

## ABSTRACT

### THE COMPETENCE OF CONSTITUTIONAL COURT AS *JUDEX FACTI* IN SETTLING DISPUTE ON GENERAL ELECTION RESULT

The objective of this research is to find out the Constitutional Court's Competence as *judex facti* in settling dispute on General Election Results, because the enforcement in practice, caused problems regarding : legal standing of the parties, the proceeding of proof, the Constitutional Court's decision and its enforcement . This situation led to norm conflict between the Constitutional Court's decision and District Court's decision. The type of this research is a normative legal research. Statute approach, conceptual approach, and case approach are used in this research.

From this research, it is found that there is specificity in the system of procedure law of Constitutional Court in settling General Election Result dispute. The specificities is : the Constitutional Court exert its judicial function as *judex facti*, in which petition is a form to obtain right that can be filed with. This kind of procedure law is inapplicable and in practice it falses legal problems in that :

- There is no clearcut provision on the legal standing and the right of petitioner, responden and the involved parties ;
- The evidence used as consideration in making decision was not relevant to the principle of *judex facti* saying that the judge has to know the disputed fact;
- The Constitutional Court decision as *judex facti* in settling the dispute on General Election Result is final, It races problem of enforcement of the decision because it may conflict District Court decision.

It is recommended that the Constitutional Court competence in settling the dispute on General Election Results as prescribe in Article 24 C of the 1945 Constitution and Article 10 paragraf 1 letter d of Act Nr. 24 of 2003 concerning Constitutional Court should be revoked.

Key word : Constitutional Court's Competence, *Judex Facti*, dispute on General Election Results