with the decisiveness of judicial orders will shift the voluntary compliance paradigm into an absolute constitutional obligation. This integration of judicial instruments and the formation of statutory regulation will sever the chain of disobedience by positive lawmakers. This institutional restructuring will ultimately guarantee the holistic enforcement of constitutional supremacy while simultaneously nurturing legal certainty within the Indonesian constitutional system.

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