

ABSTRACT

The Constitutional Court Decision No. 42/PUU/XIII/2015 granted the judicial review of the provision of article 7 letter (g) of Law No. 8 of 2015 on the Regional Head Election. This decision gives chance to the ex-convicted to register themselves as the candidates of regional head election. This study aims to analyze whether the ex-convicted is allowed to be the candidate of regional head election through discussing some ex-convicted cases. This research is a normative legal research using statute and case approach, with juridical qualitative approach. The data were collected through library research by reading and analyzing the books, scientific journals, legal document, and non-documents related to the issue. The result of research shows that the ex-convicted has the right to be candidate in the regional election based on Article 28D Paragraph (3) of the 1945 Constitution and Article 43 Paragraph (1) of Law No. 39 of 1999 on Human Rights and also based on the Constitutional Court Decision No. 42/PUU/XIII/2015. These laws allows the ex-convicted to be candidate in the regional election. However, the Constitutional Court Decision No. 42/PUU/XIII/2015 give a requirement. The requirement is the ex-convicted has to announce openly and honestly that he/she have ever been in the prison. This research proposes some recommendations i.e. The General Election Commission has a responsibility to finalize the general election by creating technical regulation which regulates the detail procedure of candidate registration in line with the Constitutional Court Decision.

Keyword: *Regional Head Election, Constitutional Court, Ex-Convicted*