

CHAPTER FIVE
CONCLUSION AND RECOMMENDATION

A. Conclusion

Based on the previous discussion, it may arrive at conclusion that the Constitutional Court has given significant contribution to settle 25 cases regarding dispute on jurisdiction among the state institutions. The Constitutional Court has carried out its duty as the guardian of the 1945 Constitution. However, there is problem about unclear definition of the subject matter regarding the scope of state institutions whose authority are mandated by the 1945 Constitution. It brings about multi-interpretation among the judges on the meaning of state institution. Some judges use the broad interpretation, but the majority of judges use the narrow interpretation which implicitly refers to Article 64 of the Constitutional Court Act.

B. Recommendation

The Constitutional Court Act should be amended in order to avoid multi-interpretation of the meaning “state institutions” and “authority” which are mandated by the 1945 Constitution in the dispute among the state institutions. Therefore, the DPR and the President need to take initiative to revise Article 61 of Law Number 24 Year 2003 on Constitutional Court

which make a clearer definition of state institutions which have legal standing in the dispute on jurisdiction among state institution in the Constitutional Court.