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## Evidence of Oath in Case Dispute Over General Election Results in Indonesia\*

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### Abstract

In practice, law proof according to laws, roles the judge's conviction had limited in a way normative with element "at least two tools evidence". As a result, when one applicant in case dispute results in election general (PHPU), which turned out to be only presenting information witness as tool proof, then matter the no can process because there is no sufficient condition as in applicable regulations. The writing article aims to examine: 1) the authority of the Court Constitution (MK) in adjudicating PHPU; 2) the domination of PHPU cases at the Constitutional Court; 3) the aspect constitutionality of PHPU; 4) proof and tools proof in PHPU; and 5) urgency tool proof swear. The method used in this research is normative legal research using statutory and conceptual approaches. The results of the research show that the PHPU examination by the Constitutional Court is not just a matter of calculators or quantitative numbers but also concerns the qualitative issue of holding elections based on honesty and fairness. Therefore, the use of sworn evidence in the PHPU dispute resolution process has entirely objective relevance and urgency because there is a possibility that the Petitioner will have difficulty or minimally present sufficient evidence due to the relatively short time duration in the PHPU settlement.

**Keywords:** Evidence of oath; PHPU cases; Constitutional Court

### Abstrak

Dalam praktik pembuktian menurut peraturan perundang-undangan, peran hakim dalam menjatuhkan putusan dibatasi secara normatif dengan unsur "paling sedikit dua alat bukti". Akibatnya, ketika ada salah satu pemohon dalam perkara perselisihan hasil pemilihan umum (PHPU) yang ternyata hanya menghadirkan keterangan saksi sebagai alat bukti, maka perkara tersebut tidak dapat diproses karena tidak memenuhi syarat sebagaimana ketentuan yang berlaku. Penulisan artikel ini bertujuan untuk mengkaji: 1) kewenangan Mahkamah Konstitusi (MK) dalam mengadili perkara PHPU; 2) dominasi perkara PHPU di Mahkamah Konstitusi; 3) aspek konstusionalitas PHPU; 4) alat bukti dan alat bukti dalam PHPU; dan 5) urgensi alat bukti sumpah. Metode yang digunakan dalam penelitian ini adalah penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa pemeriksaan PHPU oleh Mahkamah Konstitusi bukan hanya masalah hitungan atau angka kuantitatif, tetapi juga menyangkut masalah kualitatif penyelenggaraan pemilu yang berlandaskan pada kejujuran dan keadilan. Oleh karena itu, penggunaan alat bukti sumpah dalam proses penyelesaian sengketa PHPU memiliki relevansi dan urgensi yang cukup objektif, karena ada kemungkinan Pemohon akan kesulitan atau minimal menghadirkan alat bukti yang cukup, dikarenakan durasi waktu penyelesaian PHPU yang relatif singkat.

**Kata Kunci:** Alat bukti sumpah; Perkara PHPU; Mahkamah Konstitusi

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## A. INTRODUCTION

Elections have a strategic position in building democracy,<sup>1</sup> so that elections can build a dignified democratic culture whose implementation must be based on independent principles; Honesty; fairness; legal certainty; orderliness of election organizers; public interest; openness; proportionality; professionalism; accountability; efficiency; and effectiveness.<sup>2</sup> In terms of realizing democratic elections, the role of the Constitutional Court is one of the factors that guarantee the success of democratic elections. However, unfortunately, the high hopes for the Constitutional Court are also based on the centrality of the Constitutional Court's role, which has an impact on the decisions made by the Constitutional Court which often shock the public. It is not uncommon for decisions taken by the Constitutional Court to be considered to have departed from the procedural rules that limit it. As a result, controversies over various fundamental decisions often become polemics in society.<sup>3</sup> Superbody conditions are legally given the opportunity by Law Number 24 of 2003 Article 86 which gives the Constitutional Court the authority to regulate its procedural law.<sup>4</sup>

The debate regarding PPHU for the President and Vice President begins with the scope of the Court's authority in resolving disputes over the results of the Presidential and Vice Presidential Elections. If we refer to Article 24 C, then the Court's authority is only to adjudicate disputes over the results of the Presidential and Vice Presidential election. However, suppose the function of the Court is as *the Guardian of the Constitution*. In that case, the court is not only to adjudicate the KPU's decisions regarding quantitative results but must also ensure that a general election process is direct, public, free, secret, honest, and fair. This debate was seen in the Constitutional Court Session regarding the 2014 and 2019 Presidential General Elections.

In line with developments, history records that the Supreme Court previously served as an institution with the authority to adjudicate disputes over general election results based on Law Number 32 of 2004 concerning Regional Government. In its development, this authority was officially transferred to the Constitutional Court on 29 October 2008 through an official report on the transfer of authority. The next implication is that the Constitutional Court has broader authority in resolving disputes over general election results (hereinafter referred to as PPHU). This includes members of the People's Representative Council, the Regional Representative Council, the Regional People's Representative Council, the President and Vice President, and PPHU Regional Heads.

In its development, the role of the Constitutional Court in Indonesia in resolving cases closely related to political issues has become very vital, because disputes over election results are by far the most frequently filed cases. In the 2014

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<sup>1</sup> Fitria Esfandiari dan Nur Hidayah, "General Elections in Indonesia : Between Human Rights and Constitutional Rights," 2021, <https://doi.org/10.4108/eai.1-7-2020.2303622>.

<sup>2</sup> Zainal Arifin Hoesein, "Regional Head Elections in Democratic Transition," *Constitutional Journal* 7, no. 6 (2010): 1–23.

<sup>3</sup> Pan Mohamad Faiz, "Dimensions of Judicial Activism in Constitutional Court Decisions," *Constitutional Journal* 13, no. 2 (2016): 406–30.

<sup>4</sup> Article 86 The Constitutional Court may further regulate matters necessary for the smooth implementation of its duties and authorities according to this Law.

general election, there were 702 cases regarding disputes over the results of the legislative general election. This figure has increased compared to the 2004 general election of 274 cases and the 2009 general election of 627 cases. Of course, the accumulation of cases is not balanced with regulations related to case resolution. As explained in Article 475, paragraph 3 of Law Number 7 of 2017 concerning General Elections, this article explains that the Constitutional Court, as an authorised institution, is given 14 days to finalize and resolve PPU cases. The contents of the article explain that *the Constitutional Court decides on disputes arising from objections as intended in paragraph (1) and paragraph (2) no later than 14 (fourteen) days after the Constitutional Court receives the objection request.*

The General Election law's short duration allows argument. The question is whether the plaintiff can prove all its claims in such time. Legally setting the trial time limit must be studied and criticized so all parties can believe they were provided justice in finding the truth. Legal problem-solving must include justice. In simple circumstances or cases that determine a nation's leader. To prove the judge's justice, evidence is needed. According to Anwar Usman, a judge's belief is not the only basis for a Constitutional Court decision. Evidence, legal facts revealed in court, and the trial process are all crucial to a judge's confidence in deciding a case. The judge is confident in evaluating many pre-trial evidentiary items.

In this case, the Constitutional Court used the following evidence: *a. letter or writing; b. witness statements; c. expert information; d. statements of the parties; e. instruction; and f. evidence in the form of information spoken, sent, received, or stored electronically with optical devices or something similar.*<sup>5</sup> Referring to problems related to the backlog of cases that have occurred and controversial decisions made by the Constitutional Court because the cases submitted have not been balanced within the specified time limit, it is important to examine the expansion of evidence by adding sworn evidence as a form of increasing the validity of decisions issued by the Constitutional Court considering that the decision issued is nothing other than a decision made based on the judge's belief as in criminal and civil procedural law. So, in anticipating decisions that are controversial or cause debate in society, it is important to review the expansion of evidence as a form of repressive effort toward the quality of decisions issued by the Constitutional Court.

## B. METHODS

Research methods because the study focuses on legal norms resulting from legal, and political policies in Law (UU) Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court. This research uses a statutory and conceptual approach. This legislative, regulatory approach is intended to outline the provisions for expanding evidence in the procedural law of the Constitutional Court so that clear *legal reasoning can be obtained* regarding the importance of oath evidence in anticipating a decision issued by a Constitutional Court judge. Then the conceptual approach is intended to explain the concept of evidence in forming the Constitutional Court's procedural law regarding

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<sup>5</sup> Article 36 of the Constitutional Court Law.

disputes over general election results.

## C. RESULTS AND DISCUSSION

### 1. The Constitutional Court's Authority to Adjudicate PHPU

One of the authorities assigned to the Constitutional Court (MK), as stated in Article 24C paragraph (1) of the 1945 Constitution, is to decide disputes or disputes over election results (PHPU). Following Article 22E of the 1945 Constitution, general elections are held to elect members of the DPR, members of the DPD, members of the DPRD, and elect the President and Vice President. Thus object The litis for disputes over election results includes the three types of elections, namely the elections for members of the DPR and DPRD, the elections for members of the DPD, and the elections for the President and Vice President as also regulated in Article 74 paragraph (2) of the Constitutional Court Law.

Furthermore, as the dynamics of PHPU cases were examined and decided by the Constitutional Court, the scope of the definition of elections was expanded to include the election of regional heads and deputy regional heads. This inevitably affects the types of election result disputes that fall under the authority of the Constitutional Court. As in the Constitutional Court's decision Number 072-073/PUU-II/2004, the Court stated that the "regime" of direct regional head elections (Pilkada), although formally determined by the legislators, is not a general election regime, but substantively it is a general election so that its implementation must comply with the constitutional principles of elections. This decision influenced the legislators who then shifted the Regional Election to become part of the General Election. Through Law Number 22 of 2007 concerning Election Organizers, the election of regional heads and deputy regional heads (Pemilukada) is expressly stated as part of the general election. The change in the Regional Election from a regional government regime to an Election regime was continued with Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 concerning Regional Government. Article 236C of Law Number 12 of 2008 mandates the transfer of authority to decide regional election disputes from the Supreme Court to the Constitutional Court within 18 months of the promulgation of this law. The official transfer of authority was carried out by the Chief Justice of the Supreme Court and the Chief Justice of the Constitutional Court on 29 October 2008. From now on, deciding disputes over the results of the Regional Elections became part of the MK's authority. Thus *objectum The litis* of disputes over election vote results which are the competence of the Constitutional Court include: a. Legislative Elections which include general elections for members of the DPR, DPD, and DPRD; b. General election of President and Vice President; and c. General election of Regional Head and Deputy Regional Head.<sup>6</sup>

### 2. Domination of PHPU Cases at the Constitutional Court

Starting from the establishment of the Constitutional Court in 2003 until 2022,

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<sup>6</sup> Secretariat General & Registrar's Office of the Constitutional Court, *Procedural Law on General Election Results Disputes*, 2010.

the configuration of cases examined and tried by the Constitutional Court is related to the authority and obligation to judge (*jurisdictie compententie*) granted by the 1945 Constitution to the Constitutional Court, it turns out that PHPU and PHPKada cases dominate all types of cases that fall under the authority of the Constitutional Court, namely 54% or 2812 of the total 3390 cases submitted. Meanwhile, there are types of cases which, since the Constitutional Court was founded until now, have never been filed or tried by the Constitutional Court, namely cases involving the dissolution of political parties and cases involving allegations by the DPR of violations committed by the President and/or Vice President according to the 1945 Constitution or commonly known as impeachment.

In more detail, the configuration and recapitulation of cases that have been examined and tried by the Constitutional Court over almost 20 years are as follows:

No	—	—	—
1	PUU	1549	46%
2	SKLN	29	1%
3	PHPU	676	20%
4	PHPKADA	1136	34%
	Total	3390	100%

Based on the data above the total cases submitted to the Constitutional Court amounted to an overall 3390 (100%). The amount case Testing Laws (PUU) or judicial reviews was 1549 (46%), followed by cases of Election Results Dispute Regional Heads numbered 1136 (34%), and cases of Disputes over the General Election Results for legislative members (PHPU), namely 676 (20%) as well case Dispute The authority of State Institutions (SKLN) is in order distended that is amounted to 29 (1%). Meanwhile, regarding the Constitutional Court's decision regarding the cases submitted, not all of them are included granted, but also unacceptable things (*niet onvankelijk verklaard*) and rejected.<sup>7</sup>

### 3. Aspect Constitutionality of PHPU

The principles of Luber (direct, general, free, and confidential) and Jurdil (honest and fair) are the principles of Determined elections, in Article 22E paragraph (1) of the 1945 Constitution. The Court Constitution determines to straighten up justice substantive, so if the implementation Election is problematic then the Court Constitution can also order organizer Elections to carry out counting voice repayment or collection vote (election) repeat. Development decision from just researching about quantitative (numbers results Elections) which then also became problematic qualitative (fulfillment principles constitutionality) of implementation First election there is in case Number 062/PHPU-B-II/2004. Cases filed by Presidential Candidates in the Election President and Vice President in the 2004 Election explain legal considerations Court the Constitution also protects principles of constitutionality

<sup>7</sup> MKRI, "Homepage of the Constitutional Court of the Republic of Indonesia," nd

implementation Election.

According to the Court Constitution in dispute elections, the Court is not just an institution court of appeal or cassation from various election-related disputes that have been provided mechanism solutions in the form of sectoral and local legal remedies law local and sectoral related to crime Elections and disputes administration Election just. Court Constitution in matter dispute Election is institution judiciary at the level first and last regarding dispute results Elections, so they are related to matters of a nature quantitative, i.e besides finish disputes related to numbers significant results end Elections are also the Court also judges constitutionality implementation Election. So it is related to matters of a nature violating qualitative Election will be of concern to the Court only if principles Determined elections. Article 22E paragraph (1) and paragraph (5) of the 1945 Constitution are violated. More deep MK deep case Number 062/ PHPU-B-II/2004 states that The Court as guardian constitution obliged to keep its qualitative Election takes place by established principles outlined by Article 22E paragraph (1) and paragraph (5) of Constitutional Court Decision Number 062/PHPU-B-II/2004, which essentially determine Election carried out directly, publicly, freely, confidentially, honestly and fairly. That's why in several decisions Court Constitution there is an order to execute Elections (KPU, provincial KPU, district/city KPU, Aceh KIP) to carry out calculation repeat, or even collection vote (election) again if Court opinion principles have been violated.

#### **4. Constitutional Court's Authority to Adjudicate PHPU**

That mechanism solution PHPU case at the Constitutional Court, at the start from stage submission application to the Constitutional Court above Determination of election results by the KPU after a grace period of 3 x 24 hours. After that, request the Applicant to the registered by the MK clerk's office. After a few times If application the deemed complete, then proceed with the trial. An inspection process the judge carried out in the following stages: a). Listen Application; b). Respondent's Answer; c). Information from Related Parties; d). Evidence by the Petitioner, Respondent, Related Parties; and e). Conclusion.

Furthermore, Decisions regarding disputes resulting in Elections will then be read in meetings that are open to the general public based on provisions of Article 13 PMK Number 15 of 2008 in conjunction with Article 15 PMK Number 16 of 2009 in conjunction with Article 15 PMK Number 17 of 2009 which has a variant of the decision: a). Application cannot be accepted (*niet oevankelijk verklaard*) if the applicant and/or application does not comply with conditions; b). Application granted if application proved reason and so on Court void (void an initio) results calculation votes by the KPU, as well set results calculation correct sound; c). Application rejected if application proved unreasonable. As for duration time solution inspection, PHPU cases at the Constitutional Court must be resolved in 30 days for Legislative PHPU and 14 days for PHPU Presidential and Regional Elections.

#### **5. Proof and Evidence in PHPU**

In the essence or essence inspection, the judge justice is at a stage proof by

presenting tool possible evidence support and strengthen proposition proposition application, as well also intended to give confidence for the judge to hand down his decision. Based on provisions of Article 10 PMK 16/2009 tools proof in dispute results in the election consists of: a). letter or writing; b). information witness; c). information expert; d). statements of the parties; e). instructions; and f). electronic information and/or electronic documents. That should be noted by Law no. 24/2003 concerning the Constitutional Court regarding the method of obtaining each of the above pieces of evidence, which must be obtained legally and not in conflict with the law (*legally obtained evidence*). The validity of the evidence presented in the trial by both the Petitioner and the Respondent, the authority to assess legality rests with the panel or Court.

## 6. The Urgency of Oath Evidence

In practice, the principles of *the rule of law* are more reflected in the manner, nature, attitude, and atmosphere of freedom of judges in resolving the cases at hand, because judges in deciding cases using practical reasoning are of course greatly influenced by each individual's background. Meanwhile, no one can judge practical ratios except himself through his conscience. In several doctrines taught, it is stated that evidence can be presented through something real. In terms of civil procedural law, if a plaintiff wants to prove a specific event, then he can present the event before the judge at trial so that the judge can directly see it with his own eyes.<sup>8</sup> In terms of having faith in one's conscience, when the judge sees the witness directly, more certainty is needed so that the judge's conscience can produce the right decision. On the other hand, the existence of six types of evidence that are recognised in the PHPU evidence and also require a legal method for obtaining them does not necessarily guarantee that a trial examination process will produce a satisfactory decision for the parties disputing over the determination of the election results released by the KPU.

Not to mention the minimal amount of time provided to examine and decide on PHPU disputes, namely 30 days for Legislative PHPU<sup>9</sup> and 14 days for Presidential and Regional Election PHPU<sup>10</sup>. This relatively short time certainly makes it difficult for the Petitioner to collect evidence and evidence that can strengthen the arguments of his petition. This goes hand in hand with the load the evidence referred to by the Constitutional Court, namely charged to Applicant (*action in cumbit probation*). However, the Constitutional Court's determination, is that the PHPU examination by the Constitutional Court is not a problem aka quantitative calculator amount number only, but also a related problem of qualitative maintenance-based elections honest and fair. Therefore, he properly considered the possibility of of PHPU settlement, which the applicant feels Certain that His plea is true and objective. However, he doesn't have adequate tool evidence, aka minimal equipment evidence, to prove his belief.

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<sup>8</sup> Sudikno Mertokusuno, *Indonesian Civil Procedure Law* (Yogyakarta: Liberty, 2002), p. 140.

<sup>9</sup> Article 17 Regulations Court Constitution Number 3 of 2013 concerning Guidelines Having an event in Disputes over the General Election Results for Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council.

<sup>10</sup> Article 15 Regulations Court Constitution Number 17 of 2009 concerning Guidelines Having an event in Dispute over the results of the General Election for President and Vice President.

It is important to note that, as stated by Anwar Usman, in context law proof, the judge's belief is one from theory law proof. In principle, at least 3 types are known theory law proof: 1) Legal theory proof according to positive law, 2) Proof theory according to the judge's confidence, and 3) Legal theory proof according to negative law. The judge's confidence in proof necessary to assess tool evidence or facts revealed law at trial. Even if traced to theory law proof according to the judge's conventional beliefs, a judge can drop a decision based on "belief" alone with no attachment to something rules (blot gemoediljke overturning, *conviction in time*). However, if referring to practice law proof according to laws, roles the judge's conviction had normatively limited to the element " at least two tools proof"<sup>11</sup>, so in context law positive evidence then the role of "judge's belief" is *complimentary* (complimentary) as appraiser a number tool evidence examined in the advance trial. This can seen in matters of when there is one applicant in the PHPU case, which only presents information witnesses as tools proof, so it can't be processed because it is an insufficient requirement as in applicable regulations.

In the event of an election dispute, the Constitutional Court must not only count the dispute but also seek justice on violations of democratic elections. The Constitutional Court cannot judge electoral nature crimes or administrative violations because it is not within its authority. When elections are violated, resulting in feeble justice in implementation elections, the Constitutional Court judges carefully and selectively. Black's Law Dictionary defined "substantial justice" as "justice administered according to the rules of substantive law, not with standing errors of procedure" based on the search bibliography. Justice is applied substantively without considering procedural faults. Substantial law is that part of the law that creates, defines, and regulates rights, as opposed to an adjective or remedial law, which prescribes methods of enforcing the rights or obtaining redress for their invasion.

As a comparison, in civil procedural law tool proof is an oath that functions as a complement tool evidence (*suppletoir*), or as a breaker (*decisor*) whenever Plaintiff or Defendant lacks tool proof. The oath itself is meaningful religious because it teaches the statement to God who owns it consequences of sin or punishment if the information given is a lie. Usually fulfillment of an oath by the party who uses it as a tool indirect evidence can be used by judges as a tool proof instructions and at the same time to obtain confidence. As for usage tool proof oath at trial required prior approval from the Assembly.

How about using the sage tool proof oath in the settlement event PHPU dispute? Hopefully, there is sufficient relevance and urgency objective for the use of oath by the Court in decided PHPU, with the following reasons: **First**, because open possibility Applicant difficulty or minimal presenting tool sufficient evidence, consequences duration relatively short time in PHPU settlement; **Second**, the PHPU case is not matters that have purely legal dimensions, however problem politics behind the disputing parties in the Constitutional Court stand thousand even millions

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<sup>11</sup> Article 183 of the Criminal Procedure Code and Article 45 paragraph (2) and paragraph (3) of the UUMK.



emotional constituents need honesty and justice, and at any time can explode emotions and ends in chaos when evaluating something decision felt unfair. At least with pronouncement oath by the Petitioner as well as by the Respondent with dimensions religious expected can relieve emotion and grow hope that God will not be silent and give appropriate reply on actions of parties who commit fraud and injustice. Nothing power or authority in this world that is not unlimited, or without limits, except the power of God Almighty in this world and the afterlife. Power Justice, that is to say, independence or independence in essence bound and limited by signs certain, so in the International Commission of Jurists conference it was said that: "*Independence does not mean that the judge is entitled to act arbitrarily*".<sup>12</sup> Restrictions or mandatory signs are remembered and noticed in implementation that freedom is paramount to the law itself. Terms law, both procedural nor substantial / material, itself already constitutes a limitation for judicial power so that in exercising its independence, it does not violate the law and act arbitrarily. Judges are "*subordinated*" to the law and cannot act "*contra legem*". This limitation on independence is not intended to limit or eliminate a judge's freedom, but to control the freedom of judges so that "tyranny" does not occur in the judiciary"<sup>13</sup>; **Third**, doctrinally, the source of the procedural law of the Constitutional Court is adopted from various event laws. Both criminal procedural law, State Administration, and Civil Procedure Law. If you look closely at the settlement event mechanism, PHPU disputes are identical to the adversarial or lawsuit system in Civil Procedure Law; there is a Plaintiff, Defendant, and Third Party (*intervention; tussenkomst*). Meanwhile, the diction or terminology used in PHPU are the Petitioner and Respondent; Related parties.

The problem then is: If Oaths are accepted as tools of valid evidence in the PHPU case, then the formulation of an oath sentence needs to be formulated carefully as expected dimensions of spirituality and its use are not arbitrary as if rows of meaningless sentences. Naturally, a series of oath sentences intended as a tool proof is not the same as the oath spoken by the sasi or expert in the trial, namely: "I swear as a witness will give the correct information is nothing other than the truth" or "I swear as an expert will give information, answers to the questions asked to I match my knowledge and expertise me".

#### D. CONCLUSIONS

End description about relevance and urgency of the tool proof oath at the evidentiary event PHPU case when the Petitioners nor Respondents are minimal or lacking tool evidence, p this is how it is valid equivalent in the Holy Qur'an which explains it uses tool proof oath in case criminal (jinayat) caused way to acquire. Present tool proof it's tough even approach impossible. As said in Surah an-Nur (24: 4-10), which means the following: "*And the people who accuse good women (commit adultery) and they do not bring in four witnesses, then lash out they (who accused it) were eight twenty lashes, and do not accept their testimony they do it forever. And they are these are the wicked .*"

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<sup>12</sup> Paulus Effendi Lotulung, "Independence of Judges in the Law Enforcement System," in *National Legal Development Seminar VIII* (Jakarta: BPHN Department of Justice and Human Rights, 2003), p. 1.

<sup>13</sup> Burhanuddin, "Fighting Judicial Tyranny," 2011.

(QS. 24: 4) "Except those who repent after that and corrects (himself), then verily Allah is Forgiving, Most Merciful." (QS. 24: 5) "And the people who accuse his wife (in adultery), even though they don't exist, have witnesses besides self they himself, then that person's testimony is swear four times in the name of Allah, verily he is among the righteous." (QS. 24: 6) "And (oath) the fifth: that Allah's curse upon him, if he is one of those who lie." (QS. 24: 7) " His wife was avoided from punished by his oath four times over the name of Allah truly her husband is truly one of those who lie ." (QS. 24: 8) "And (oath) the fifth: that Allah's curse is upon him If her husband is one of the righteous." (QS. 24: 9) "And if there wasn't the grace of Allah and His mercy upon yourself and (if) Allah is not the recipient Repentance, the Most Wise, (you will surely experience difficulties). (QS. 24: 10)

Thereby, the description of the relevance and urgency of the tool proof oath in PHPU cases is expected to be a complementary examination and become the basis decision. The Court is not the only one pursuing formality quantitatively but also intends to stab heart inspection justice; the end produces justice. If there is, that's right, matter thereby just coming from Allah, if proven the fault is none other than because it limited the author's knowledge alone. *Allahu bissawab*.

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