

**Handbook on Election Result Dispute Settlement**  
**Constitutional Court of the Republic of Indonesia**

# INTRODUCTION

The 2004 Elections will see the interplay of a mixture of different elections systems in electing the representatives to the DPD, DPR, DPRD, and in electing the President and the Vice President. This means that the dispute resolution and other processes also become a little more complex. Jurisdictions are lodged upon different bodies which follow different mechanisms to resolve these disputes. Thus, it is important that the stakeholders become fully aware of how to go about taking advantage of the mechanisms provided by the Constitution and the laws so as to further the goals of the conduct of the elections, i.e., to be direct, general, free, secret, honest, and fair.<sup>1</sup>

It is hoped that this booklet will help achieve the aforesaid aim with respect to the election dispute resolution mandate of the Independent Constitution Court pursuant to art. 24 (C) of the 1945 Constitution,<sup>2</sup> thereby promoting transparency in the work of the Court. Thus, this booklet will present in a more clear, concise and easy-to-read format information as regards the substantive and procedural requirements in disputes involving election results within the jurisdiction of the Constitutional Court. To achieve this, flowcharts, outline of the pertinent laws and regulations, relevant forms, and case examples have been incorporated.

This booklet therefore, hopes to become a vehicle in concretizing the mission of the Constitutional Court to be one of the trusted judicial executors and to build a culture of constitutional awareness.<sup>3</sup>

**Constitutional Court of Republic of Indonesia**

**Prof. Dr. Jimly Asshidiqie. SH**

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<sup>1</sup> 1945 Constitution of the Republic of Indonesia, as amended, Art. 22E

<sup>2</sup> See also Art. III., Transitional Provisions, 1945 Constitution of the Republic of Indonesia, as amended.

<sup>3</sup> Mission of MKRI, affirmed during the Workshop Strategic Planning, December 2003.

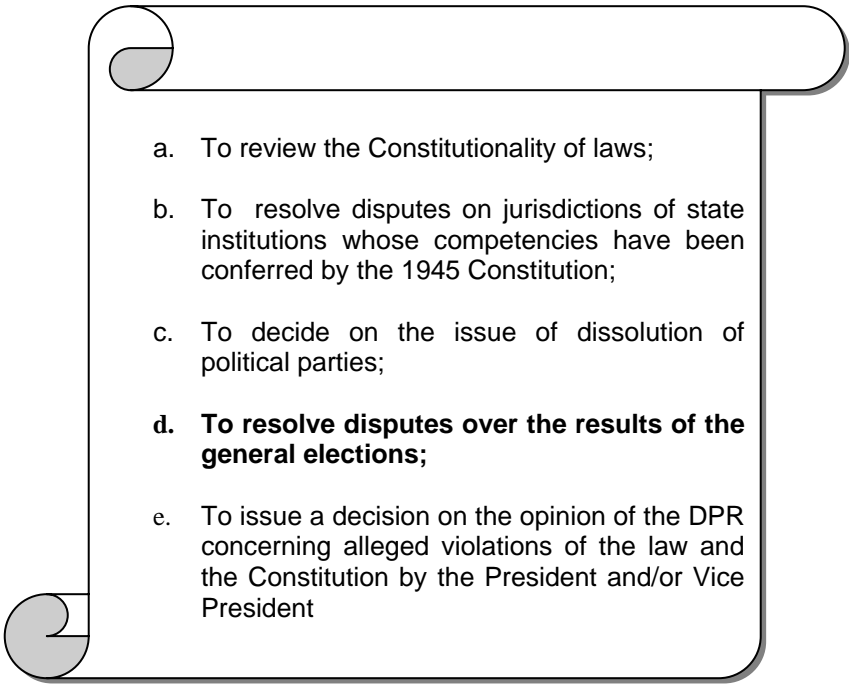
## CHAPTER 1 GENERAL JURISDICTION OF THE CONSTITUTIONAL COURT

### I. INDEPENDENT EXERCISE OF JUDICIAL POWERS

The Constitutional Court, just like the Supreme Court, exercises **judicial powers** pursuant to ART. 24(1) and 24(2) of the 1945 Constitution. Therefore, it is bound by the principle of independence in the exercise of such powers, free from the influence of other institutions in the adjudication of cases and the administration of justice.<sup>4</sup>

### II. CASES FALLING WITHIN THE JURISDICTION OF THE CONSTITUTIONAL COURT

The Constitutional Court possesses judicial power<sup>5</sup> and authority to adjudicate and perform the following at the first and final instance:<sup>6</sup>

- 
- a. To review the Constitutionality of laws;
  - b. To resolve disputes on jurisdictions of state institutions whose competencies have been conferred by the 1945 Constitution;
  - c. To decide on the issue of dissolution of political parties;
  - d. To resolve disputes over the results of the general elections;**
  - e. To issue a decision on the opinion of the DPR concerning alleged violations of the law and the Constitution by the President and/or Vice President

<sup>4</sup> General Overview, Elucidation of the Law Of the Republic of Indonesia Number 24 of the Year 2003 on the Constitutional Court.

<sup>5</sup> Art. 24 (1), 1945 Constitution of the Republic of Indonesia; Art. 10(1), Law No. 24/2003.

<sup>6</sup> Art. 24 (C)(1) & (C)(2), 1945 Constitution of the Republic of Indonesia.

## CHAPTER 2 ELECTION DISPUTES AND VIOLATIONS

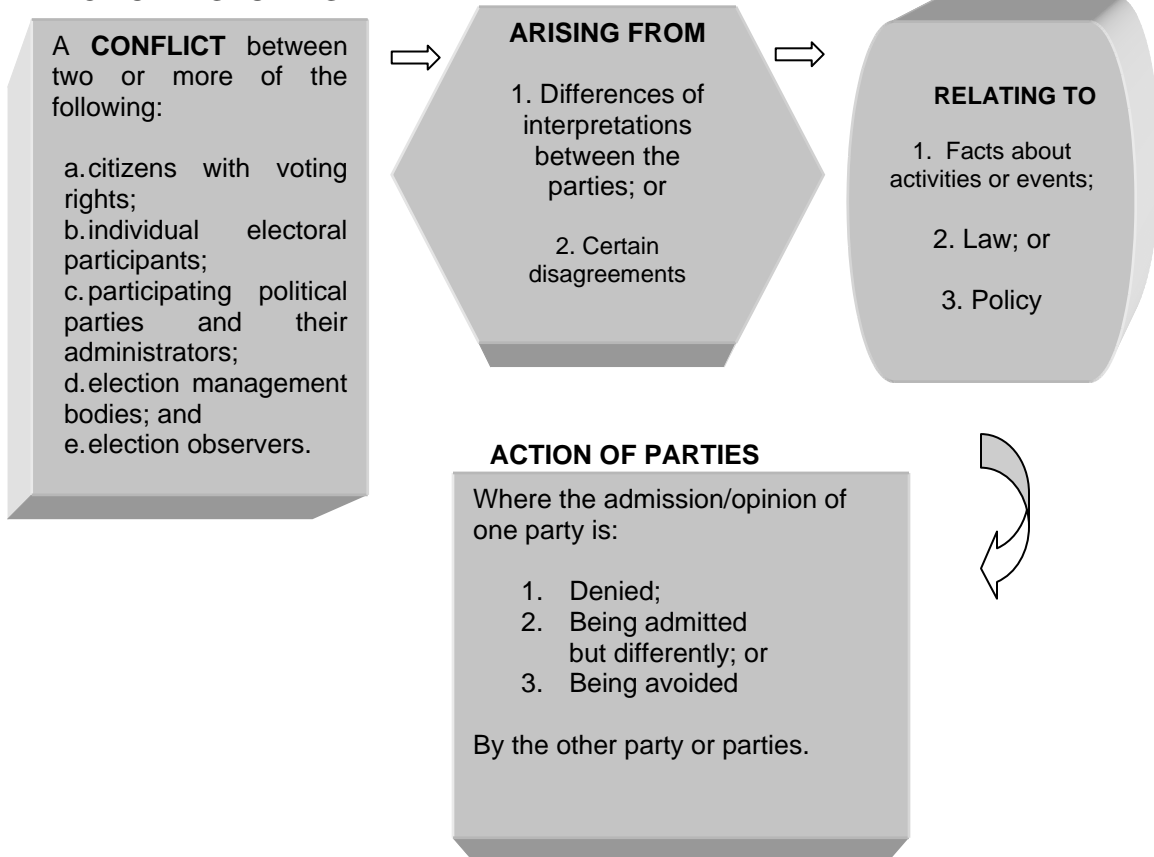
### III. ELECTION DISPUTE VERSUS VIOLATIONS OF ELECTION LAWS: WHICH BODY HAS JURISDICTION AND WHERE DOES ONE LODGE/FILE THE COMPLAINT?

#### A. ELECTION DISPUTE

##### a. Technical meaning of “ELECTION DISPUTE”

When does an election dispute arise? “Dispute” arising within the implementation of the election process has a technical meaning:<sup>7</sup>

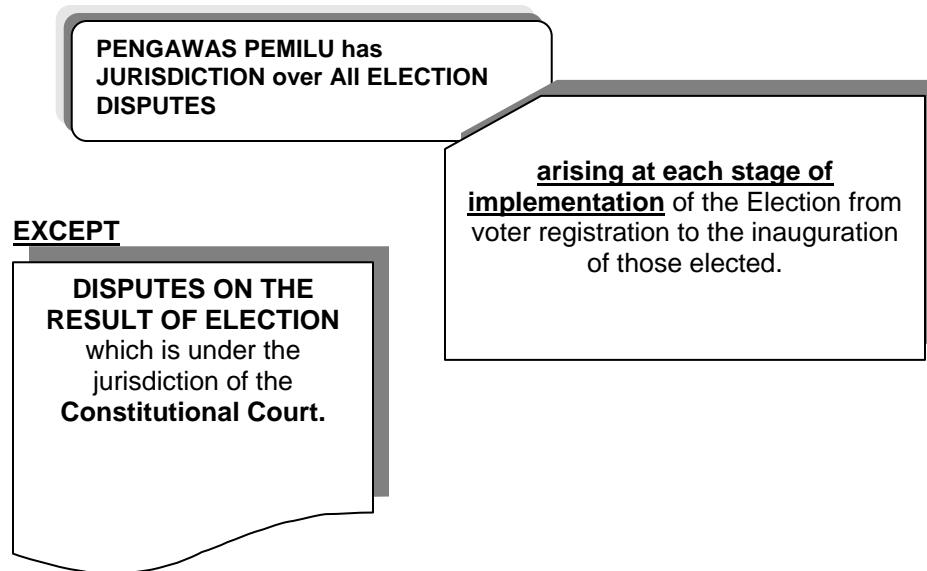
#### ELECTION DISPUTE IS



##### b. JURISDICTION IN ELECTION DISPUTES: CONSTITUTIONAL COURT AND PENGAWAS PEMILU

<sup>7</sup> Paragraph 1, PANWAS PEMILU Reg. 13-2003.

## SCOPE OF DISPUTE WITHIN THE COMPETENCE OF THE CONSTITUTIONAL COURT AND THE PENGAWAS PEMILU



Stated otherwise, any election dispute not falling within the jurisdiction of the **CONSTITUTIONAL COURT**, therefore, falls under the jurisdiction of the **PENGAWAS PEMILU**. Following the technical meaning of “dispute,” it can only be brought either before **the PENGAWAS PEMILU or the CONSTITUTIONAL COURT** for resolution. (The specific jurisdiction of the Constitutional Court will be discussed under the next section, Part 3.IV)

### B. ELECTION VIOLATIONS

#### a. What are election violations?

**ELECTION Violations** are violations of election laws, which may either be:

- ❖ CRIMINAL VIOLATIONS; or
- ❖ ADMINISTRATIVE VIOLATIONS



Acts which election laws have defined to be criminal in nature and providing penalty of imprisonment and/or fine, are **CRIMINAL VIOLATIONS**. Those violations not falling under such definition or those violations against the provisions and requirements as stipulated in the election laws not defined as criminal in nature and without corresponding penalty and/or fine, are merely **ADMINISTRATIVE VIOLATIONS**.

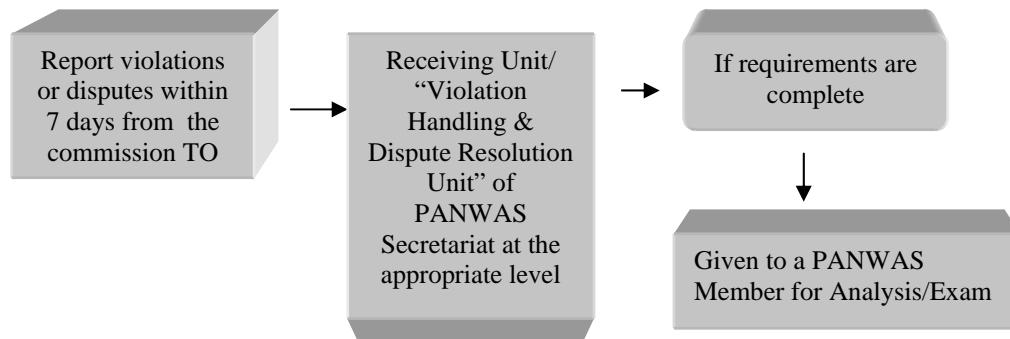
**b. Jurisdiction on election violations** (which do not fall under the technical definition of a “dispute”) may fall under the **KPU** or the **Regular Courts** but has to be reported first to **PENGAWAS PEMILU** for processing and preliminary examination and then, forwarded to the appropriate body.

TYPE of Election Cases	WHICH BODY HAS JURISDICTION?
Those alleging/consisting of criminal violations relating to elections	Regular Courts (Filed with PENGAWAS PEMILU to be forwarded to Investigators at appropriate Offices for possible filing with the Regular Courts) <sup>8</sup>
Those alleging administrative violations relating to elections	KPU at relevant level <sup>9</sup> (Filed with PENGAWAS PEMILU to be forwarded to appropriate KPU)
Dispute Settlement not falling within the jurisdiction of the Constitutional Court	Appropriate Election Supervisor
Dispute specifically defined to be within the jurisdiction of the Constitutional Court	Constitutional Court

### C. SUMMARY OF THE PROCESS OF FILING OR REPORTING ELECTION DISPUTES AND VIOLATIONS

#### a. Not falling within the jurisdiction of the Constitutional Court

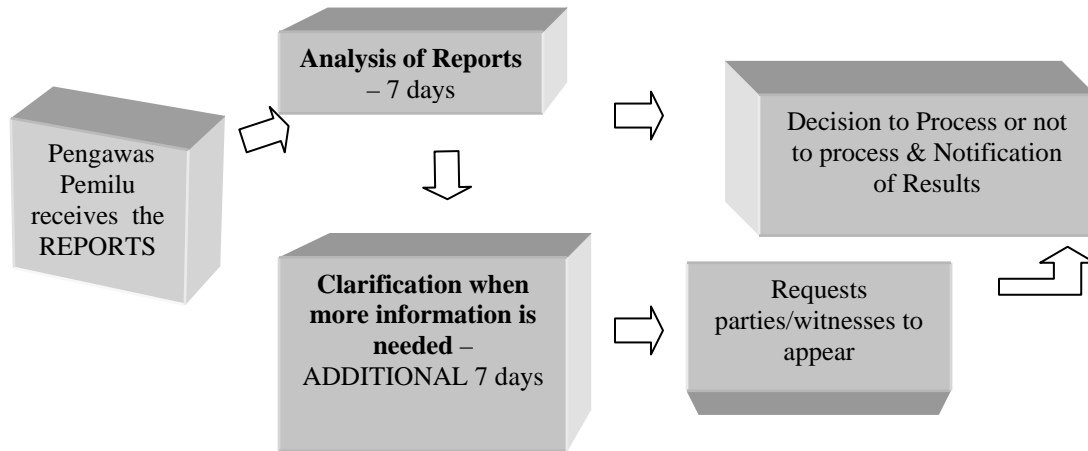
##### 1<sup>st</sup> STAGE: REPORTING AND RECEIVING OF REPORTS



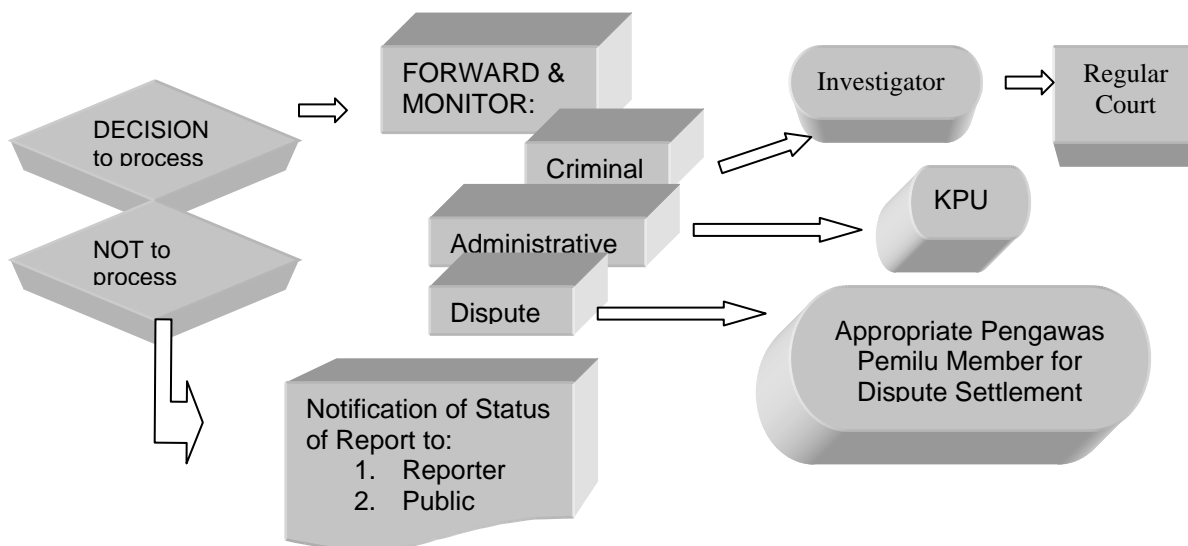
<sup>8</sup> Art. 128 (5) and Art. 130 of Law No. 12 and Art. 5 of PANWAS PEMILU Reg. 09-2003.

<sup>9</sup> Art. 130 of Law No. 12; Art. 6 PANWAS PEMILU Reg. 09-2003, and Art. 9 of PANWAS PEMILU Reg. 08-2003.

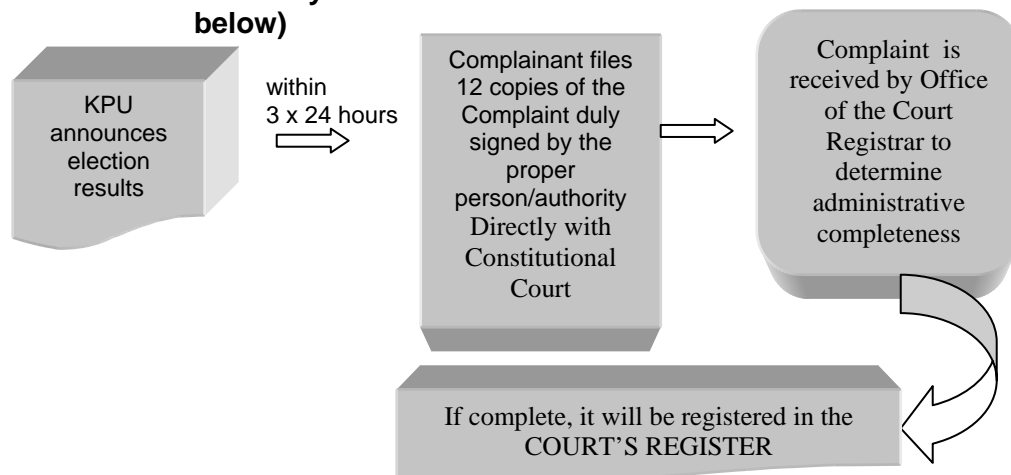
## 2<sup>ND</sup> STAGE: ANALYZING AND PROCESSING OF REPORTS



## 3<sup>RD</sup> STAGE: FORWARDING OF REPORTS



### b. Within the jurisdiction of the Constitutional Court (General flow only – details will be discussed under Sections 4 & 5 below)



### CHAPTER 3 ELECTION DISPUTES WITHIN THE JURISDICTION OF THE INDEPENDENT CONSTITUTIONAL COURT

#### IV. JURISDICTION OF THE CONSTITUTIONAL COURT ON ELECTORAL DISPUTE

##### A. GENERAL MANDATE

The 1945 Constitution of the Republic of Indonesia specifically states that the Constitutional court has the power and authority to resolve/adjudicate at the first and final instance **disputes regarding the results of the general elections.**<sup>10</sup>

##### B. WHAT SPECIFIC ELECTION DISPUTES CAN BE BROUGHT BEFORE THE CONSTITUTIONAL COURT?

**Not all disputes involving the general elections fall within the jurisdiction of the Constitutional Court. Only those disputes that contest the results of the general elections conducted nationally by the NATIONAL ELECTIONS COMMISSION (KPU) that affect the following may be brought before the Constitutional Court:**<sup>11</sup>

- a. The Election of a candidate to the Regional Representative Council (DPD);
- b. The determination of the pair of candidates that would compete in the second phase of the election for presidency and vice presidency;
- c. The determination of the pair of candidates elected into the presidency or vice presidency;
- d. The seats won in an electoral district by a competing political party.

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<sup>10</sup> Art. 24 (C)(1), Art. III, Transitory Provisions of 1945 Constitution of the Republic of Indonesia; Art. 10(1)(d), Law No. 24/2003 on the Constitutional Court; Art. 104 & Art. 134, Law No. 12/2003 on The General Election of DPR, DPD, and DPRD Members; Art. 68 & Art. 85, Law No. 23/2003 on the Presidential & Vice Presidential Election.

<sup>11</sup> Art. 74(2), Law No. 24/2003; Art. 4 Regulation No. 04/PMK/2004.

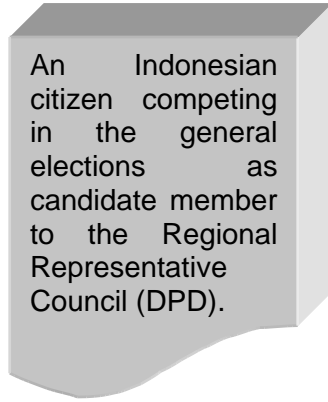
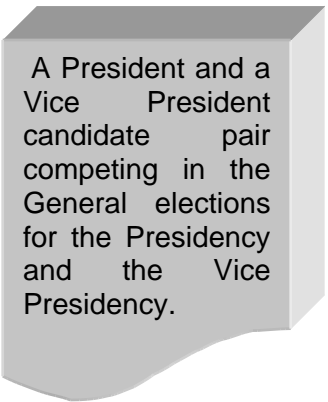
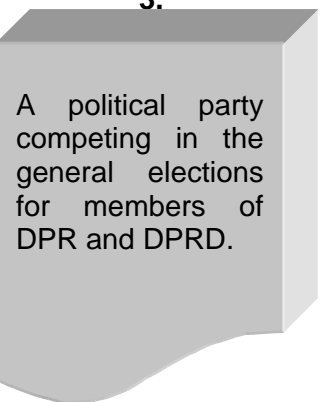


## CHAPTER 4

### PARTIES TO AN ELECTION DISPUTE AND LEGAL STANDING BEFORE THE CONSTITUTIONAL COURT

#### V. **WHO CAN FILE A COMPLAINT TO DISPUTE THE RESULT OF THE GENERAL ELECTIONS BEFORE THE CONSTITUTIONAL COURT?**

The following **ELECTORAL PARTICIPANTS**<sup>12</sup> have the **LEGAL STANDING** or can **FILE A COMPLAINT** for electoral result dispute within the jurisdiction of the Constitutional Court:<sup>13</sup>

1.  
An Indonesian citizen competing in the general elections as candidate member to the Regional Representative Council (DPD).
2.  
A President and a Vice President candidate pair competing in the General elections for the Presidency and the Vice Presidency.
3.  
A political party competing in the general elections for members of DPR and DPRD.



The complainant has to have some claim to the position/seat which is the subject of the dispute for him/her/it to have a legal standing. In other words, her/his/its complaint should claim that s/he/it has been prejudiced by the results as announced by KPU. Furthermore, his/her/its complaint should affect the results of the elections such that s/he/it may probably end up being elected (or qualified for the second round of presidential and vice presidential elections, as the case maybe) after the complaint shall have been resolved. His/her/it should back up the claim by a substantial number of votes that may alter the results if eventually sustained by the Court.

**For example, if a candidate for a DPD seat ranking No. 2 wants to dispute the results so s/he could be declared no. 1 for purposes of prestige, s/he has no legal standing as the said complaint does not materially affect the election but only the standing.**

<sup>12</sup> Electoral participants are those specifically defined under the law: Art 6 & Art. 22 (E), 1945 Constitution of the Republic of Indonesia; Art. 1(9), Law No. 12/2003; Art 1(6), Law No. 23/2003.

<sup>13</sup> Art.74(1), Law No. 24/2003.; Art. 3, Regulation 04/PMK/2004.

### THEREFORE:

- A. For a *DPD candidate*, his/her ranking based on the vote count does not matter for purposes of determining standing. What is IMPORTANT is that s/he is able to show that the vote count announced by KPU is wrong and s/he has proof of the correct vote count which, if sustained, would entitle him/her for election to a seat.

For example, it is possible that a candidate rank No. 12 can still question the election results so long as s/he has the evidence (e.g. certificate of vote count results) to prove that the one announced by KPU was erroneous and if his evidence is considered he would eventually end up elected at rank no. 4.

- B. The same can be said for a **Presidential and Vice Presidential candidate pair** who wish to contest the election results during the first phase.

- D. However, for the Second Phase, only the **losing Presidential and Vice Presidential pair** can file a complaint.

VI.

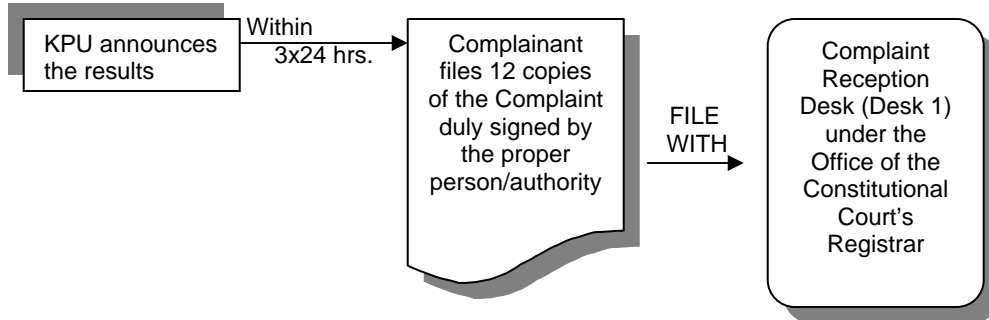


### WHO has the burden of proof?

The burden lies on the complainant to prove that the results announced by the KPU was erroneous and that s/he/it has evidence to show that s/he/it is entitled to the post s/he/it is claiming.

## CHAPTER 5 FILING COMPLAINTS

### VII. GENERAL FLOW (will be elucidated below)



### VIII. WHEN SHOULD THE COMPLAINT BE FILED?

A complaint may be filed only within a period of **3 times 24 hours (3 x 24)** from the KPU's announcement of the determination of the results of the general elections nationally.<sup>14</sup>



#### **When does KPU make an announcement of the elections results?**

The announcement of the determination of the election result shall be made no later than 30 (thirty) days after voting day pursuant to ART. 104 (3) of Law No. 12/2003 and ART. 66 of Law No. 23/2003. The KPU's timetable shows that it will make the announcement on the following dates:

1. DPR, DPRD, and DPD – between April 21-30, 2004;
2. For President and Vice President (1<sup>st</sup> Round) - on July 26, 2004; and
3. For President and Vice President (2<sup>nd</sup> Round) - between October 10-12, 2004.



#### **HOW TO COUNT THE NUMBER OF DAYS FOR PURPOSES OF DETERMINING THE LAST DAY TO FILE:**

##### **FOR DPD, DPR, DPRD:**

If KPU announces the results on April 29, 2004 at 15.00, then the deadline for filing the complaint will be on May 2, 2004 at 15.00 (3 x 24 hours).

Announcement	Deadline
29-4-04 at 15.00	02-5-04 at 15.00

##### **FOR Pres. & VP – Phase 1**

If KPU announces the results on July 26, 2004 (as stated in KPU time table) at 15.00, the deadline for filing the complaint will be on July 29, 2004 at 15.00 (3 x 24 hours).

Announcement	Deadline
26-07-04 at 15.00	29-7-04 at 15.00

##### **FOR Pres. & VP – Phase 2**

If KPU announces the results on Oct. 07, 2004 (as stated in KPU time table) at 15.00, then the deadline for filing the complaint will be on Oct. 10, 2004 at 15.00 (3 x 24 hours).

Announcement	Deadline
07-10-04 at 15.00	10-10-04 at 15.00

<sup>14</sup> Art. 74(3), Law No. 24/2003 and Art. 5(1), Regulation No. 04/PMK/2004; See also Keputusan KPU No. 638 Tahun 2003.

## IX. FILING OF COMPLAINANTS

### A. WHAT TO FILE?<sup>15</sup>

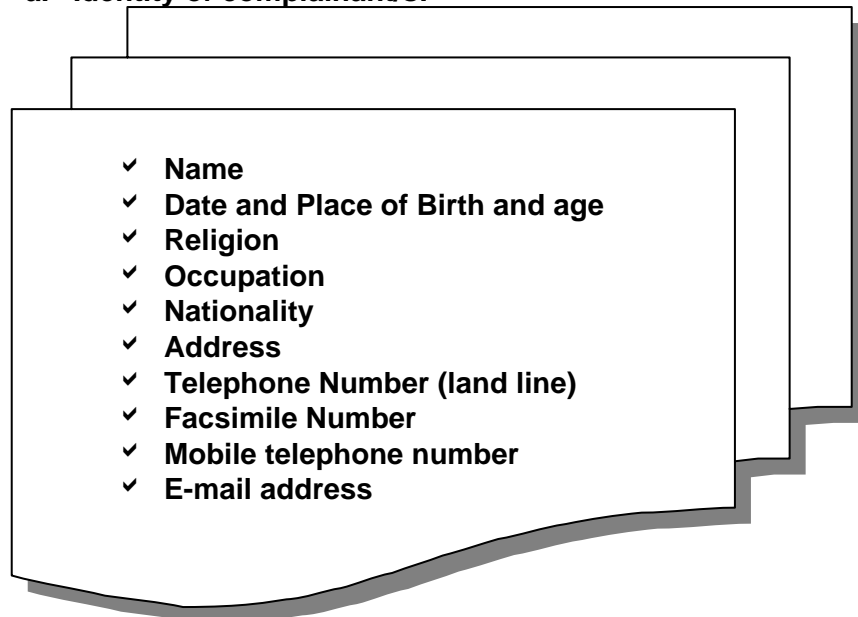
Submission of a **written** complaint **in Bahasa Indonesia** by complainant or by his/her proxy to the Constitutional Court in **12 copies signed** by:

- a. participating DPD candidate or his/her attorney;
- b. participating Presidential and Vice Presidential candidate pairs or their attorneys;
- c. General Chairperson and Secretary General or persons having the same positions or positions of similar nature although the title may be different at the central administration of the political party or their attorney.

### B. CONTENTS OF COMPLAINT

At the **minimum**, the complaint should include the following information:

#### a. Identity of complainant/s:<sup>16</sup>



- ✓ Name
- ✓ Date and Place of Birth and age
- ✓ Religion
- ✓ Occupation
- ✓ Nationality
- ✓ Address
- ✓ Telephone Number (land line)
- ✓ Facsimile Number
- ✓ Mobile telephone number
- ✓ E-mail address



Evidence of identity must be attached. According to the Office of the Registrar **all the following, at the minimum**, must be attached: a. photocopy of identity card (KTP); b. proof of registration as voter; and c. proof of registration as electoral participant.

<sup>15</sup> Art. 5(2), Regulation No. 04/PMK/2004; See also Art. 29(1) & 29 (2), Law No. 24/2003.

<sup>16</sup> Art. 5(4)(a), Regulation No. 04/PMK/2004; See also, Art. 31(1)(a), Law No. 24/2003.

**b. Substance of complaint:<sup>17</sup>**

**A clear description of:**

- ✓ the allegedly erroneous vote count as announced by KPU;
- ✓ the asserted correct vote count by the complainant;
- ✓ the request to annul the vote count result as announced by KPU and to declare that the correct vote count is that asserted by complainant

**c. Evidence to support claim must be attached, such as:<sup>18</sup>**

1. The following **documentary evidence, produced in 12 copies with 1 copy affixed with sufficient duty stamps and validated:**

- i. Certificate of vote count result;
- ii. Certificate of vote count recapitulation result at each stage of the counting;
- iii. Other documentary evidence

**2. Testimonial evidence:**

The following **must** be attached to the complaint:

- i. A list of the names of the witness/es; and/or
- ii. A list of the names of the expert witness/es with their curriculum vitae so as to be able to assess if they are indeed experts.



Note that although ART. 5(5) Regulation 04/2004 issued by the Constitutional Court makes mandatory to attach only the list of the witness/es

<sup>17</sup> Art. 5(4)(b), Regulation No. 04/PMK/2004; See also Art. 75 & ART. 31(1)(b), Law No. 24/2003.

<sup>18</sup> Art. 5(5), Regulation No. 04/PMK/2004; See also Art. 31(2) & 36, Law No. 24/2003.

and the expert witness/es and the latter's curriculum vitae, other evidence to support the testimonial evidence can also be attached such as statements of the witnesses mentioned as can be gleaned from ART. 36 of Law No. 24/2003 defining what pieces of evidence are.

**C. HOW or MANNER OF FILING<sup>19</sup>**

- a. Personally;
- b. **FOR DPD ONLY**, filing can also be made via facsimile or e-mail **provided** that the Constitutional Court shall **receive the original complaint within 3 days from/since (sejak) the prescribed period for submission (3 x24) shall have expired.**



It appears that filing by postal service or by courier is not an option as it is not expressly included as one of the means to submit a complaint. It must be noted that the facsimile and e-mail filing apply only to DPD candidates as distance will not allow some of them to file the complaint personally.



**How to count the number of days for purposes of determining the last day to file the original after filing by fax or e-mail:**

**FOR DPD only:**

If KPU announces the results on April 29, 2004 at 15.00, then the deadline for filing the complaint will be on May 2, 2004 at 15.00 (3 x 24 hours). If the complaint is filed on May 2 by fax or e-mail, the original should be received by the Court on or before May 04. Therefore, the first deadline date is counted as the first day.

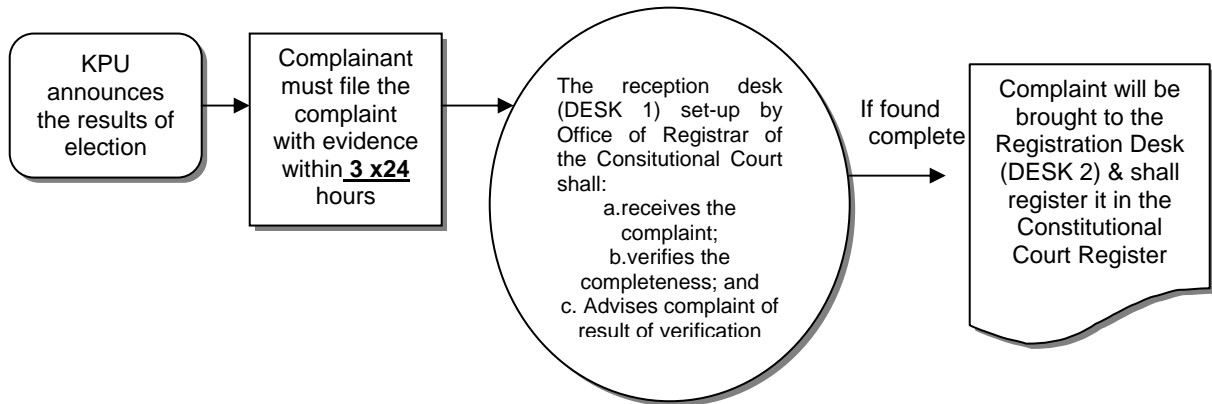
<u>1<sup>st</sup> Deadline</u>	<u>2<sup>nd</sup> Deadline</u>
02-05-04 at 15.00	04-5-04

<sup>19</sup> Art. 5(3), Regulation No. 04/PMK/2004. Sample complaints/petitions are annexed to this booklet.

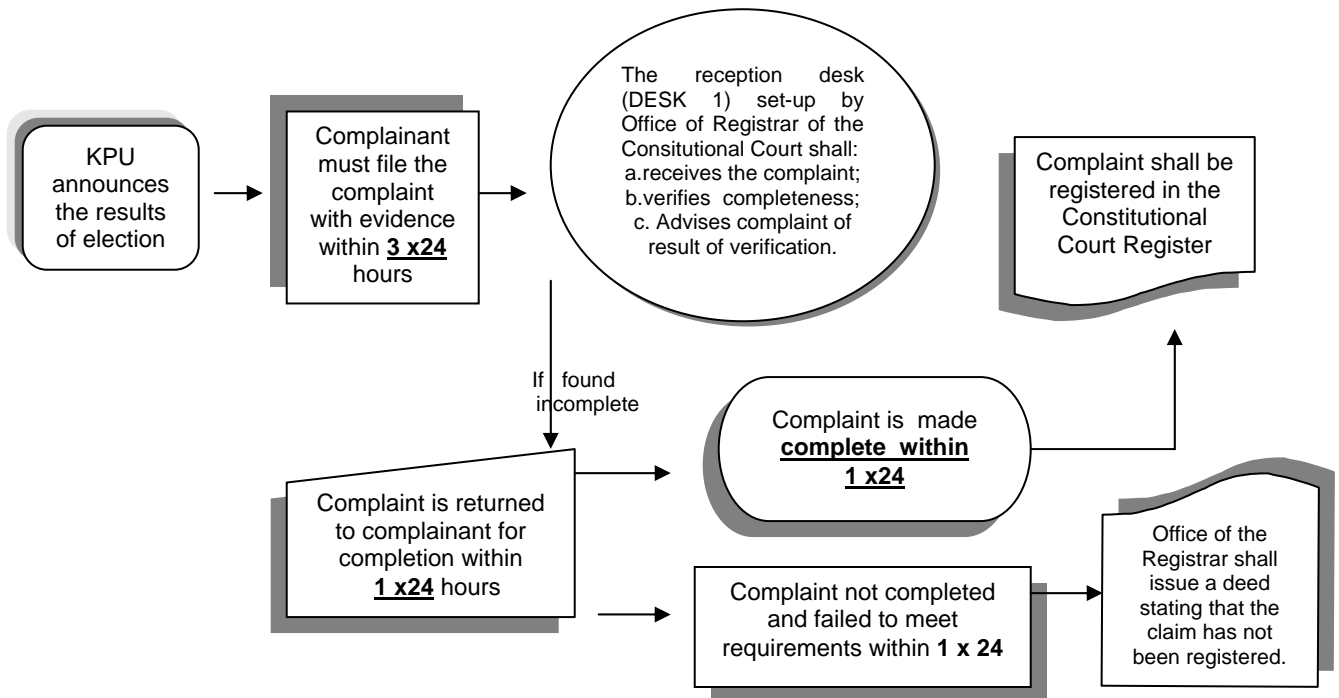
## CHAPTER 6 RECEPTION, REGISTRATION AND SCHEDULING OF HEARING

### X. RECEPTION OF COMPLAINT AND REGISTRATION

#### A. IF COMPLAINT IS COMPLETE<sup>20</sup>



#### B. IF COMPLAINT IS INCOMPLETE<sup>21</sup>



To check or verify for completeness means to check “administrative completeness”<sup>22</sup> or to check if the requirements

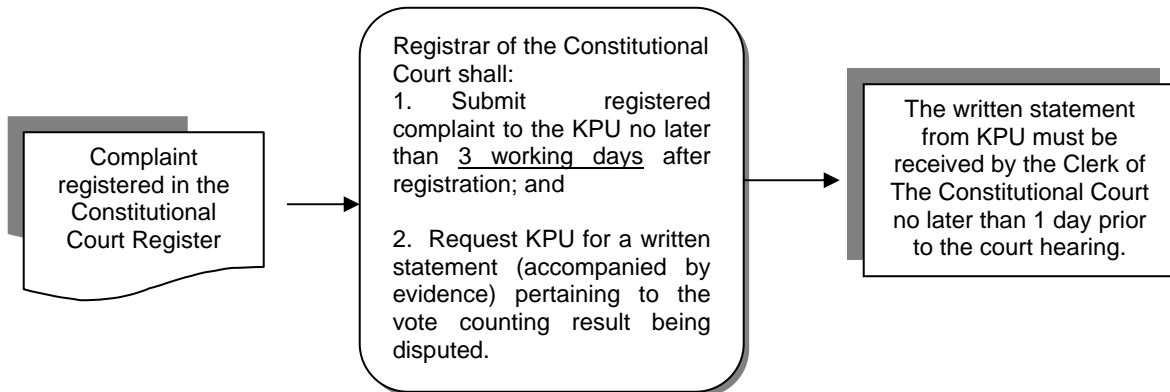
<sup>20</sup> Art. 32(1), Law No. 24/2003; ART. 6(1), Regulation No. 04/PMK/2004.

<sup>21</sup> Art. 6(2) & Art. 6 (3), Regulation No. 04/PMK/2004 read in conjunction with Art. 32, Law No. 24/2003.

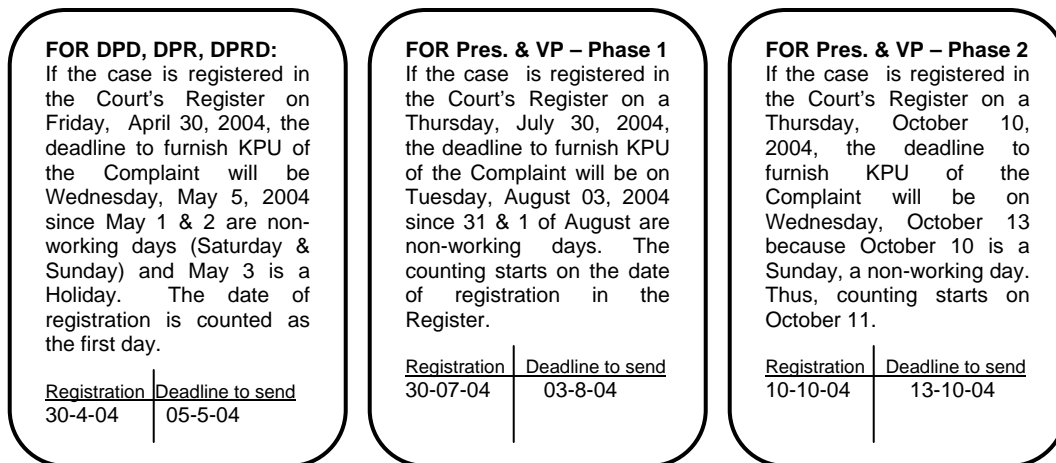
<sup>22</sup> Art. 32, Elucidation of the Law of the Republic of Indonesia Number 24 of the Year 2003 on the Constitutional Court.

under ARTS. 29, 31(1)(a), and 31(2) of No. 24/2003 have been complied with.

**C. KPU IS FURNISHED A COPY OF THE COMPLAINT WITHIN 3 WORKING DAYS FROM (SEJAK) THE DATE THE CASE HAS BEEN REGISTERED IN THE COURT'S REGISTER.<sup>23</sup>**



**HOW TO COUNT THE DAYS FOR PURPOSES OF DETERMINING THE DUE DATE TO FURNISH KPU:**



**XI. SCHEDULE OF HEARING<sup>24</sup>**

**A. The Constitutional Court will set when the first day of hearing will be:**

<sup>23</sup> Art. 6(4), 6(5), Regulation No. 04/PMK/2004; Art. 76, Law No. 24/2003.

<sup>24</sup> Art. 6(6), Regulation No. 04/PMK/2004.



- a. **No later than 3 working days after (setelah) registration** of complaint in the Court's Register - for Presidential and Vice Presidential electoral results dispute; and
- b. **No later than 7 working days after (setelah) registration** of complaint in the Court's Register – for DPR, DPD, AND DPRD electoral results.

**FOR DPD, DPR, DPRD:**

If the case is registered in the Court's Register on Friday, April 30, 2004, the deadline to set the schedule of the first hearing will be on Wednesday, May 12, 2004 since May 1, 8, & 9 are non-working days (Saturday & Sunday) and May 3 is a Holiday. The date of registration is excluded in counting the 7 working days.

Registration   Deadline to send  
30-4-04      12-5-04

**FOR Pres. & VP – Phase 1**

If the case is registered in the Court's Register on a Thursday, July 30, 2004, the deadline to set the schedule of the first hearing will be on Wednesday, August 04, 2004 since 31 & 1 of August are non-working days. The date of registration is excluded in counting the 3 working days

Registration   Deadline to send  
30-07-04      04-8-04

**FOR Pres. & VP – Phase 2**

If the case is registered in the Court's Register on a Thursday, October 10, 2004, the deadline to set the the schedule of the first hearing will be on Wednesday, October 13. The date of registration is excluded in counting the 3 working days. Besides, October 10, is a Sunday, a non-working day.

Registration   Deadline to send  
10-10-04      13-10-04

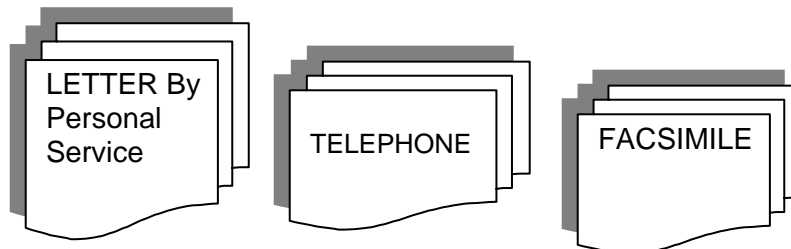
## B. Notice Of Hearing<sup>25</sup>

### a. When parties must be furnished

Notice of the scheduled hearing must be received by the Complainant and the KPU **not later than 3 days before (sebelum)** the commencement of the hearing.

### b. Service/delivery of Notice of Hearing

Notice may be served or delivered via any of the following:



<sup>25</sup> Art. 6(7) & 6 (8), Regulation No. 04/PMK/2004.

The public will be notified by posting the Notice on the announcement board of the Constitutional Court especially provided for this purpose pursuant to Article 32 of Law No. 24/2003.



**What would be the proof of service or proof of delivery for telephone notification as a party may eventually deny having received notification by telephone?**

The Staff will make a formal report duly signed by him/her of the call made to notify the party of the date of the hearing.

## CHAPTER 7 STAGES IN THE COURT'S CONSIDERATION OF THE COMPLAINT

### XII. FOUR GENERAL STAGES

I.	II. (Pemeriksaan)	III. (Pembuktian)	IV. Decision
Examination of the completeness and clarity of the complaint.	Consideration and examination of the issues pertaining to Jurisdiction, Legal Standing and the Substance	Examination and consideration of the evidence from the Complainant, KPU, and third parties. (The KPU statement and third parties maybe considered at this stage or at Stage II)	2 steps:  A. Deliberations- In Plenary but closed to the public.  B. Decision & Announcement in Plenary and open to the public.

### XIII. PRELIMINARY EXAMINATION/FIRST HEARING<sup>26</sup>

FIRST HEARING/PRELIMINARY EXAMINATION conducted by a panel of at least 3 Constitutional Court justices in a session open to the public.



Panel of Justices examines the completeness and clarity of the complaint and its attachments.



- A. If found to be complete and clear, the Court hearing (hearing proper) shall forthwith follow;  
**BUT**  
 B. If found to be unclear or incomplete, it shall advise the complainant to complete and/or amend the complaint .



Complainant must complete and /or amend the complaint within:

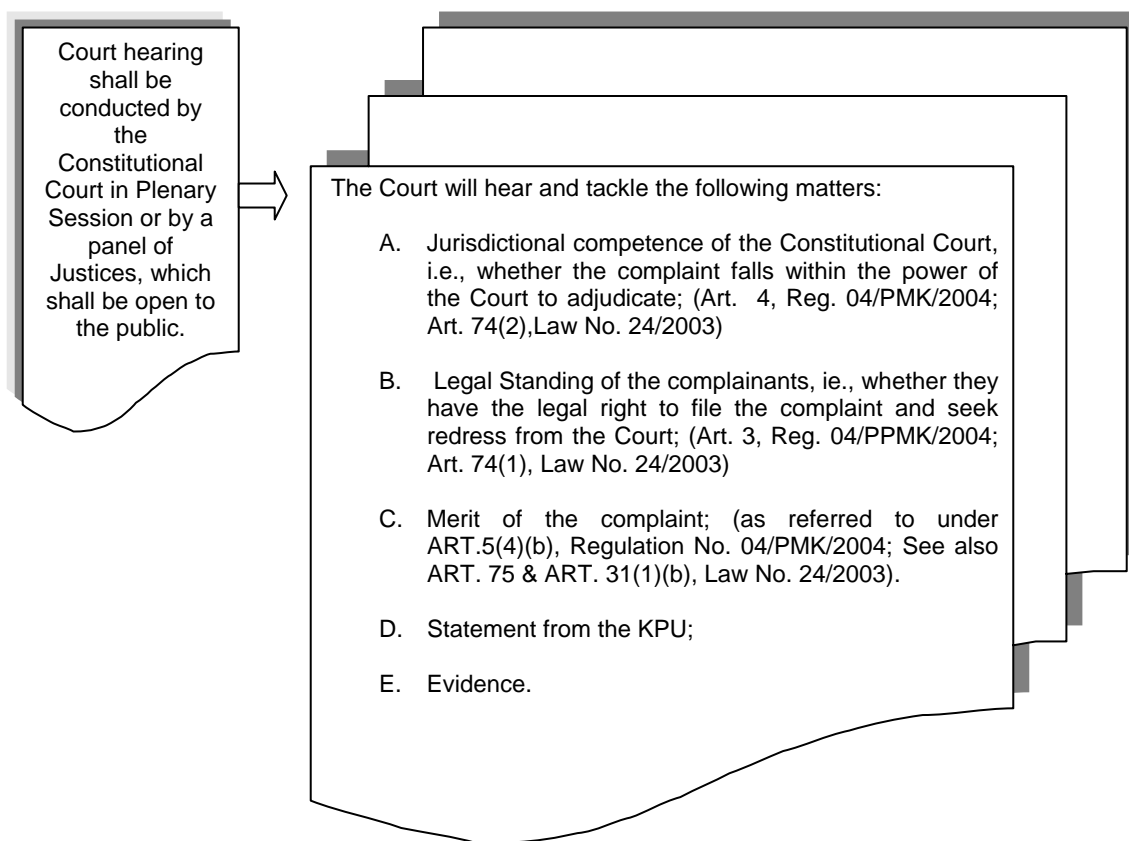
- A. **3 X 24 hours** - for disputes involving DPR, DPD, DPRD electoral results;  
 B. **1 X 24 hours** – for disputes on Presidential and Vice Presidential electoral results.

<sup>26</sup> Art. 7 & Art 8 (2),



If Complainant fails to complete and/or amend the complaint within the time required, the Panel of Justices **shall propose** to the COURT DELIBERATION SESSION **to dismiss it**.

**XIV. FURTHER COURT HEARING IS CONDUCTED WHEN THE COMPLAINT IS CLEAR AND COMPLETE OR AFTER IT HAS BEEN COMPLETED AND/OR AMENDED.<sup>27</sup>**

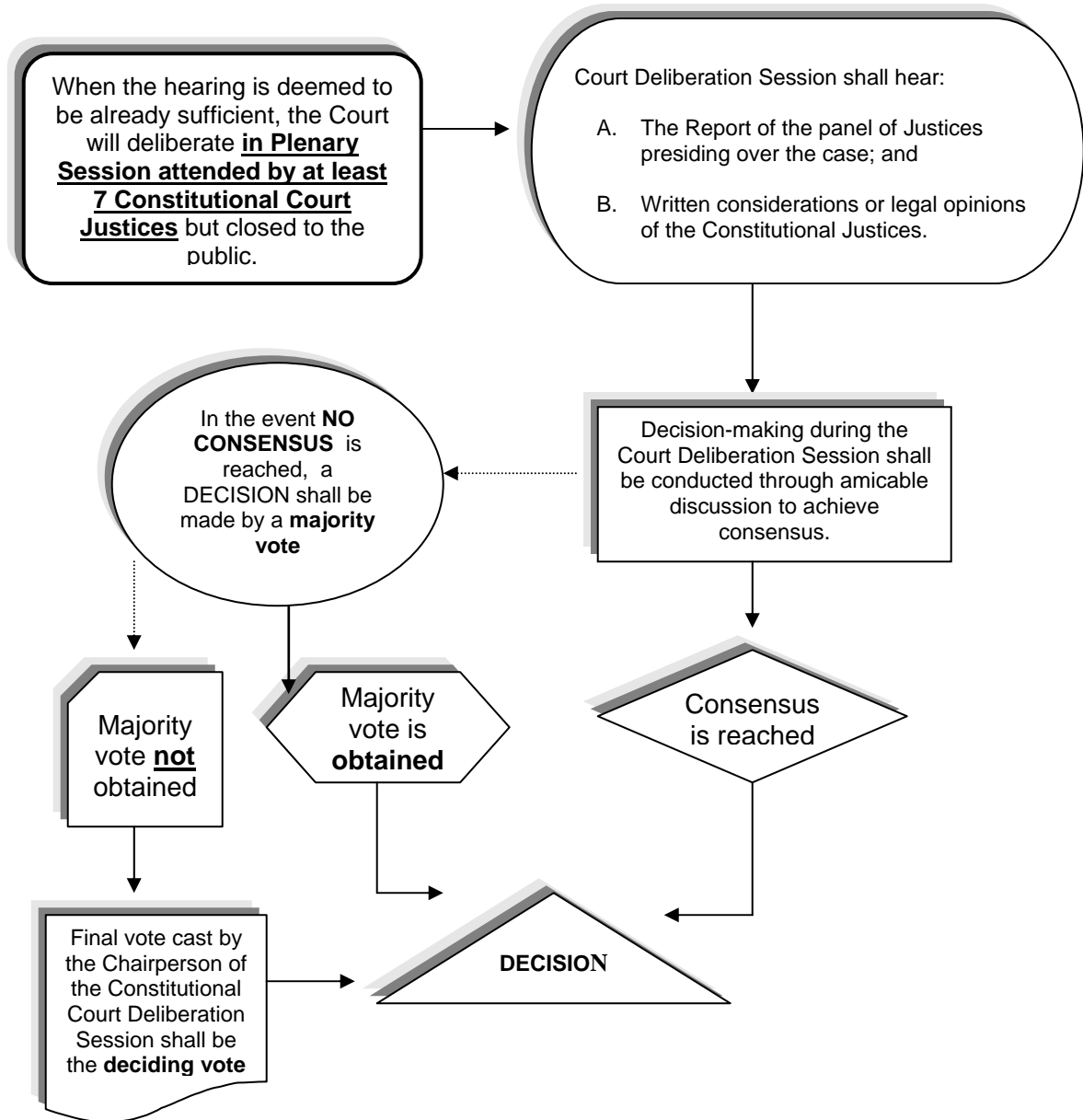


**The examination process for the witnesses, expert or third parties might be performed in the Court or through tele-conference.**

<sup>27</sup> Art. 8, Regulation No. 04/PMK/2004.

## CHAPTER 8 COURT DELIBERATION SESSION

### XV. COURT DELIBERATION TO COME UP WITH DECISION<sup>28</sup>



<sup>28</sup> Art. 9, Regulation No. 4/PMK/2004.

## **CHAPTER 9 DECISION**

### **XVI. TIME PERIOD TO COME UP WITH DECISION<sup>29</sup>**

The Constitutional Court shall come up with a decision within the following period counted from the registration of the complaint with the Constitutional Court Register:

- A. For disputes involving Presidential and Vice Presidential electoral results - **No later than 14 working days;**
- B. For disputes involving DPD, DPR, DPRD electoral results - **No later than 30 working days.**

### **XVII. THE CONSTITUTIONAL COURT MAY IN ITS DECISION DECLARE ANY OF THE FOREGOING:<sup>30</sup>**

- A. Dismissal of Complaint for failure to meet the necessary requirements (incomplete complaint – failure to conform to the formal requirements);
- B. Granting the complaint in the event it is meritorious/has legal bases and further declaring as annulled the vote count result as announced by the KPU and determining the correct vote count result;
- C. Dismissal of the complaint in the event that it lacks merit and legal bases.

### **X. DECISION TO BE READ IN PUBLIC<sup>31</sup>**

The decision shall be read during the Constitutional Justices Plenary Session which is open to the public.

### **XI. SUBMISSION OF DECISION**

- A. Constitutional Court decisions involving Presidential and Vice Presidential electoral result shall be submitted to:<sup>32</sup>
  - a. People's Consultative Assembly
  - b. President/Government
  - c. KPU
  - d. Political Parties or coalition of Political Parties nominating the candidates
  - e. Candidate pairs

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<sup>29</sup> Art. 10(2) & 10(3), Regulation 04/PMK/2004.

<sup>30</sup> Art. 10(4), Regulation 04/PMK/2004.

<sup>31</sup> Art. 10(1), Regulation 04/PMK/2004.

<sup>32</sup> Art. 10(5), Regulation 04/PMK/2004.

B. Constitutional Court decisions on DPR, DPD, and DPRD member electoral results shall be submitted to:<sup>33</sup>

- a. the President
- b. the Complainants; and
- c. KPU.

## XII. FINALITY OF DECISION<sup>34</sup>

**Decisions** of the Constitutional Court on electoral results disputes **are final**.

 What does “*final*” mean?<sup>35</sup>

“*Final*” means that it immediately confers full legal force and effect as of the time it is pronounced and there are no further legal remedies available.

<sup>33</sup> Art. 10 (6), Regulation 04/PMK/2004.

<sup>34</sup> Art.10 (7), Regulation 04/PMK/2004.

<sup>35</sup> Art.10 (1), Elucidation of the Law of the Republic of Indonesia No.24 /2003 on the Constitutional Court.