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Research Article

Introduction Theory and Practice Court Procedural Law Constitution

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ABSTRACT

Laws that develop in society sued the Court for follow development law these, including procedural law. Development procedural law of the Constitutional Court in practice need ijtihad from the Constitutional Court in skeleton find law new to use enforce supremacy constitution, democracy, justice and rights constitutional inhabitant country. Writing this use method approach juridical normative: that is the approach used for study or analyze secondary data in the form of materials primary law and materials law secondary Terms general procedural law arrange about provisions that are general, i.e provision about trial, conditions application, and regarding verdict. Provision in Thing trial in the Constitutional Court, for example, the Court examines, hears, and cut off in hearing plenary attended by all judges consisting of over 9 (nine) people, only in " outside " state normal", then hearing plenary the attended at least 7 (seven) Constitutional Justices. State outside normal that meant is die world or disturbed physical / soul so that no capable doing the obligation as Judge. Conclusion from article this is The Constitutional Court's procedural law is intended as applicable procedural law by general in things that become the authority of the Constitutional Court as well as applicable procedural law by special for every authority meant. The existence of the Court with the authority possessed bring up needs existence law new, that is procedural law, and develop it in skeleton enforce law in Indonesia.

Keywords: *Court of Justice procedural law Constitution, foundation juridical, general procedural law*

Introduction

Party democracy in Indonesia always welcome with lively in various corner homeland. Star from pre until post implementation will always up in arms reported Wisnaeni & Herawati, (2020); Power & Warburton, (2020);

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Ahmad, (2020). Moment this course, various news and opinion related election common in 2024 already start warm discussed. Like candidates the shadow that will continue relay leadership issues warm the internal pros and cons of the party , the party opposition party nor activity coalition something party , start sticking out to surface (Pratiwi et al., 2020). Not limited on election only, by therefore country our already have one Institution given authority for cut off something possible problem will occur that is something institution Justice named Court Constitution Republic of Indonesia (MKRI) Mukti & Rodiyah, (2020); Pratiwi et al., (2020); Susanto, (2020).

Understand Court Constitution (MK) RI

Based on **Article 24C paragraph (1) and paragraph (2) of the 1945 Constitution** , the Constitutional Court has the authority for test Constitution against the 1945 Constitution, decided dispute authority institution country whose jurisdiction given by the 1945 Constitution, decides dissolution party politics, decide dispute results election general , while The Constitutional Court 's obligation is give decision on DPR's opinion that President and / or Vice President suspected has To do violation law. Beside that , in function To do judicial / procedural, MK granted authority for To do action complete existing provisions for the purpose of smoothness implementation Duty and authority (Article 86 of the Constitutional Court Law) Adhani, (2020); Esfandiari & Al-Fatih, (2020).

Structure the organization of judges in court procedural law constitution is consist on nine (9) judges. More specifically consist on a Chairman concurrently member, a Vice Chairman concurrently member, and seven members of the constitutional justices Chairman and Vice Chairman chosen from and by constitutional judge for term of office During three year. Constitutional Court judge filed each **three people by MA, three people by DPR** and **three people by President** , for next set through Decision President (Banks & O'Brien, 2015).

Base Juridical Events Court Constitution

Procedural law used by MK in maintenance Justice is based on Constitution Number 24 of 2003 concerning Court Constitution as has changed with Constitution Number 8 of 2011 about Change On Constitution Number 24 of 2003 concerning Court Constitution (UU MK), and has conducted change second time through. Regulation Government Replacement Constitution Number 1 of 2013 about Change Second On Constitution Number 24 of 2003 concerning Court Constitution (Perppu Number 1/2013), Regulation Court Constitution, and in practice, i.e the court's decision (Huda et al., 2021).

Regulated procedural law in the Constitutional Court Law divided Becomes two part , that is procedural law containing **rule general held in MK** (such as provision trial, conditions application and regarding verdict) and **rule special** in accordance with characteristics each things that become the authority of the Court (Wijaya & Nasran, 2021).

Object and Subject Justice Court Constitution

In practice the Court of Justice, no there is limit about laws that can requested testing. Article 51 of the Constitutional Court Law affirms that which can be Act as applicant is the party who considers right and / or authority constitutional harmed by take effect a law (Oldfather, 2020).

Loss constitutional this is what becomes condition for could Act as applicant in testing law or **legal standing**. More detail the provisions in question is as following:

1. Existence right constitutional given applicant _ by the 1945 Constitution;
2. That right constitutional applicant the considered by applicant has harmed by a law being tested;
3. That loss constitutional The applicant in question character specific (special) and actual or at least character potential according to reasonable reasoning could confirmed will happen;
4. Existence connection because result (***causal verb***) between loss and the enactment of the requested law for tested;

5. Existence possibility that with granted application, then loss postulated constitutional no will or no occur again.

About Applicant or who the party in question, Article 51 of the Constitutional Court Law details it as individual Indonesian citizen , unity Public law custom (as long as still life and in accordance with development life Public and the principle of the Republic of Indonesia), the agency law public / private , or institution country (Trebilcock & Rosenstock, 2015).

Type, nature trial in court Constitution

The judge related with a process case, **trial Court Constitution could shared be 4 (four)**, that is Inspection Introduction, Examination Conference, Meeting Deliberation of Judges (RPH), and Pronunciation verdict.

1. Inspection Introduction

Inspection preliminary is the trial held for check completeness and clarity Theory application before enter inspection tree case. Inspection preliminary usually conducted by open panel of judges for general. However in things certain that is seen important and must quick decided, check preliminary could also direct conducted by plenary panel of judges. In inspection preliminary this at least the panel of judges will check a number of Thing following: Equipment administration , Clarity Theory application , legal standing , and The Court 's authority.

2. Inspection The judge

After inspection introduction, then the panel of judges will organize inspection the trial held for check:

1) Application
2) Tool proof
3) Information the respondent (if exists)
4) Information witness
5) Information expert
6) Information party related

In the trial forum, submission by oral conducted no with read document written that has be delivered to the Constitutional Court, but only convey things tree to look at important. After that next with inspection in the form of ask answer good with applicant, respondent, party related, witness / expert nor with constitutional judges. Inspection the judge on principle conducted by plenary panel of judges, except for case certain based on decision The Chief Justice of the Constitutional Court can conducted by a panel of judges. Hearing inspection the judge conducted by open, except otherwise determined by judges, for example because reason decency could set hearing closed.

3. Meeting Judges Consultation (RPH)

RPH is wrong one type from hearing plenary, which is different from type another trial, namely nature closed. RPH will discuss things that are confidential and only followed by constitutional judges, clerks, and clerk substitute. In this RPH discussed development something cases, decisions, and related decisions with something case (Roestamy et al., 2022).

4. Pronunciation Decision

Decision usually read out by alternate by the panel of judges of the constitution, begins by chairman trial, continued by other constitutional judges and on part conclusion, amar decision and Closing read out by chairman hearing again. Hearing plenary pronunciation decision must conducted by open for general. Every constitutional judge will get part certain from decision for read out by sequentially, except for the deep constitutional judges position submit dissenting ***opinion*** or different reasons (concurring ***opinion***). Judge who filed ***dissenting opinion*** or ***concurring opinion*** read his opinion or the reason alone after chairman hearing read amar verdict. ***Dissenting opinion*** alone occur if a different judge opinion with a majority judge, good about consideration law nor amar the verdict. The judge's ***dissenting opinion*** the loaded in decision by complete and placed before amar verdict. Temporary ***concurring opinion*** occur if opinion a judge follows (agrees) with majority judge opinion about amar verdict, will but different in consideration law (*legal reasoning)*. The Constitutional Court 's decision obtained strength law permanent since done be spoken in hearing plenary pronunciation decision open for general. With Thus, the Constitutional Court's decision is permanent and tie since after hearing pronunciation decision finished.

Methods

This can be divided into subsections if several Writing this use method approach juridical normative (Budianto, 2020) : that is the approach used for study or analyze secondary data in the form of materials primary law and materials law secondary, done with method approach problem from side law, discuss then study books , provisions legislation that has there is and existing relationship with problem that will discussed (Sukmana, 2020). Problems to be investigated refers to to Provision Constitution 1945 Constitution , and all related regulations with discussion this.

Results and Discussion

Trial in Court Constitution

1. Provision General Procedure Law;

Provision general procedural law arrange about provisions that are general, i.e, rovision about trial, conditions application, and regarding verdict. Provision in Thing trial in the Constitutional Court, for example, the Court examines, hears, and cut off in hearing plenary attended by all judges consisting of over 9 (nine) people, only in " **outside** " state **normal**", then hearing plenary the attended at least 7 (seven) Constitutional Justices. state outside normal that meant is die world or disturbed physical / soul so that no capable doing the obligation as Judge (Inshakova & Bogoviz, 2020).

Leader hearing plenary is Chief Justice of the Constitutional Court. In Thing Chairman unable, then hearing led by the Vice- Chairman, and when Chairman and Vice Chairman unable to for lead trial, then leader hearing chosen from and by MK member. Inspection could conducted by a panel of judges formed by the Constitutional Court, consisting of at least 3 (three) judges. Results from panel inspection delivered to hearing plenary for taking decision nor for act carry on inspection Hearing plenary for discussion panel report case and taking decision that called Meeting Closed Judges ' Deliberation (**RPH**) for general. Different with inspection, well done by plenary and panels, held in hearing open for general. After the RPH takes decision in hearing closed, then decision that then be spoken in hearing plenary open for general at least attended by 7 (seven) Judges. Provision pronunciation decision in hearing open for general this is condition legitimate and tie it up verdict.

1) Submission Application

Applications submitted must fulfill conditions as following :

a. written in Indonesian;
b. signed by applicant alone or his power;
c. in 12 (twelve) copies;
d. load clear description about the application:
    - testing Constitution against the 1945 Constitution;
    - dispute authority institution country whose jurisdiction given by the 1945 Constitution;
    - dissolution party politics;
    - dispute about results election general, or
    - DPR's opinion that President and / or Vice President suspected has To do violation law or deed despicable, and or no again fulfill condition as President and / or Vice President as meant in the 1945 Constitution.
e. Systematic description;
    - name and address applicant or power (identity) and position party);
    - basics application (posita), includes related with;
    - authority
    - position law (legal standing)
    - tree case
    - requested thing for decided (petitum) according to with provision in every application;
f. attached tools proof supporters.

2) Registration and Scheduling Hearing

Applications submitted must fulfill conditions as has described above. For that clerk to do inspection to completeness administration application it. Results inspection that notified to applicant. In Thing application not yet complete, applicant given opportunity for complete in deadline 7 (seven) days work. When application that has complete so quick noted in Book Registration Case Constitution (BRPK) and applicant given Deed Registration case. the BRPK load notes about completeness administration,

number case, date reception file , name applicant and tree case .

After application noted in BPRK, in time **no later than 14 (four twelve) days work**, **day hearing first must has set**. Hearing first this could conducted by panel or plenary judges. For that determination day hearing the notified to the parties through interpreter call and Public notified through pasting copy notification the on Board Court Announcement.

Before or During inspection done, applicant could interesting return his application. For that Chairman Court Constitution will publish stipulation Withdrawal Back. Consequence law from withdrawal return here, applicant no could again submit application meant.

3) Tool Proof

Article 36 of the Constitutional Court Law outlines tool evidence used by the parties for prove the argument. Tool proof this customized with nature the procedural law of the Constitutional Court so that rather different with tools known evidence in civil procedural law, criminal procedural law nor procedural law.

Miscellaneous tool evidence that can submitted to Court Constitution are:

1) letter or writing
2) description witness
3) description expert
4) statement of the parties
5) instructions; and
6) tool proof in the form of information spoken, sent, received or saved by electronic with tool optics or something similar with it.

Tool evidence included in application that will checked by the judge inside trial. In inspection that applicant must could take responsibility answer acquisition tool evidence submitted by law. Accountability acquisition by law this determine something tool proof legitimate. Determination legitimate or whether or not tool proof that declared in trial. To tool stated evidence _ legal, MK then To do evaluation with notice compatibility Among tool one proof _ with tool other evidence in the abattoir. Remember importance Step inspection proof as decisive stage, then _ the presence of the parties, witnesses and expert for Fulfill MK 's call is obligation. By because that in terms of the parties is institution country so could represented by appointed official _ or power based on regulation legislation. For that, so that the one who is called that could prepare all something, **then MK call must has received in period no later than 3 (three) days before day trial**. Witnesses who don't present in trial, while he has called by deserve according to law not his presence that without valid reason, Court Constitution could ask help police for bring it by force.

4) Inspection Introduction

Hearing first must set in period time 14 (four twelve) days after application noted in register book as set in Article 34 of the Constitutional Court Law. Hearing first this is hearing for inspection introduction. Hearing this is hearing before check tree case. In hearing first this is MK holding inspection completeness and clarity Theory application. Inspection this conducted by panel or plenary in hearing inspection open introductionfor general. If in inspection this it turns out Theory application that no complete and / or no clear, then Becomes The Constitutional Court's obligation to provide advice to applicant for complete and / or fix it. For that to applicant given no later than 14 (four twelve) days.

5) Inspection The judge

Inspection application or case constitution conducted in open court trial for general, only Meeting Judges Deliberation (RPH) conducted in hearing closed. Because hearing open that could attended by who only, while inspection case that need high precision and serenity, then everyone present in the judge that Required obey system orderly trial.

Based on given authority by law, the Constitutional Court has publish Regulation Court Constitution (PMK) on system orderly the judge namely PMK Number 03/PMK/2003. By because that who yag violate system orderly the judge this categorized as as insult to Court Constitution (***Contempt of Court***), examine application that includes the relevant MK authority with application , position the law (***legal standing***) of the applicant , and tree application along with tool evidence submitted in trial

litigants, witnesses as well as expert give required information (Akmal et al., 2020). Likewise, institutions related country with application. For interest inspection it's mandatory MK call the parties, witnesses and expert and institution country meant. The judge can also ask description written to institution country meant, and if has requested description written that, institution country Required fulfill it in period no later than 7 (seven) days work since Request that accepted. The presence of the parties litigation in the judge could accompanied or represented by power based on letter power special. Even can also be accompanied by besides power, only just if accompanied by besides power of attorney, applicant must make letter information submitted _ to the Constitutional Court in trial.

Discussion

Base law decision case constitution is the 1945 Constitution as constitution written country Republic of Indonesia. For ruling that grants must based on at least 2 (two) tools valid evidence and the judge's belief that application that Fulfill reason and terms constitutional as meant in constitution. By because that decision must load revealed facts and proven by legal in court and consideration the law that becomes basically. How to take decision conducted with discussion for consensus in RPH through hearing plenary closed led by Chairman trial. Provision about chairman hearing plenary as has mentioned above apply mutatis mutandis in this RPH. Inside meeting taking decision this every constitutional judge convey consideration or opinion written to application (***legal opinion***). With thereby so no there is abstention vote in meeting taking verdict. In Thing decision no could generated through discussion for consensus, then discussion postponed until hearing plenary next. In deliberation that work on by truly for consensus. However if it turns out permanent no achieved consensus that, then decision taken with voice most. Taking decision with voice the most can so experience failure because amount voice same. If so, then voice final chairman hearing plenary judges determine. In taking decision with method thereby that, the judge's opinion is different loaded in verdict. Decision could be spoken on day that also or postponed on another day. Pronunciation day decision that notified to the parties.

The verdict that has been taken in that RPH editing done write and the editor before signed by a judge who examines, hears , and disconnect , and the clerk who accompanies the judge, then set timetable pronunciation decision after timetable it's set day , date and the hour , parties called. Decision be spoken in hearing plenary open for general. Since pronunciation that, the **Constitutional Court 's decision as decision court level first and final powerful law permanent and final, meaning to decision that no there is effort law again and Required implemented.**

Court Constitution drop Judgment for Justice Based on Almighty God _ one. Like also decision court others, the Constitutional Court's decision must be load things as following :

1) Head decision reads: "For the sake of Justice " Based on Almighty God One";
2) Identity parties;
3) Summary application;
4) Consideration to revealed facts _ in trial;
5) Consideration the law that becomes base verdict;
6) The verdict, and
7) Day, date the decision, the name of the constitutional judge, and clerk .

The verdict that has been be spoken in hearing open for general and by therefore has powerful law permanent that, **a copy then must be delivered to the parties at the latest in 7 (seven) days work since decision spoken .**

Provision Special Procedure Law :

1. Test Constitution To Constitution Base

Special procedural law governing _ procedure and other things related with testing the laws in the Constitutional Court Law include things as following :

1. laws that can requested testing;
2. party who can Act in application testing laws;
3. form testing laws;
4. Constitutional Court's obligation to convey copy application to institution / institution

country certain (especially institution country shaper law);
5. MK 's right to ask description to institution country related with application;
6. Theory verdict, and
7. consequence decision testing Constitution and MK 's obligations after verdict .

Inside practice provision the no could accommodate problems that arise . Because that based on Article 86 of the Constitutional Court Law, the given Constitutional Court authority set, have shape Regulation Court Constitution (PMK) to use complete procedural law that has exists, that is with PMK Number 06/PMK/2005 concerning Guidelines talk In Case Test Act.

1. Laws that can requested testing
2. Parties who can Act as applicant in application testing Constitution
3. Form Test Constitution
4. Constitutional Court's obligation to convey copy application to institution country certain
5. The Constitutional Court's right to ask description and / or treatise meeting to Assembly People's Consultative Assembly (MPR), Dewan People's Representatives (DPR), Dewan Regional Representatives (DPD), and / or President
6. Theory Decision
7. Things Related with Decision

2. Dispute Authority State Institution

a. **Objective** :

Court Constitution is institution country that judges case constitution . By because that 's what it means with dispute authority institution country is dispute about authority that occurs Among institution country whose jurisdiction that given by the 1945 Constitution. The Constitutional Court Decision Number 04/SKLN-III/2006 states that though something institution country that has set by the 1945 Constitution, however if disputed authority _ that no is given authority _ by the 1945 Constitution, then such a dispute no including authority

b. **Parties** :

In dispute authority that can _ Act as applicant is institution country that has given authority _ by the 1945 Constitution and to authority that applicant have interest straight away. By because it's inside the request applicant Required decipher with clear about:

1. the importance it;
2. disputed authority;
3. institution the country that became Respondent;

Court great though as institution country, in dispute authority this no could Becomes party, ok as applicant or the respondent. However thereby will interesting for studied when occur dispute between MA and institution other countries that are objective no authority judicial, but other powers granted by the 1945 Constitution, both MA as applicant or the respondent. With existence applicant and respondent clear that case this **character Contentius**. By because that after register application, the Court must convey copy application that to the respondent. Delivery copy application this based on provision must be delivered in period no later than 7 (seven) days work since noted in the BRPK.

Decision Interrupt and Decision End :

Applicant as interested parties _ to authority exercised _ by Respondent, can so have rational reasons _ for quick discontinued implementation authority exercised _ by applicant. Because that for Fulfill it means that applicant submit decision interrupt so that the respondent stop more formerly implementation authority meant. To application this is MK can drop decision interrupt who ordered to applicant and / or respondent for stop temporary implementation disputed authority _ that until there is decision end of MK. As decision in testing law, in Court case no authorized or no fulfilled terms _ _ application and position the law (***legal standing***) as in Article 61 of the Constitutional Court Law, then The Constitutional Court's decision stated that application no could accepted (***niet ontvankelijke verklaard).*** In Thing has fulfilled terms meant, then application could received for checked and next

will given decision about tree case . If in inspection it turns out the arguments that become reason in application that could proven by legitimate and convince the judge, then decision will grant application and state with assertive that respondent no have authority for doing disputed authority. _ In Thing otherwise, then decision state application rejected . The Constitutional Court's decision that granted application in dispute authority Required held by respondent in period no later than 7 (seven) days work since decision that accepted. when the respondent who has declared no authorized the permanent doing authority that so implementation authority the by respondent null and void .

c. **Other related things _ with verdict** : Court Constitution convey copy decision dispute authority to the DPR, DPD, and President . Dispute authority this is the first occur in case Number 068/SKLN-II/2004 between DPD as Applicant against the DPR and President as Respondent I and Respondent II who objected to election and rapture member Body Examiner Finance (BPK).

3. Dissolution Party Political

a. Parties and Application :

Citizen country entitled by constitutional for association 20, including it is shape party. Government in Thing this government center could submit application dissolution party political if ideology, principles, goals, programs and activity party political contrary with the 1945 Constitution. By because that Article 68 paragraph (1) of the Constitutional Court Law stipulates that government, in Thing this is government considered center _ have position law (legal standing) as applicant in case dissolution party political Related with contradiction party political with constitution so applicant Required decipher with clear and in detail about ideology, principles, goals, programs, and considered activities _ contrary with the 1945 Constitution. Party requested politics _ disbandment by government based on justice in procedure entitled for knowing and defend self. By because that's MK in period no later than 7 (seven) days work since application noted in BRPK convey copy application to party political that.

b. Verdict :

Disbandment party political this including case Justice fast (speedy trial). By because it's mandatory MK check and cut off in period no later than 60 (sixty) days work since application noted in the BRPK. As to case other, verdict to application dissolution party political also consists of 3 (three) possibilities, namely: no accepted (niet ontvankelijk verklaard), granted , and rejected . Application dissolution party political no received when applicant in case this no Fulfill condition position law (legal standing) as provision in Article 68, namely no government center or at least power from government center. Likewise the application no received when inside _ application that no outlined by clear and detail about the reason to be base application as provision in Article 68 paragraph (2) of the Constitutional Court Law, namely: description about the contradiction ideology, principles , goals , programs, and activity party against the 1945 Constitution. Application dissolution party political granted when the reason to be base application as above _ _ clear and deep detail _ inspection proven by law and on base evidence the judge sure. On the other hand, though the reason to be base the has outlined by clear and detailed , however if no proven by legitimate according to law , then application the rejected .

c. Announcement and Implementation Verdict:

So that decision could is known and implemented, decision dissolution party political be delivered by MK to party the politics concerned and Government announce it in State News in period no later than 14 (four twelve) days since decision accepted by the Court. Beside that Government Required doing with cancel registration party political that .

4. Dispute results election general (PHPU)

Based on provision in the Constitutional Court Law includes, legislative PHPU and President and Vice President. Based on Constitution Number 22 of 2007 concerning Organizer Election General emphasized " Election " Regional Heads and Deputy Regional Heads are Election

for choose head area and deputy head area by direct in the Unitary State Republic of Indonesia based on Pancasila and Constitution 1945 Constitution of the Republic of Indonesia ". Since confirmed in provision Act a quo that General Election is regime election so solution dispute election given to Court Constitution (Firmanto et al., 2021).

a. Applicant, Material Application and grace Time Submission ;

Provision about who canAct as Applicant in dispute results election general based on Article 74 paragraph (1) of the Constitutional Court Law is

1. Individual Indonesian citizen candidate member Board Participating Regional Representatives election general ;
2. Couple candidate President and Vice President participant election general President and Vice President ; and
3. Party political participant election general.

Likewise the provisions in PMK 04/PMK/2004 Article 3. In practice , the Court is of the opinion that party political participant election is one unity entity , so that the representation by administrator center . Manager region or administrator area could Act as applicant only if get power from administrator center. Theory application in dispute results election is determination results elections held _ by national by Commission Election General (KPU) which has influence by significant against :

1. chosen candidate member Board Regional Representatives ;
2. determination couple incoming candidate _ on round second election President and Vice President as well as chosen couple candidate President and Vice President ;
3. acquisition chair party political participant election common in a area election .

Dispute results election only could submitted in period no later **than 3 x 24 (three times two) twenty four) hours counted since the KPU announced determination results election by national and Required disconnected in period slowest time** :

1. 14 (fourteen) days work since application noted in BRPK, in Thing election President and Vice President ;
2. 30 (thirty) days work since application noted in BRPK, in Thing election members of the DPR, DPD, and DPRD.

Because the limit time submission that and breadth region law the Republic of Indonesia, then PMK 04/PMK/2004 stipulates submission application that could conducted via (facsimile or e-mail with provisions no later than 3 (three) days counted since it's over grace time , request original must has received by MK. Theory application the must outlined with clear and detail related with (Rodhiyah, 2019):

1. Error results counting announced vote by KPU and results correct calculation according to applicant ; and
2. Request for cancel results counting announced vote by KPU and set results counting correct voice according to applicant .

b. KPU as Respondent ;

Commission that results work very disputed in the Constitutional Court interested to application this. Because that in practice of domiciled KPU as the respondent must notified to him about application that through delivery copy application and must given opportunity in inside check court trial . Delivery copy application the must conducted in period no later than 7 (seven) days work since application at registration (Butt, 2015).

c. Judgment ;

To application that is not Fulfill terms position law (legal standing) and terms clarity Theory as meant Article 74 paragraph (1) to with paragraph (3) and Article 5 of the Constitutional Court Law Heath, (2017);Yusa et al., (2020). when the reason to be base application proven by law and convincing , then the Court decides grant application with state cancel results counting announced vote by KPU and set results counting correct voice as meant by Applicant . On the contrary when no proven reasoned , then the Court stated : refusal decision application applicant (Sellers & Scharff, 2020).

5. DPR 's Opinion Regarding Violation by President and / or the Vice President .

a. Applicant and Theory Application , based on Article 80 paragraphs (1) and (2) of the Constitutional Court Law, then applicant in case this is DPR and Theory the request is guess (Tinambunan, 2016):

1. President and / or Vice President has To do violation law in the form of betrayal to state, corruption , bribery , act criminal heavy other , or deed despicable ; and / or
2. President and / or Vice President no again Fulfill condition as President and / or Vice President based on the 1945 Constitution

Submission application in case this to MK must accompanied by :

1. DPR 's decision on Thing it ;
2. retrieval process the decision ;
3. Treatise and / or Minutes of DPR meeting ;
4. The evidence .

Retrieval process decision in opinion meant based on the 1945 Constitution Article 7B paragraph (3) must supported by 2/3 (two thirds) of amount member of parliament hadar in hearing plenary attended by at least 2/3 (two thirds) of members of the House of Representatives. Copy of application case this be delivered to President in period no later than 7 (seven) days work since registered (Sari et al., 2021).

a. **Verdict** ,

1. Decision and Affecting Matters; In grace no later than 90 (nine twenty) days since registered , application the must disconnected by MK. In grace time the when President and or Vice President withdraw self, even though in the process of inspection though, then the inspection process the discontinued and application declared fall. The Constitutional Court 's decision against application that , when no Fulfill terms position of judge and terms clarity as well as completeness as meant Article 80 of the Constitutional Court Law states: no accepted. Likewise, if opinion the no proven, then The Constitutional Court's decision stated that application rejected. On the contrary if proven so The Constitutional Court's decision stated that justify DPR opinion.
2. Implementation Judgment ; Court The constitution that has drop decision in case DPR's opinion , conveyed to the DPR and President and / or the Vice President . If The Constitutional Court's decision stated that DPR 's opinion has proven and by because that DPR 's opinion allowed , then after accept copy decision the DPR organizes hearing plenary for carry on suggestion stop President and / or Vice President to the MPR. MPR in grace no later than 30 days since accept suggestion, mandatory organize hearing To use decide the DPR 's proposal. Decision about stop President and / or Vice President must taken in meeting the plenary session of the People's Consultative Assembly attended by (three quarters) of amount member and Approved by 2/3 (two thirds) of amount members present. Decision taken after more formerly give opportunity to President and / or Vice President convey explanation in meeting plenary meant (MP, 2020).

Conclusion

Laws that develop in society sued the Court for follow development law these, including procedural law. Development procedural law of the Constitutional Court in practice need ijtihad from the Constitutional Court in skeleton find law new To use enforce supremacy constitution, democracy, justice and rights constitutional inhabitant country. The Constitutional Court 's procedural law is law working form for enforce law the material, that is part from law the constitution that became the authority of the Court. The Constitutional Court's procedural law is intended as applicable procedural law by general in things that become the authority of the Constitutional Court as well as applicable procedural law by special for every authority meant. The existence of the Court with the authority possessed bring up needs existence law new, that is procedural law, and develop it in skeleton enforce law in Indonesia

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