

ABSTRACT

The third amendment of The 1945 Constitution of The Republic of Indonesia is introduced the new state institution in Indonesia constitutional system. The new one is Constitutional Court of Indonesia that one of its authority is to decide dispute state institutions authorities that the authority be given by the Constitution (Article 24C paragraph 1 The 1945 Constitution of The Republic of Indonesia).

From this background, this dissertation is titled “ Dispute Constitutional Authority of State Institution and It is Dispute Solved by Constitutional Court”, with two legal issues, i e :

1. The concept of state institutions in The 1945 Constitution of The Republic of Indonesia by the Constitutional Court of Indonesia.
2. Meaning of the phrase “..... that the authority granted by the Constitution” in Article 24C Paragraph (1) The 1945 Constitution of The Republic of Indonesia.

To obtain a scientific truth the answer to the legal issues are reviewed, this study used several approaches, namely the statute approach, the conceptual approach, case approach, historical approach, and comparative approach.

The results of dissertation showed that, *Firstly*, The resolving disputes constitutional authority of state institutions by the Constitutional Court, the Constitutional Court was not clear about the concept of state institutions in decisions. The Constitutional Court uses the term state agency with a variety of mention. *Secondly*, Meaning of phrase “..... that the authority granted by the Constitution” as defined in Article 24C Paragraph (1) The 1945 Constitution of The Republic of Indonesia is the attributive authority. The Constitutional Court in its decision in the case of dispute the constitutional authority of state institutions providing erroneous interpretation of the phrase “..... that the authority granted by the Constitution.” The Constitutional Court to give an extension that can lead to incorrect interpretations of space to give the distinction of a state agency authority over principal authority, implicit authority and powers required (necessary and proper).

Keywords:

Dispute authority, constitutional authorities, state organs, constitutional organs.