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The Urgency Of Submitting A Review Regarding Decisions Based On Lies Or Deception (Study of Decision Number 676/PK/PDT/2022)

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Abstract. *Article 263 of the Criminal Procedure Code states that judicial review is declared as an extraordinary legal remedy. The limitation of filing a judicial review has caused debate among the public and legal practitioners. The Constitutional Court stated in Decision Number 34/PUU-XI/2013, that the judicial review for cases other than criminal, including civil cases, still needs to be limited to only 1 (one) time. This writing aims to understand and analyze the regulation of Judicial Review (PK) in the criminal justice system after the Constitutional Court Decision Number 34/PUU-XI/2013 and the urgency of filing a Judicial Review (PK) based on a lie or trick in Decision Number 676/PK/PDT/2022. In compiling this thesis, the author used the socio-legal research method. Socio-legal is used to explain legal issues more meaningfully theoretically to enrich the study. Meanwhile, practically, this research is also needed to explain the workings of the law in the daily lives of citizens. The analytical tools in this study use the theory of Pancasila justice and the theory of the legal system. The results of the study show that the Constitutional Court Decision Number 34/PUU-XI/2013 has created a double regulation regarding the limitation of the application for judicial review (PK). Following up on the Constitutional Court's decision, the Supreme Court Circular (SEMA) Number 7 of 2014 concerning the application for judicial review (SEMA 7/2014) was issued, which actually limits the judicial review to only being carried out once. The urgency of submitting a judicial review (PK) based on a lie or trick in decision Number 676/PK/PDT/2022 is due to the criminal decision Number 811/Pid.B/2017/PN.Bdg stating that Gustav Pattipeilohy has been legally and convincingly proven guilty of committing a crime by jointly providing false information to the Authentic Deed and sentenced to prison for 1 (one) year.*

Keywords: *Decisions; Judicial Review; Tricks.*

1. Introduction

Indonesia is a country based on law[1]which possesses the characteristic of independence from the application of the concept or pattern of the rule of law it adheres to, namely Pancasila. One of the most essential principles in a rule of law state is sovereignty within the state. As a core philosophy, state sovereignty has been manifested in the precepts of Pancasila, which are then formulated in the fifth principle, "social justice for all Indonesian people." Based on this formulation of values, all elements of state institutions, whether executive, legislative, or judicial, in making every policy must pay attention to justice for all citizens.[2]

The amendments to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), as a political agreement from 1999 to 2022, have firmly established that Indonesia is a state based on the rule of law. A logical consequence of this provision is that the government is responsible and has an absolute obligation to protect and serve all its citizens. This includes ensuring everyone has equal standing before the law (equality before the law).[3]

The Indonesian judicial system has two levels: first instance (District Court), appellate court (High Court), and cassation (Supreme Court). The first instance examines the entire issue or case, as does the appeal. The cassation examines the application of the law and is limited to the appeal request.[4]

This decision has permanent legal force, if one of the parties feels that they have not received legal justice after going through the legal remedies of appeal and cassation, then the disputing party can use extraordinary legal remedies, namely a judicial review (PK) as regulated in Article 263 of the Criminal Procedure Code (KUHAP).

2. Research Methods

In compiling this thesis, the author employed a sociolegal research method. Sociolegal research is used to explain legal issues more meaningfully theoretically, enriching the study. Practically, this research is also needed to explain how law

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[1]Article 1 Paragraph 3, Constitution of the Republic of Indonesia
[2]Priyo Handoko, 2019, “Measuring the Constitutionality of the Second Judicial Review (PK) in Civil Cases,” Al-Qānūn, Journal of Islamic Legal Thought and Reform, Vol. 22 No. 2, p. 453
[3]Muwahid, 2010, “Indonesia's Constitutional System Post-Amendment of the 1945 Constitution”, Al-Qānūn, Journal of Islamic Legal Thought and Reform, Vol 13 No. 2, p. 384.
[4]Winarno Alii Gunawan, 2007, “Judicial Review of Court Decisions That Have Obtained Permanent Legal Force in Civil Cases”, Journal of Law and Development, Vol. 37 No. 1, p. 51

operates in the daily lives of citizens. The characteristics of the sociolegal research method can be identified through two things:

a. Sociolegal research conducts textual studies. Articles in laws and policies can be critically analyzed and their meaning and implications for legal subjects explained. This can explain how the meaning contained in these articles harms or benefits certain social groups, and in what ways. Therefore, sociolegal research also deals with the core issues in legal studies, namely discussing the constitution and laws and regulations.

b. Sociolegal research develops various "new" methods resulting from the marriage of legal methods with social sciences, such as qualitative research.

The sociolegal method used in this research aims to examine and analyze civil legal protection for the liability of substitute notaries in carrying out their duties. This approach is a method used to solve a problem by first searching for available secondary data and then continuing with primary data research in the field.[5]

3. Results and Discussion

3.1. Regulations on Judicial Review (PK) in the Criminal Justice System Following Constitutional Court Decision Number 34/PUU-XI/2013

Judicial Review (is an extraordinary legal remedy intended to correct errors or mistakes in decisions of lower courts by higher courts, where such errors or mistakes are human nature, including the Judge who examines and tries the case. Recognizing the possibility of such errors or mistakes, the Law provides opportunities and means for justice seekers to obtain justice in accordance with the applicable stages of legal procedure.[6]

The permission to submit a judicial review against a court decision that has obtained permanent legal force is not without conditions. Article 263 paragraph (2) of the Criminal Code (KUHP) stipulates that a judicial review may be submitted against a Supreme Court cassation decision if the previous decision is known to have contained an error or mistake by the judge in deciding the case or if there is new evidence that has not been revealed in court. For the sake of legal certainty in submitting a judicial review, Article 268 paragraph (3) of the Criminal Procedure

[5]Sulistyowati Irianto and Shidarta, Legal Research Methods: Constellation and Reflection, (Jakarta: Yayasan Obor Indonesia, 2009), p. 51
[6]HA Kadir Mappong, 2011, "Concerning Judicial Review", Paper of the National Working Meeting of the Supreme Court with Courts throughout Indonesia, p. 2

Code states that a judicial review submission against a decision may only be made once.[7]

The development of statecraft demonstrates that no country is without a constitution. Even England, often cited as an example of a country without a constitution, in principle recognizes and practices its constitutional system, even if its form is not like a written Constitution.[8]

Judicial review has existed and been known since the colonial era of the Dutch East Indies. The criminal procedure code of the Dutch East Indies, enacted in 1847, introduced the procedure for herziening, while the civil procedure code of the Dutch East Indies, enacted in 1849, introduced a comparable concept, namely the "request civiel," or civil rekes in Indonesian. Civil rekes is a request to rehear a civil case based on extraordinary reasons. However, both procedural codes only applied to the courts for Europeans in the Dutch East Indies (Raad van justise or RvJ), and not the landraad, the courts for indigenous people (inlanders or bumiputera).[9]

Following the proclamation of independence of the Republic of Indonesia and with the restoration of sovereignty, attention was directed to the creation of various laws governing the composition, position, powers and procedural law for Indonesian courts as mandated by the 1945 Constitution. The first national legal framework for the Indonesian judicial system produced by this process was Law Number 1 of 1950 concerning the Composition, Powers and Procedures of the Supreme Court of Indonesia (hereinafter referred to as Law 1/1950). Although it does not regulate judicial review, Law 1/1950 stipulates that if there are matters concerning the functioning of the courts that are not regulated in the law, then the Supreme Court can make regulations on these matters.

Although post-independence jurisprudence acknowledged that the HIR and RBG did not regulate civil rekes, it simultaneously recognized civil rekes in legal practice. No fundamental objections to the use of this procedure have ever been found. Unlike civil rekes, herziening did not exist even after independence, given that the Dutch East Indies Supreme Court was never referred to in practice. This is despite recommendations from several legal writers, such as Omar Seno Adji, who

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[7]Agung Barok Pratama, et al., 2017, “Legal Analysis of the Ideal Regulations for Criminal Case Review Following Constitutional Court Decision Number 34/PUU-XI/2013”, UNS Postgraduate Law Journal, Vol. V No. 2, p. 30

[8]Muhtadi, 2015, “Legal Politics of Constitutional Judge Supervision”, Justisia Journal of Legal Studies, Vol. 9 No. 3, p. 316

[9]Binziad Kadafi, 2023, Judicial Review: Correction of Errors in Decisions, PT Gramedia, Jakarta, p. 56.

argue that the practice of herzening should also be justified through jurisprudence using the Dutch East Indies Supreme Court as a reference.[10]

The Indonesian government enacted Law Number 19 of 1964 concerning Basic Provisions on Judicial Power (hereinafter referred to as Law 19/1964), the first national law to recognize the importance of judicial review. This law clarifies that court decisions are made by judges, who are human and not free from error and mistakes. With the introduction of judicial review, it is hoped that the courts will be able to provide justice.

Law 19/1964 states that a court decision that has obtained permanent legal force may be subject to judicial review if it contains matters or circumstances stipulated by law. This law further explains that judicial review is a special legal remedy, which can be requested after other legal means have been exhausted without success. Law 19/1964 even identifies the main reason for judicial review, namely nova, which is a new fact or circumstance that was not apparent or received attention at the time of the previous trial.[11]

The Indonesian government enacted Law No. 13 of 1965 concerning Courts within the General Courts and the Supreme Court (Law 13/1965), which reiterated the concept of judicial review. Law 13/1965 stipulates that a District Court decision that has obtained permanent legal force may be subject to judicial review at the Supreme Court if it meets the requirements stipulated by law.[12]

Although Law 19/1964 and Law 13/1965 only contain limited provisions regarding judicial review, their impact on legal practice has been significant. By adhering to these two laws, many parties in civil cases filed judicial review requests directly with the Supreme Court through the District Court, even though they had already obtained permanent legal force. For this reason, Chief Justice Surjadi then issued Supreme Court Circular Letter Number 6 of 1967 concerning Civil Requests (SEMA 6/1967), which provided instructions for courts to declare judicial review requests to the Supreme Court “inadmissible” or declare “no authority” regarding requests submitted to the District Court.[13]

During the New Order era, the provisions regarding judicial review became increasingly complex. Judicial review received more attention from the government, both through laws and circulars and even Supreme Court regulations.

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[10]Omar Seno Adji, 1984, Herzening Compensation, Bribery, Development of Crimes, Jakarta, Erlangga, p. 23.
[11]Binziad Kadafi, Op. Cit., p.61
[12]Ibid, p. 61
[13]Soedirjo, 1986, Judicial Review in Criminal Cases (Meaning and Significance), Akademika Pressindo, Jakarta, p. 16

The journey of the provisions for review in the reform era briefly discusses various provisions, namely:

1. Provisions for tax review are regulated in Law Number 14 of 2002 concerning taxes.

2. SEMA Number 10 of 2009, which essentially emphasizes that judicial review may only be conducted once. Third, KMA Decree No. 142/KMA/SK/IX/2011 concerning Guidelines for the Implementation of the Chamber System in the Supreme Court. The chamber system, among other things, introduces the concept of a plenary chamber meeting to substantively discuss cases. One of the functions of the chamber meeting is to discuss requests for judicial review that can overturn Supreme Court decisions at the cassation level.

3. SEMA Number 8 of 2011 to address the tendency of various District Courts to accept and forward to the Supreme Court requests for judicial review that are not appropriate.

4. SEMA No. 1 of 2012, this SEMA was issued by the Supreme Court to provide clarity on the issue of judicial review applications submitted by legal counsel without the presence of the convict, especially in cases that attract public attention.

5. SEMA No. 7 of 2014 in response to Constitutional Court Decision No. 34 of 2013, the Supreme Court emphasized that although Article 268 paragraph (3) of the Criminal Procedure Code was declared invalid by the Constitutional Court Decision, various judicial review decisions are also regulated in various other provisions, including the Judicial Powers, which emphasizes that a request for judicial review cannot be submitted against a PK decision and Law Number 14 of 1985 which states that a request for judicial review can only be submitted once.

6. The prohibition on reviewing pretrial decisions is stipulated in Supreme Court Regulation No. 4 of 2016.

7. SEMA No. 4 of 2016 The Criminal Chamber of the Supreme Court agreed to withdraw the requirement that the convict or his heirs must be present at the hearing examining the Judicial Review application.

8. Supreme Court Regulation No. 7 of 2018 concerning Procedures for Requesting Review of Tax Court Decisions which amends Supreme Court Regulation No. 3 of 2002. The essence of the changes to this Supreme Court Regulation is a stricter procedure for new written evidence (novum).

9. SEMA No. 3 of 2018, the contents of which are still related to convicts who are serving sentences outside the jurisdiction of the District Court that made the decision for which a judicial review is requested.

Legal developments regarding judicial review, the Panel of Judges of the Constitutional Court in its decision No. 34/PUU-XI/2013 stated that Article 268 paragraph (3) of Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), does not have binding legal force and is in conflict with the 1945 Constitution. This decision was made in the Constitutional Court Justices' Deliberation Meeting on July 22 2013 and issued in the plenary session of the Constitutional Court on March 6 2014.

The background to the judicial review of Article 268 Paragraph (3) of the Criminal Procedure Code is the judicial review application submitted by Antasari Azhar, who was sentenced to 18 years in prison after being accused of murdering the director of PT. Rajawali Putra Banjaran, as decided at first instance by the South Jakarta District Court No. 1532/ Pid.B/ 20 0 9/ PN. Jkt.Sel dated 11 February 2010 and has permanent legal force (inkracht van gewijsde) with the Supreme Court (MA) decision No. 1429K/ Pid/ 2010 dated 21 September 2010.

3.2. The Urgency of Filing a Judicial Review (PK) Based on a Lie or Deception in Decision Number 676/PK/PDT/2022

Procedural law regulates how and who is authorized to enforce substantive law in the event of a violation of substantive law. Civil procedural law in general is the legal regulation that regulates the process of resolving civil cases through a judge (in court) from the filing of a lawsuit, the execution of the lawsuit, to the implementation of the judge's decision. According to Wirjono Prodjodikoro, procedural law is a series of regulations that contain how people must act towards and before the court and how the court must act with each other to implement the implementation of civil law regulations. Civil procedural law is also called formal civil law, namely all legal rules that determine and regulate how to implement civil rights and obligations as regulated in substantive law.[14]

In the Indonesian procedural law system, a case that has been decided by a verdict that cannot be submitted to ordinary legal remedies means that the decision is final and cannot be reopened for further processing based on legal certainty. Legal proceedings cannot be carried out endlessly or without a final decision, not limited to civil law or criminal law. In legal terms, this is referred to as nebis in idem, meaning there is no legal basis for further processing of the case. The purpose of this legal principle is to provide certainty in law enforcement implemented in the

[14]Retnowulan Sutantio and Iskandar Oeripkartawinata, 2009, Civil Procedure Law in Theory and Practice, Eleventh Edition, Mandar Maju, Bandung, pp. 1-2.

Republic of Indonesia. The legal step of judicial review is a legal step that falls into the category of extraordinary legal steps, which means that this legal step deviates from the usual legal steps, namely appeal and cassation.[15]

Appeal and cassation legal remedies are legal remedies filed against court decisions that have not yet reached permanent legal force, in other words, there is still room for ordinary legal remedies against this decision, the legal steps taken against decisions that have not yet reached permanent legal force are by filing an appeal/cassation legal remedy against all decisions from both the defendant and the public prosecutor. The PK (Judicial Review) legal remedy is called an extraordinary legal step because the legal steps taken in this process are legal steps against decisions that have permanent legal force and/or legal steps filed when ordinary legal remedies have been exhausted. Legally, all court decisions that have permanent legal force or ordinary legal remedies have been exceeded, for the sake of legal certainty must be respected and implemented by all parties. The legal step of judicial review is used to withdraw or reject a judge's decision that has permanent legal force.[16]

Normatively, the Criminal Procedure Code (KUHAP) distinguishes legal remedies into two types, first, ordinary legal remedies, namely Appeal to Cassation as regulated in Chapter XVII Article 233 of the Criminal Procedure Code to Article 258 of the Criminal Procedure Code. Second, extraordinary legal remedies, namely Judicial Review (PK) regulated in Article 263 of the Criminal Procedure Code to Article 269 of the Criminal Procedure Code, then another extraordinary legal remedy is Cassation for the sake of law regulated in Article 259 of the Criminal Procedure Code to Article 262 of the Criminal Procedure Code. Through these available legal remedies, in order to realize justice, the parties have the right to file legal remedies if there is a judge's decision that is considered unfair.[17]

Historically, the birth of extraordinary legal remedies, namely PK, cannot be separated from the Sengkon and Karta case in 1977. In this case, the state had misapplied the law (miscarriage of justice) by convicting an innocent person, so that what occurred was a miscarriage of justice (rechterlijke dwaling). Therefore, as an effort to address the state's mistakes in the Sengkon and Karta case, the Supreme Court finally issued PERMA No. 1 of 1980 concerning the Review of Decisions that Have Obtained Permanent Legal Force. The Sengkon and Karta case also became the background for the birth of Chapter XVIII Article 263 of the

[15]I Made Widi Adi Peremana, et al., 2020, "Legal Review of Applications for Judicial Review in Criminal Cases in the Indonesian Legal System," Jurnal Preferensi Hukum, Vol. 1 No. 2, p. 102
[16]Ibid.
[17]M. Lutfi Chakim, 2015, "Achieving Justice Through Legal Efforts for Judicial Review after Constitutional Court Decisions", Constitutional Journal, Vol. 12 No. 2, p. 333

Criminal Procedure Code to Article 269 of the Criminal Procedure Code which regulates PK legal remedies.[18]

Meanwhile, according to Soenarto Soerodibroto, Herziening is a Judicial Review (PK) of criminal decisions that have obtained definite legal force containing punishment, which cannot be applied to decisions where the accused has been acquitted (vrijgerproken). Another definition put forward by Andi Hamzah and Irdan Dahlan is that PK is the right of the convict to request to correct a court decision that has become final, as a result of an error or negligence by the judge in handing down his decision.[19]

A judicial review (PK) is essentially an extraordinary remedy against a court decision that has become legally binding. It aims to provide legal justice and can be filed by parties in both criminal and civil cases. A PK is a right of convicts while serving their sentence in a correctional institution.[20]

Article 67 of Law Number 14 of 1985 concerning the Supreme Court (hereinafter referred to as the Supreme Court Law) states that a request for review of a civil case decision that has obtained permanent legal force may be submitted only on the following grounds:

1. If the decision is based on a lie or trick by the opposing party which is discovered after the case has been decided or is based on evidence which is later declared false by the criminal judge

Thus, the decision is based on the lie or deception of the opposing party that was discovered by the applicant after the case was decided. However, if the lie or deception of the opposing party was discovered while the case was being examined in the District Court, then it cannot be submitted as a reason for judicial review. Furthermore, the decision is based on the lie or deception, in other words, the Court will not decide such a case if the party concerned did not lie or use deception.

Example:

A sued B, because the land belonging to A that was mortgaged 10 years ago to B was not returned, even though several times it was requested to be returned to A

[18]Adami Chazawi, 2010, Criminal Case Review Institution (PK), Jakarta: Sinar Grafika, p. 1.
[19]Parman Soeparman, 2009, Regulation of the Right to File Legal Action in Criminal Cases for Crime Victims, Refika Aditama, Bandung, p. 17.
[20]Shanti Dwi Kartika, “More Than One Judicial Review, Between Justice and Legal Certainty”, Brief Legal Information Bulletin of the Center for Research, Data Processing and Information (P3DI) of the Secretariat General of the Indonesian House of Representatives, Vol. VI, No. 06/II/P3DI/March/2014, p. 3.

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without ransom. B who felt that the land was his right which was obtained from his father as an inheritance refused A's request. To prove that the land was his, A submitted a certificate of evidence for the land, which was registered in his name. On that basis, A won, also because the witnesses stated that they witnessed when the land was mortgaged to B's father, who died 3 years ago.

After the case was decided and the decision had permanent legal force, A was convicted for falsifying another person's land certificate. Because of this crime, where fake stamps were submitted as evidence, it was revealed that the land certificate submitted as evidence in the case between A and B was also fake. In connection with the falsification of the land certificate belonging to B's late father, B filed a criminal case, and A was convicted once again for his actions. The decision had permanent legal force. Based on this criminal law decision, B filed a judicial review. In fact, it is easier if the wrong decision is based on evidence that is later declared false by the Judge who examined and decided the criminal case. In this regard, it is advisable for the applicant to file a judicial review who wishes to submit this reason to be careful to wait first until the decision stating that the evidence used as the basis for the decision in the civil case requested for review has permanent legal force. This is because the grace period of 180 (one hundred and eighty) days is only calculated from the time the criminal Judge's decision that has permanent legal force has been notified to the parties to the case (vide Article 69).

2. If after the case is decided, documents of decisive evidence are found which could not be found at the time the case was examined

If the applicant for a judicial review only finds the evidence after the case has been decided, they should be careful. Don't rush to file a judicial review after finding the evidence. There's still plenty of time to prepare and submit a judicial review application. It's important to pay close attention to the provisions of Article 69 (b), which stipulates that the day and date the evidence was found must be stated under oath and notarized by an authorized official. So, don't rush; go first to the District Court office and meet the clerk and explain to him or her that the evidence was found.

Example:

A sued B to return a piece of land borrowed by him. B refused by stating that A had sold the land to B's father. Unfortunately, B could not prove it, even though B knew that at the time the sale and purchase took place, a deed had been made underhand before the Village Official. B's father and the witnesses had all passed away, so B lost to the cassation level. The decision was legally binding. One day, the coconut tree in front of B's late father's house fell, it turned out that the sale and purchase deed that was previously sought was kept by B's late father in a bamboo stored in the fallen coconut tree. Regarding the discovery of the sale and purchase deed after the coconut tree fell, it had to be strengthened with an oath taken before the Sub-district Head.

3. If something has been granted that was not demanded or more than what was demanded

A legally binding decision has granted things that were not demanded or has granted more than what was demanded.

Example:

In the case of the land acquisition of the Kedung Ombo reservoir, the immaterial losses granted by the Supreme Court in the cassation level of Rp. 2 billion have been demanded by the plaintiffs in the petitum of their lawsuit, and the Supreme Court has also granted more than what was demanded. The plaintiffs only demanded compensation of Rp. 10,000.00 (ten thousand rupiah) per m2 for land and buildings, but it turns out that the Supreme Court granted Rp. 50,000.00 (fifty thousand rupiah) per m2 for land and/or buildings (see Supreme Court decision dated July 28, 1993 No. 2263 K/PdI/1991.

It is clear that the Supreme Court's decision at the cassation level violates the provisions contained in Article 178 Paragraph (3) HIR which reads:

"He is prohibited from passing judgment on a case that is not demanded, or from passing more than what is demanded."

4. If a part of the claim has not been decided without consideration of the reasons

It appears that the judge who decided the case, whose decision has become final and binding, was not thorough enough, resulting in one part of the claim not being decided without considering the reasons. In practice, such incidents are rare. If the decision is a District Court or High Court decision, then the relevant party would have certainly raised this issue in their appeal or cassation memorandum. It could also be that the matter was already raised in their appeal or cassation memorandum. Because the appeal or cassation request was filed late and was declared inadmissible, the decision in question has not been revised. Because the decision has become final and binding, a judicial review request can still be filed against it.

5. If between the same parties regarding the same matter, on the same basis, by the same Court or at the same level, decisions have been given that contradict each other.

The legally binding decision declared the disputed land and house as an undivided inheritance, falling to the plaintiff and defendant as the deceased's heirs. Meanwhile, in another legally binding decision, the same land and house were declared the plaintiff's property, and the defendant's presence in the disputed house was as a tenant.

6. If in a decision there is a judge's error or a real mistake

The applicant filed the cassation petition late and should have been declared inadmissible. However, the judge, mistakenly or erroneously, granted the petition.

Furthermore, Article 69 of the Supreme Court Law regulates the deadline for filing a judicial review application. This article states that a judicial review application filed based on the reasons referred to in Article 67 of the Supreme Court Law must be filed within a period of 180 (one hundred and eighty) days for:

1. As mentioned in letter a since the lie or trickery was discovered or since the criminal judge's decision has obtained permanent legal force and has been notified to the parties to the case;

2. As referred to in letter b, since the documents of evidence were found, the day and date of their discovery must be stated under oath and confirmed by an authorized official;

3. Those referred to in letters c, d, and f since the decision has obtained permanent legal force and has been notified to the parties to the case.

This paper examines and analyzes the Civil Review Decision Number 675/PK/Pdt/2021.

4. Conclusion

Constitutional Court Decision No. 34/PUU-XI/2013 states that a request for judicial review in a criminal case can be made more than once. This decision has created a double regulation regarding the limitation of requests for judicial review (PK). Meanwhile, Article 24 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power and Article 66 paragraph (1) of the Supreme Court Law stipulates that a request for judicial review can only be made once. This condition creates disharmony in norms which results in legal uncertainty itself. Following up on the Constitutional Court decision, Supreme Court Circular Letter (SEMA) Number 7 of 2014 concerning requests for judicial review (SEMA 7/2014) was issued which actually limits judicial review to only one time. The contents of the SEMA contradict the Constitutional Court Decision No. 34/PUU-XI/2013, whose ruling revoked Article 268 paragraph (3) of the Criminal Procedure Code so that judicial review is no longer limited to only one time. The urgency of filing a Judicial Review (PK) based on a lie or trick in decision Number 676/PK/PDT/2022 is due to the existence of criminal decision Number 811/Pid.B/2017/PN.Bdg stating that Gustav Pattipeilohy has been legally and convincingly proven guilty of committing a crime by jointly providing false information to an Authentic Deed and sentenced to 1 (one) year in prison. Gustav Pattipeilohy acted as a PLK (legal entity) administrator by providing false information to an authentic deed in order to claim and obtain rights to the SMAK Dago land.

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