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## The Effectiveness of the Constitutional Court in Maintaining the Constitutionality of the State Based on the 1945 Constitution

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### Abstract

*This research aims to make the guardians of the Constitution, namely the Constitutional Court, more effective so that their independence and integrity can be well maintained in maintaining the 1945 Constitution. This research uses the Normative Juridical method, using the Indonesian people as respondents who have been greatly affected by the Constitutional Court's decision in various correlations with the political situation in the country. The research uses document analysis and case studies, legal arguments and constitutional references, and the behaviour of judges in deciding cases. The key finding reveals the urgent need to improve transparency and accountability in the recruitment process of Constitutional Court judges, as political interventions have significantly affected judicial credibility. Additionally, the study highlights how ethical violations and controversial rulings, such as those involving electoral regulations, undermine public trust in the judiciary. The implications point to a pressing need for institutional reforms that strengthen judicial independence, enforce strict ethical oversight, and promote public participation in safeguarding the Court's integrity as the guardian of the Constitution. The conclusion of this study is to maintain the effectiveness of the constitutional court in defending the constitutionality of the state based on the 1945 Constitution. Increasing the Judges' independence, integrity, and authority in the Constitutional Court is necessary. The contribution of this research to the existence of the Constitutional Court can maintain the constitutionality of the state based on the 1945 Constitution. Indonesia's entire nation and state have high hopes for the Constitutional Court as the guardian of the 1945 Constitution, so that its decisions must reflect independence, moral integrity, and responsibility based on loyalty to the homeland.*

**Keywords:** Authority Dispute, Constitutional Judge, Constitutional Court, Independence, Judicial Court.

### Introduction

The Constitutional Court of the Republic of Indonesia is an essential and fundamental institution in the political process. The institution is called the Constitution's guardian (Suparto et al., 2023). Understanding why and how the Constitutional Court reviews norms is very important to interpret the norms that affect decision-making in the court and determine the validity of the norms of constitutional decisions themselves (Rivera León, 2024). The resulting legal products generally influence court decisions, including the Constitutional Court's decisions, in upholding constitutional justice (Setiawan et al., 2024). On the other hand, some conflicting decisions of the Constitutional Court have never been the object of supervision, and some differences in decisions have never been the object of supervision, causing impartiality (Solanes Mullor, 2023). The Constitutional Court independently exercises the powers exercised by constitutional judges authorized to interpret (Razak et al., 2023). Specifically, the Constitutional Court centralizes authoritatively interpreting fundamental values to analyze the differences in legal views and the rules under it to obtain certainty that maximizes its function as the guardian of the Constitution (Steuer, 2023).

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Constitutional Law Decisions protect citizens' constitutional rights from rulers' decisions. Law, especially constitutional law, has played an essential role in politics in various countries (Uprimny, 2004). The constitutional right to regulate the conduct of Government officials in dealing with private individuals or relationships between private individuals must truly reflect equality (Gardbaum, 2003). However, sometimes, there is a difference between the direct effects on officials/governments and ordinary civilians. In this case, citizens have constitutional rights that must be protected (Gardbaum, 2008). The public and constitutional experts generally trust the Constitutional Court's ability to improve the protection of constitutional rights (Chilton & Versteeg, 2018). Various protections for the community are listed in the law. They are a national policy, and it is a constitutional right of citizens that is difficult to revoke compared to other laws and regulations. This proves that the constitutional rights of citizens must be protected (Heymann et al., 2013).

Based on the results of judicial studies and practices, the Constitutional Court is strongly supported by an independent judicial authority (Ardhanariswari et al., 2023). This includes adjudicating authority disputes between state institutions. Based on the results of existing experience and regulations, there is a significant potential for efforts to deepen or strengthen the authority and maintain the effectiveness of the Constitutional Court (Razak et al., 2023). The scope of state power currently arises because of the importance of enforcing power between institutions, where each institution has substantial authority, does not interfere with each other, and has clear and firm limits in carrying out their respective duties. Comprehensive understanding of the conditions under which an independent court's exercise of judicial power may influence inter-agency decisions (Vanberg, 2015). Such insights can help create a consultative and robust executive and legislative framework that describes stakeholders' duties, roles, and authorities in determining institutional dispute decisions (Gumbie et al., 2023). If this is not done correctly, it is not done by the Constitution. They also have the tools to weaken institutional standing and judicial authority more generally by deciding institutional disputes (Vanberg, 2015).

In producing a ruling on the duties performed by the Constitutional Court, the variety of judges examining a case becomes essential, with the Government and the opposition, increasing or decreasing their chances of winning a case contrary to the Constitution (Hönnige, 2009). There is still many need for supervision of judges who are not given a clear scope and standards, so improvements are needed in regulations related to restrictions on violations that occur, which are judicial technical and emphasize the focus on ethical behaviour as a highlight in assessing judges (Hamdan et al., 2023). The Constitutional Court has independent Constitutional Court judges, strict supervision of disciplinary actions. It restricts the freedom of expression of judges, coupled with establishing strict rules for the freedom of expression of judges (Solanes Mullor, 2023). Some judges prefer to modify procedures and adhere to the interpretation of predetermined rules; on the other hand, some tend to favor judicial activity, placing more emphasis on substantive justice than procedural considerations (Ardhanariswari et al., 2023). To maintain the independence and integrity of the decisions produced, regardless of the theoretical and practical importance of our knowledge of the Constitutional Court, the conduct of judges in the courts must be limited (Hönnige, 2009).

The recruitment of Constitutional Court judges is crucial to ensuring judicial independence and integrity. Politically engineered appointments often reflect vested interests, undermining impartiality and raising the risk of future interference (Sampe et al., 2023). To address this, an Independent Selection Committee must enforce rigorous, standardized criteria—including

professional qualifications and ethical standards—through transparent and merit-based assessments (Wayne et al., 2008). Although political influence remains a concern due to party involvement in the appointment process, this can be mitigated by reinforcing judges' awareness of their constitutional mandate as impartial guardians of the Constitution (Amaral-Garcia et al., 2009).

Despite its foundational role, the Constitutional Court has yet to fully uphold the 1945 Constitution. Its performance has been constrained by political interference and legal amendments that restrict its authority (Rodiyah et al., 2023; Rivera León, 2024). During democratic regression, legislative changes weakened the Court's ability to operate independently. To restore its function, the Court must be granted regulatory autonomy and enforce its own operational rules free from external intervention. Persistent legal ambiguities and diverging interpretations have led to inconsistent rulings. Some scholars have even proposed the establishment of a new Constitutional Court to address these inconsistencies (Horowitz, 2006). Ultimately, the Court must be empowered to review and overturn government actions that violate constitutional norms and human rights (Schimmelfennig, 2006).

The Constitutional Court has struggled to uphold justice and protect citizens' rights across Indonesia. In a democratic society, human rights are fundamental constitutional norms that must be preserved, and their protection is the core function of constitutional review (Schimmelfennig, 2006). While human rights have gained recognition internationally and domestically, the Court has yet to optimally exercise its authority in safeguarding these rights—particularly those of minorities (Gardbaum, 2008; Leite Gonçalves & Costa, 2016). The Court also faces challenges in resolving institutional disputes. Its influence has been limited to procedural oversight, lacking substantive legal control over legislative actions (Stone Sweet, 2002). Although intended as an independent institution, political and structural constraints have weakened its capacity to enforce electoral laws and preserve constitutional order (Suparto et al., 2023; Sampe et al., 2023).

To strengthen the Court's autonomy and integrity, reforms must focus on academic freedom, institutional independence, and a culture of ethical judicial behavior (Pap, 2023). Judges require robust supervision mechanisms and should be insulated from political dynamics to deliver substantive justice (Hamdan et al., 2023; Ardhanariswari et al., 2023). Diverse appointments must not compromise neutrality; instead, a balanced panel can help mediate differing views and uphold the principle of equality before the law (Hönnige, 2009; Harlina & Riyadi, 2020; Cohen et al., 2023).

The recruitment system of prospective judges can be assisted by technology and social media so that the development of genuine and correct judge candidates can be known; the recruitment of judges must also involve technology so that the recruitment of judges must refer to the entire journey of the prospective judges so that the originality of the personality can be known (Bukartaite & Hooper, 2023). The intervention of other institutions, both executive and legislative in intervention creates a commitment beyond commitment to the nation and state; tools for determining and recruiting judges must be initiated so that they get judges who are independent and more straightforward to supervise; recruitment processes, artificial intelligence can make it easier to obtain independent candidates. The research focuses on adopting artificial intelligence for recruitment and shortlisting as part of human resource management (Aydn & Turan, 2023). A judge's ability is indispensable by the provisions of his or her knowledge and a calm understanding of the philosophy of law and justice. The judge's expertise in his science is an essential characteristic of the judge chosen to determine appropriate

standards (Wayne et al., 2008). Although this has not been fully implemented to produce independent decisions due to improper culture and oversight, despite the theoretical and practical importance of our knowledge of the Constitutional Court in general and the conduct of judges in the courts is limited (Hönnige, 2009). The proper recruitment of judges will try to produce decisions that are felt to be fair and correct for the nation and state. The panel's culture and views are considered before the panel and before the judge renders a verdict (Harlina & Riyadi, 2020).

The urgency of the research is to strengthen the independence and integrity of the Constitutional Court institution. The simultaneous tasks of varying degrees of urgency and importance, how do we determine which tasks to undertake, and what the purpose of the research is (Zhu et al., 2018). Urgency to make progress in extraordinary challenges against the expected achievement. Urgency to make progress under extraordinary challenges against expected achievements (van der Leeuw et al., 2012). So that any institution cannot intervene and maintain the integrity of its judges to be able to carry out their duties without pressure from any party. We examine the constitutional protection of judges or their institutions throughout the year (Heymann et al., 2013). The generation needs to focus on judges, institutions, society, and the transition to democracy (Sólyom, 2003). Besides that, this research lies in the critical need to assess how the decisions of the Constitutional Court directly affect the quality of democracy in Indonesia. In recent years, several rulings—particularly those concerning elections and public office candidacy—have sparked widespread public debate regarding the Court's neutrality and institutional integrity. A notable example is Decision No. 90/PUU-XXI/2023, which altered the minimum age requirement for presidential and vice-presidential candidates. This ruling illustrates how the Constitutional Court, beyond merely interpreting the Constitution, can actively shape political outcomes and institutional dynamics, either reinforcing or undermining democratic principles. Therefore, a thorough analysis of such decisions is essential not only from a legal standpoint but also to evaluate the extent to which the Court safeguards constitutional supremacy, maintains the balance of power, and preserves public trust in democratic institutions. This research aims to demonstrate that the independence and integrity of the Constitutional Court's decision-making process are fundamental to strengthening constitutional democracy in Indonesia.

The purpose of this study is to explore the effectiveness of the Constitutional Court in maintaining the constitutionality of the state based on the 1945 Constitution and the impact of the decisions of the Constitutional Court on the constitutional system of the Republic of Indonesia, especially controversial decisions. This research is essential to maintain the constitutional system of the Republic of Indonesia from controversial decisions of the Constitutional Court. Human rights in the formation of the Constitution are to analyze the effectiveness of the functions and roles of these institutions in maintaining the constitutionality of norms, democracy, and the constitutional rights of the people in Indonesia (Chilton & Versteeg, 2018). Constitutional Law has penetrated the entire structure of the legal system, so it must be able to maintain a better boundary between the Constitutional Court's functions and ordinary courts' functions (Garlicki, 2007).

### **Research Methods**

This research prioritizes qualitative research methods: In this case, the type of research is normative juridical legal research. The research in this paper uses the approach of applicable legal norms, the Case Analysis Approach, and the Conceptual Approach, which involves research on library material or, in this case, using secondary data research. The study conducted

is descriptive. The limitation of this paper is the fact that it only focuses on decision-making procedures in the Constitutional Court, especially on political decisions in Indonesia (Chandranegara & Bakhri, 2023). The study of the use of populations and samples throughout Indonesia with samples of disputes against the Constitution that contradicts the provisions of the Law as a derivative of the 1945 Constitution, which is seen directly by the public that political interests are more prominent than broader interests (Klatte et al., 2023). The instrument/procedure uses document analysis and case studies observed from various situations and developments in the country, ranging from general elections, regional elections, and lawmaking throughout 2020 to 2024; the urgency effect documented in this study is based on the normative principle of domination—choosing a more objective option (Zhu et al., 2018). This approach examines doctrinal views, legal theory, and scholarly debates on judicial independence, the role of constitutional courts, and political influences in judicial decision-making. A comparative insight is drawn from experiences in other countries, such as Germany, Hungary, and Portugal, to evaluate the Indonesian Constitutional Court in a broader context.

This study employs document analysis as the primary analytical method, focusing on Constitutional Court decisions, legal statutes, and related institutional documents from 2020 to 2024. The process involves systematically selecting, reviewing, and interpreting key legal texts to identify patterns in judicial reasoning, references to constitutional principles, and indicators of judicial independence or political interference. The analysis is conducted through a combination of deductive coding, based on established theories such as judicial independence and constitutionalism, and inductive coding that captures emergent themes such as ethical violations and public trust. Each document is examined for its argumentative structure, legal foundation, and contextual significance within Indonesia's democratic framework. Cross-case comparison is also applied to observe shifts in the Court's legal reasoning over time, especially in controversial rulings. To enhance the credibility of findings, legal texts are triangulated with academic commentary and public discourse, allowing for a critical and comprehensive assessment of the Constitutional Court's role in upholding constitutional democracy. Data analysis uses analysis techniques by analyzing the content of Constitutional Court decisions to identify patterns and arguments of legal arguments, constitutional references, and judges' behavior in deciding cases. The analysis data is generated from the majority of problems that arise after the Constitutional Court's decision is announced, based on a comparative analysis of several underlying regulations (Rivera León, 2024).

## **Results and Discussion**

Most Indonesians have a good level of trust in the Constitutional Court, even though the principle of transparency needs to be improved. The Constitutional Court in the 1945 Constitution has a leading authority in examining the law against the Constitution. The Constitutional Court relies on good phrases in articles, verses in articles, article by article, and all articles in the law tested by the 1945 Constitution of the Republic of Indonesia (Garlicki, 2007). The Constitutional Court has several powers affirmed in Article 24 C (1) of the 1945 Constitution. The Constitutional Court also has one as stipulated in Article 24 C (2) of the 1945 Constitution. These authorities and obligations have been regulated in Law Number 24 of 2003, amended by Law Number 8 of 2011 and Law Number 7 of 2020, the last amendment concerning the Constitutional Court.

The power to override legislative and executive actions based on conflicts with constitutional norms plays a prominent and influential role in democratic politics as a significant matter of

evaluation and settlement of disputes and differences in interpretation does not only occur in the constitutional context in the State of Indonesia, but it also occurs in almost all parts of the world (Vanberg, 2015). In Indonesia, the Pancasila is a fundamental norm, guiding constitutional amendments and legislative actions. However, if misapplied, this can lead to potential authoritarianism (Nugraha, 2023). The Constitutional Court is essential in testing laws against the Constitution (Sulistiyawan & Eka Cakra, 2020). The Constitutional Court's decision is Final and binding and cannot be re-examined at this higher court level, showing that the strength of the Constitutional Court's decision is at the level of Philosophy, which has a high value of truth. On the other hand, it analyzes the recent global expansion of minority human rights in various parts of the region (Leite Gonçalves & Costa, 2016). The Constitutional Court's decision is final and binding. Thus, in giving legal considerations to a decision, the judges of the Constitutional Court must prioritize philosophical principles and values, prioritizing the aspects of binding legal certainty and not the values of justice, and then we explore whether the relationship between *de jure* and *de facto* rights is different in countries that have independent courts equipped with independent courts (Chilton & Versteeg, 2018)

The Constitutional Court's decision should be based on justice and legal certainty. This substantive justice is a manifestation of the fact that the verdict addresses the humanitarian aspect, not only the formal aspect. Constitutional Court Decision No. 90/PUU-XXI/2023 raises a debate about whether the Constitutional Court has the authority to create new regulations related to general elections because the Constitutional Court is a hostile legislator. The decision has essentially changed the age limit for presidential or vice presidential candidates to be less than forty years old, as long as they have a track record or experience as a Regional Head, as a Governor or their deputy, and Mayor, including deputy mayors. The Constitutional Court is also called the front line to protect the Constitution, and the Constitutional Court is the only institution that interprets or interprets the Constitution. The Constitutional Court must ensure that legal norms do not contradict the Constitution. The assessment of contradictions is tested from the Formal aspect, in this case regarding the formation and ratification of norms, whether they are following the law and do not violate the law, and from the material aspect (legal content), which in this case tests the norms against the constitution. The Constitutional Court is referred to as the only institution that interprets the Constitution because judicial review does not directly give birth to this authority. The authority to interpret arises from the interpretation of how the Constitution can review a law if it is not given the authority to analyze and interpret the Constitution itself (providing an appropriate interpretation). That is, the authority to interpret the law depends on the situation that develops in society (Lee, 2020).

The Constitutional Court's decision in Case No. 90/PUU-XXI/2023 has given rise to much debate about legal standing in applying to test the law. The student volunteered as a young man who basically did not explain in detail the constitutional disadvantages, only put forward the argument that he hoped there would be youth participation in the presidential or vice presidential elections. The public considers that there are differences and interesting interventions for the emergence of decision number 90/PUU-XXI/2023. An institution called the Honorary Assembly of the Constitutional Court (M.K.M.K.) ruled that the former Chief Justice of the Constitutional Court, Anwar Usman, has been proven to have committed severe violations regarding the ethics of the Constitutional Court. Later, Anwar Usman was dismissed as Chief Justice of the Constitutional Court. The intervention and independence of the Constitutional Court judges are of particular concern in the decision. Anwar Usman, who was found guilty of serious offences, is closely linked to his current family relationship as the president's brother-in-law in office. The

recruitment results imply that the selection of judges is an essential component of standard-setting and should be done wisely because experts from different backgrounds produce different assessments (Wayne et al., 2008).

The intervention and independence of the Constitutional Court judges are of particular concern in the decision. Anwar Usman was found guilty of committing severe violations related to family relations that are currently occurring as the brother-in-law of the incumbent President (PUTUSAN NOMOR: 2/MKMK/L/11/2023, 2023). On the other hand, in Decision No.: 60/PUU-XXII/2024, the Supreme Court of the Constitution, has decided on the details of the threshold that should be met by all political parties or a combination of several political parties that are election participants to be able to register pairs of candidates for regional heads (governors, regents, and mayors) (PUTUSAN Nomor 60/PUU-XXII/2024, 2024). The recruitment of Constitutional Court judges is a necessity. The existence of Constitutional Court judges from various channels indicates that it is appropriate that the recruitment process must receive special attention from the standards of judges, the background of judges, the career journey of judges, their past, and the moral values that exist in the judges themselves. The power to know and explore by the Selection Committee, which refers to direct interviews of the candidates and closely follows the career journey through open and closed information, is essential, and the participation of the community becomes dominant so that the Constitutional Court judges candidates obtained correctly reflect the strength of the Constitutional Court Judges who have personal abilities, knowledge and balanced I.Q., E.Q. and S.Q. values. Defending the Constitutional Court from political influence is the primary concern of the role of legal experts. It is complex as a "guardian of the last constitution" to give a fair verdict. However, the public hopes that the independence and integrity of judges can indeed be implemented. Several factors affect the sovereignty and integrity of Constitutional Court judges, including political pressure, personal and professional affiliation, and the Constitutional Court's internal condition. The Constitutional Court has tried to reduce impunity in cases of human rights violations by narrowly interpreting legal competence (Uprimny, 2004). The judge's decision cannot fully meet the wishes of all parties because what is more important than all is to place the decision on the value of truth and justice based on the universal value of Human Rights. Comparative practices offer valuable lessons. Germany's Federal Constitutional Court enforces rigorous vetting procedures, and South Korea emphasizes transparency in judicial appointments. These mechanisms help depoliticize the judiciary and preserve its impartiality.

There are two different public responses from the general public to the Constitutional Court's controversial ruling: first, it supports a decision that has a positive impact on Indonesia's democracy and constitutional system—and second, it rejects a decision that has alleged the interests of a handful of groups whose implications benefit certain people both now and in the future. However, it is different from the response of "political actors" or the response of a political party in response to the controversial decision of the Constitutional Supreme Court. These "political actors" or political parties seem to prioritize their interests over the impact of decisions on the country's society. The influence of the Constitutional Court's decision on Indonesia's constitutional system is quite significant. First, the Constitutional Court's decision can give rise to and negate or create a political process; second, encourage legal reform; third, it can strengthen or weaken the Indonesian constitution; and fourth, it can provide legal certainty and cause political instability or legal uncertainty.

The solution is that the Constitutional Court strengthens transparency in decision-making, and judicial independence, which is seen as an element of the rule of law, gains a new dimension,

which is much more elaborated and protected than in the past; the future must be better because it is based on constitutional principles (Solanes Mullor, 2023). This study critically assesses the transformation of the Constitutional Court of Indonesia in law and politics (Komárek, 2014), hoping that there will be changes in the rules of action against Constitutional Court judges based on the values of justice to be able to carry out proper law enforcement without distinguishing the authority and power possessed by state administrators, so that there are no obstacles in the law enforcement process (Sacipto et al., 2020).

The Constitutional Court's rulings consistently refer to constitutional principles that focus on protecting human rights, exploring the importance of justice in lawmaking, emphasising fair representation, fair access to justice, and human rights considerations. (Rodiyah et al., 2023) The strengthening of the Constitutional Court through the selection of candidates for judges with high integrity balances the benefits of judges in general with the need for judicial expertise in line with the need for judicial expertise as it becomes more complex and continues to develop, providing a path to increasing capacity (Judge et al., 2005) The Constitutional Court has an adequate level of openness and transparency, thus providing a fair opportunity for all parties; an in-depth analysis of the fundamental theory proposed by Jeremy Bentham and Lord Gordon Hewart in realizing good judicial governance reveals that for the Constitutional Court to achieve good judicial governance, the judiciary must apply the legal theory of openness. (Setiawan et al., 2024) Transparency and the value of autonomy must be born – there is every decision-making, and the judicial force in the decision must be able to reflect that no one can intervene. Independent and autonomous decisions are apparent to people and the public so that whenever there is a difference of opinion about the verdict if it is directed to universal values, it will quickly answer whether the verdict is transparent and autonomous or vice versa because it contains values that can be felt by all people, namely justice, truth and human rights. Allowing the courts to decide the constitutionality of legislative laws is still a problem for many civil law thinkers to prevent legislative and executive intervention (Judge et al., 2005).

The Court's rulings have profound implications for Indonesia's democratic development. Substantive democracy requires not only free elections but also the protection of human rights, minority inclusion, and legal accountability. Decisions perceived as partisan can undermine these foundational values. The legitimacy of the Constitutional Court depends on its ability to uphold justice equitably. For instance, rulings that alter electoral norms must be grounded in robust constitutional reasoning, not political expediency. By reinforcing the principles of fairness, transparency, and legal certainty, the Court can help deepen substantive democracy. Conversely, politically biased decisions risk triggering legal instability and eroding democratic gains.

## **Conclusion**

The conclusion of this study is to maintain the effectiveness of the constitutional court in defending the constitutionality of the state based on the 1945 Constitution. It is necessary to increase the Judges' independence, integrity, and authority in the Constitutional Court. Judges must have physical and spiritual health according to standards and abilities, and above-average knowledge and understanding of the law. Thus, judges have physical and spiritual health according to standards, above-average scientific abilities, and an understanding of law. Judges' track record and background must be traced by a recruitment team that works based on devotion and responsibility to the nation and state. Total loyalty to the rule of law and always being at the forefront in defending the Indonesian constitution.

The Constitutional Court must be completely autonomous or independent, and free from the ruler's influence. Judges of the Constitutional Court should not be subject to any political interests. Judges of the Constitutional Court should be in a judicial capacity. In a constitutional sense, autonomous institutions seek to establish a principle called checks and balances in the Government or political system so that the judicial power must be separate from the executive and legislative branches and the intervention of other institutions. Thus, the guardian of the constitution, namely the institution of the Constitutional Court, must prioritize the principle of prudence in providing final and binding legal decisions to ensure that the prevailing political practice continues to run in the constitutional corridor. The contribution of this research to the existence of the Constitutional Court can maintain the constitutionality of the state based on the 1945 Constitution. Indonesia's entire nation and state have high hopes for the Constitutional Court as the guardian of the 1945 Constitution, so that its decisions must reflect independence, moral integrity, and responsibility based on loyalty to the homeland.

## References

- Amaral-Garcia, S., Garoupa, N., & Grembi, V. (2009). Judicial Independence and Party Politics in the Kelsenian Constitutional Courts: The Case of Portugal. *Journal of Empirical Legal Studies*, 6(2), 381–404. <https://doi.org/10.1111/j.1740-1461.2009.01147.x>
- Ardhanariswari, R., Nursetiawan, E., Amalia, S. D., Cahyani, E. D., & Fadzil, R. M. (2023). Upholding Judicial Independence through the Practice of Judicial Activism in Constitutional Review: A Study by Constitutional Judges. *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6(2), 183–207. <https://doi.org/10.24090/volkgeist.v6i2.9565>
- Aydn, E., & Turan, M. (2023). An AI-Based Shortlisting Model for Sustainability of Human Resource Management. *Sustainability (Switzerland)*, 15(3). <https://doi.org/10.3390/su15032737>
- Bukartaite, R., & Hooper, D. (2023). Automation, artificial intelligence, and future skills needs: an Irish perspective. *European Journal of Training and Development*, 47(10), 163–185. <https://doi.org/10.1108/EJTD-03-2023-0045>
- Chandranegara, I. S., & Bakhri, S. (2023). Dysfunctional Design of Campaign Finance Regulatory and Post-Election Corruption. *Journal of Governance and Regulation*, 12(1), 133–146. <https://doi.org/10.22495/jgrv12i1art13>
- Chilton, A. S., & Versteeg, M. (2018). Courts' limited ability to protect constitutional rights. *University of Chicago Law Review*, 85(2), 293–335.
- Cohen, M. C., Dahan, S., Khern-am-nuai, W., Shima, H., & Touboul, J. (2023). The use of AI in legal systems: determining independent contractor vs. employee status. *Artificial Intelligence and Law*, 0123456789. <https://doi.org/10.1007/s10506-023-09353-y>
- Elva Imeldatur Rohmah, Z. I. (2024). *Dinamika Putusan Mahkamah Konstitusi No.90/PUU-XXI/2023 tentang Persyaratan Usia Calon Presiden dan Wakil Presiden*. Gardbaum, S. (2003). The “horizontal effect” of constitutional rights. *Michigan Law Review*, 102(3), 387–459. <https://doi.org/10.2307/3595366>
- Gardbaum, S. (2008). Human rights as international constitutional rights. *European Journal of International Law*, 19(4), 749–768. <https://doi.org/10.1093/ejil/chn042>
- Garlicki, L. (2007). Constitutional courts versus supreme courts. *International Journal of Constitutional Law*, 5(1), 44–68. <https://doi.org/10.1093/icon/mol044>
- Gumbie, A. C., Dhanpat, N., & Joseph, R. M. (2023). Perspectives of human resource practitioners in two urban local authorities in Zimbabwe. *SA Journal of Human Resource Management*, 21, 1–12. <https://doi.org/10.4102/sajhrm.v21i0.2188>
- Hamdan, F. Z. Z., Kristianti, D. R., & Verdian, V. (2023). Limitation of Misconduct of Judges: Increasing

- The Synergy of Supervision of Judges by The Judicial Commission and The Supreme Court. *Yuridika*, 38(2), 371–388. <https://doi.org/10.20473/ydk.v38i2.45472>
- Harlina, I., & Riyadi, B. S. (2020). Conflict of law enforcement by state institutions over abuse of power and authority: A case study of “former president director of PT. Pertamina.” *International Journal of Criminology and Sociology*, 9, 2748–2756. <https://doi.org/10.6000/1929-4409.2020.09.339>
- Heymann, J., Cassola, A., Raub, A., & Mishra, L. (2013). Constitutional rights to health, public health, and medical care: The status of health protections in 191 countries. *Global Public Health*, 8(6), 639–653. <https://doi.org/10.1080/17441692.2013.810765>
- Hönnige, C. (2009). The electoral connection: How the pivotal judge affects oppositional success at European constitutional courts. *West European Politics*, 32(5), 963–984. <https://doi.org/10.1080/01402380903064937>
- Horowitz, D. L. (2006). Constitutional courts: A primer for decision makers. *Journal of Democracy*, 17(4), 125–137. <https://doi.org/10.1353/jod.2006.0063>
- Judge, S. T. H. E., The, F., & Constitutional, G. (2005). NOTE. 77(1985), 1267–1311.
- Klatte, K., Sluka, C., Gloy, V., Heravi, A. T., Schönenberger, C., Jones, N., Brunnschweiler, E., Pauli-Magnus, C., & Briel, M. (2023). Towards full clinical trial registration and results publication: longitudinal meta-research study in Northwestern and Central Switzerland. *BMC Medical Research Methodology*, 23(1), 1–10. <https://doi.org/10.1186/s12874-023-01840-9>
- Komárek, J. (2014). National constitutional courts in the European constitutional democracy. *International Journal of Constitutional Law*, 12(3), 525–544. <https://doi.org/10.1093/icon/mou048>
- Lee, C. (2020). Nation v. State: Constitutionalizing transnational nationhood, creating ethnizens, and engaging with kin-foreigners in Europe and Asia. *Asian Journal of Law and Society*, 7(1), 5–38. <https://doi.org/10.1017/als.2019.23>
- Leite Gonçalves, G., & Costa, S. (2016). The global constitutionalization of human rights: Overcoming contemporary injustices or juridifying old asymmetries? *Current Sociology*, 64(2), 311–331. <https://doi.org/10.1177/0011392115614791>
- PUTUSAN Nomor 60/PUU-XXII/2024, (2024).
- PUTUSAN NOMOR: 2/MKMK/L/11/2023, (2023).
- Nugraha, I. Y. (2023). Abusive Unconstitutional Constitutional Amendments: Indonesia, the Pancasila and the Spectre of Authoritarianism. *Oxford Journal of Legal Studies*, 43(2), 379–404. <https://doi.org/10.1093/ojls/ggad002>
- Pap, A. L. (2023). Business and human rights, free speech, surveillance, and illiberalism: Contextualizing academic freedom as a constitutional right and an emerging freedom under international law. *Hungarian Journal of Legal Studies*, 63(4), 416–439. <https://doi.org/10.1556/2052.2023.00407>
- Razak, A., Muhtar, M. H., Rivera, K. M., & Saragih, G. M. (2023). Balancing Civil and Political Rights: Constitutional Court Powers in Indonesia and Austria. In *Journal of Indonesian Legal Studies* (Vol. 8, Issue 2). <https://doi.org/10.15294/jils.v8i2.70717>
- Rivera León, M. A. (2024). Judicial review of supermajority rules governing courts’ decision-making: A comparative analysis. *Global Constitutionalism*, 13(1), 79–103. <https://doi.org/10.1017/S2045381723000047>
- Rodiyah, R., Idris, S. H., & Smith, R. B. (2023). Mainstreaming Justice in the Establishment of Laws and Regulations Process: Comparing Cases in Indonesia, Malaysia, and Australia. *Journal of Indonesian Legal Studies*, 8(1), 333–378. <https://doi.org/10.15294/jils.v7i2.60096>
- Sacipto, R., Prasetyo, T., Mashdurohatun, A., & Ciptono. (2020). Analysis of the implementation regulations for police actions in law enforcement of corruption cases constitutional court. *International Journal of Psychosocial Rehabilitation*, 24(3), 2447–2458.

- <https://doi.org/10.37200/IJPR/V24I3/PR201892>
- Sampe, J., Ristawati, R., & Hakyou, B. (2023). The Guardian of the Constitution: A Comparative Perspective of Indonesia and Cambodia. *Hasanuddin Law Review*, 9(2), 211–232. <https://doi.org/10.20956/halrev.v9i2.4627>
- Schimmelfennig, F. (2006). Competition and community: Constitutional courts, rhetorical action, and the institutionalization of human rights in the European Union. *Journal of European Public Policy*, 13(8), 1247–1264. <https://doi.org/10.1080/13501760600999557>
- Setiawan, H., Handayani, I. G. A. K. R., Guntur Hamzah, M., & Tegnan, H. (2024). Digitalization of Legal Transformation on Judicial Review in the Constitutional Court. In *Journal of Human Rights, Culture and Legal System* (Vol. 4, Issue 2). <https://doi.org/10.53955/jhcls.v4i2.263>
- Solanes Mullor, J. (2023). Spain, Judicial Independence, and Judges' Freedom of Expression: Missing an Opportunity to Leverage the European Constitutional Shift? *European Constitutional Law Review*, 19(2), 271–293. <https://doi.org/10.1017/S1574019623000081>
- Sólyom, L. (2003). The Role of Constitutional Courts in the Transition to Democracy. *International Sociology*, 18(1), 133–161. <https://doi.org/10.1177/0268580903018001008>
- States, U., Holmes, J., Interpretation, L., & Constitu-, T. (1899). THE SUPREME COURT AND THE CONSTITUTIONAL LIMITATIONS ON STATE GOVERNMENT-. 417.
- Steuer, M. (2023). Democracy, Procedural and Social Rights, and Constitutional Courts in Hungary and Slovakia. In *Constitutional Review* (Vol. 9, Issue 1). <https://doi.org/10.31078/consrev912>
- Stone Sweet, A. (2002). Constitutional courts and parliamentary democracy. *West European Politics*, 25(1), 77–100. <https://doi.org/10.1080/713601586>
- Sulistiyawan, A. Y., & Eka Cakra, I. P. (2020). Examine The Constitutionality Of Regulations Under Laws That Are Not Contrary To The Law But Contrary To The Constitution. *Administrative Law and Governance Journal*, 3(1), 104–113. <https://doi.org/10.14710/alj.v3i1.104-113>
- Suparto, S., Chaidir, E., Ardiansyah, A., & Santos, J. G. (2023). Establishment of Electoral Court in Indonesia: Problems and Future Challenges. In *Journal of Indonesian Legal Studies* (Vol. 8, Issue 2). <https://doi.org/10.15294/jils.v8i2.72316>
- Uprimny, R. (2004). The constitutional court and control of presidential extraordinary powers in Colombia. *Democratization and the Judiciary: The Accountability Function of Courts in New Democracies*, 33–49. <https://doi.org/10.4324/9780203485408>
- van der Leeuw, S., Wiek, A., Harlow, J., & Buizer, J. (2012). How much time do we have? Urgency and rhetoric in sustainability science. *Sustainability Science*, 7(SUPPL. 1), 115–120. <https://doi.org/10.1007/s11625-011-0153-1>
- Vanberg, G. (2015). Constitutional courts in comparative perspective: A theoretical assessment. *Annual Review of Political Science*, 18, 167–185. <https://doi.org/10.1146/annurev-polisci-040113-161150>
- Wayne, D. B., Cohen, E., Makoul, G., & McGaghie, W. C. (2008). The impact of judge selection on standard setting for a patient survey of physician communication skills. *Academic Medicine: Journal of the Association of American Medical Colleges*, 83(10 Suppl), 17–20. <https://doi.org/10.1097/acm.0b013e318183e7bd>
- Zhu, M., Yang, Y., & Hsee, C. K. (2018). The Mere Urgency Effect. *Journal of Consumer Research*, December. <https://doi.org/10.1093/jcr/ucy008>.