

EXPANSION OF THE CONSTITUTIONAL COURT'S AUTHORITY IN THE CONTEXT OF THE ESTABLISHMENT OF STATE ADMINISTRATIVE COURTS IN INDONESIA

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Abstract

The Constitutional Court (MK), as a state institution established after the amendment to the 1945 Constitution of the Republic of Indonesia, plays a fundamental role in upholding the constitution and the principle of the rule of law. In state practice, political and legal dynamics in Indonesia have created a need to expand the authority of the MK, particularly in resolving state disputes that have not been accommodated in the five main authorities as stipulated in Article 24C of the 1945 Constitution. The expansion of the MK's authority towards the formation of a *constitutional jurisdiction* or state court is seen as an evolutionary step to strengthen the supremacy of the constitution and guarantee the principle of *checks and balances* between branches of state power. This article aims to normatively and conceptually analyze the urgency of expanding the MK's authority, by examining practices in several countries such as Germany, South Korea, and Austria, and assessing its implications for the Indonesian state system. The results of the study indicate that the establishment of a state court as an expansion of the MK's authority is an urgent constitutional need to close the legal vacuum in resolving disputes between state institutions, while simultaneously emphasizing the MK's position as a *guardian of the constitution* and *the court of constitutionality*.

Keywords: Constitutional Court, expansion of authority, constitutionalism, constitutional system.

INTRODUCTION

The establishment of the Constitutional Court (MK) is an important milestone in the history of post-reform Indonesian state administration. This institution is explicitly regulated in Article 24C of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) as the executor of judicial power that stands parallel to the Supreme Court (MA) (Jimly Asshiddiqie, 2005, p.127). The establishment of the MK in 2003 through Law Number 24 of 2003 concerning the Constitutional Court was intended to guarantee the upholding of constitutional supremacy, maintain the principle of *checks and balances*, and protect the constitutional rights of citizens (Saldi Isra, 2010, p.45). In the modern state administration system, the MK not only functions as a judicial institution that decides legal norms against the constitution, but also as a guardian of constitutional democratic values (*the guardian of democracy*). However, developments in Indonesian constitutional practice indicate that many disputes and legal issues between state institutions lack a definitive judicial resolution forum. For example, disputes between the House of Representatives (DPR) and the Corruption Eradication Commission (KPK), or between independent institutions such as the Judicial Commission (KY) and the Supreme Court, are constitutionally excluded from the category of "disputes concerning the authority of state institutions granted by the 1945 Constitution" (Fajrul Falaakh, 2010, p. 14).

This legal vacuum has given rise to the discourse on the need to *expand the authority of the Constitutional Court* towards a constitutional court *jurisdiction*, namely a court that handles all disputes originating from the implementation of constitutional powers of state institutions, whether regulated explicitly or implicitly in the constitution (Maruarar Siahaan, 2006, p. 89). This idea is actually in line with the view of Hans Kelsen who places *the constitutional court* as a "negative legislator", namely an institution that does not create new laws, but ensures that all actions of state institutions remain within the constitutional corridor (Hans Kelsen, 1967, p. 272). Historically, the authority of the Constitutional Court in Indonesia has been limited to five matters: testing laws against the Constitution, disputes over the authority of state institutions, dissolution of political parties, disputes over general election results, and the opinion of the DPR regarding alleged violations by the President/Vice President (1945 Constitution of the Republic of Indonesia, Article 24 C paragraph (1)). However, in practice, the Constitutional Court is often faced with constitutional issues that cannot be resolved legally due to the limitations of the norms of authority. Therefore, the idea of strengthening the Constitutional Court through the establishment of a *constitutional court* is relevant for

restructuring relations between state institutions within the framework of *the rule of law* and constitutional democracy. The problem identified in this paper is: how the authority of the Constitutional Court in the current Indonesian constitutional system has not been able to cover all constitutional disputes that occur between state institutions and citizens and what is the urgency and constitutional basis for expanding the authority of the Constitutional Court through the establishment of a State Administrative Court as an effort to strengthen the system of checks and balances and protection of citizens' constitutional rights .

RESEARCH METHODS

This research uses a normative legal research method or doctrinal legal research, namely research that focuses on the study of legal norms or rules contained in laws and regulations, legal principles, expert doctrines, and other legal materials. In accordance with Soerjono Soekanto's view, this approach is carried out by examining secondary data through literature studies that include primary, secondary, and tertiary legal materials. This research applies three main approaches, namely: the Statute Approach , which examines laws and regulations to examine consistency and conformity between regulations, and the Conceptual Approach , which explores legal ideas or concepts from experts as a basis for argumentation; The object of study is directed at the legal norm system that aims to formulate arguments and legal constructions for a particular event or legal issue.

The Authority of the Constitutional Court in the State System

The Constitutional Court of the Republic of Indonesia is one of the main pillars of the implementation of judicial power which is explicitly regulated in Article 24C of the 1945 Constitution of the Republic of Indonesia. In the state system, the Constitutional Court has a very strategic position because it is the guardian of the supremacy of the constitution (*the guardian of the constitution*) as well as the protector of the constitutional rights of citizens (*the protector of constitutional rights*) (Jimly Asshiddiqie, 2010, p.56) . Article 24C paragraph (1) of the 1945 Constitution confirms that the Constitutional Court has the authority to adjudicate at the first and final level whose decisions are final for:

1. Testing laws against the Constitution;
2. Resolving disputes over the authority of state institutions whose authority is granted by the Constitution;
3. Deciding on the dissolution of political parties;
4. Resolving disputes regarding general election results; and
5. M provides a decision on the DPR's opinion regarding alleged violations by the President and/or Vice President according to the Constitution (1945 Constitution of the Republic of Indonesia, Article 24 C paragraph (1)) .

These five authorities show the characteristics that the Constitutional Court plays more of a *negative role as a legislator* whose function is to ensure that legislative products and actions of state institutions do not conflict with the basic norms of the constitution (Hans Kelsen, 1949, p.268) . Jimly Asshiddiqie emphasized that the existence of the Constitutional Court is a symbol of recognition of the principle of modern constitutionalism, namely that state power must be limited and controlled by the basic law of the state (Jimly Asshiddiqie, 2005, p.33). However, the development of state administration practices shows that the scope of these authorities is not yet fully adequate to address the increasingly complex dynamics of relations between state institutions. Many constitutional issues do not have a judicial resolution forum because they are not included in the category of *disputes over the authority of state institutions whose authority is granted by the Constitution* , as regulated in Article 61 of Law Number 24 of 2003 concerning the Constitutional Court.

In this context, several constitutional law experts have argued for the need to *broaden the meaning of constitutional authority* so that the Constitutional Court can handle more constitutional issues, not just those explicitly stated in the constitution (Denny Indrayana, 2011, p. 21). This concept aligns with the view that the Constitutional Court does not merely function to test laws, but also acts as a *constitutional court* that interprets and enforces the basic principles of the constitution substantively (Charles Fombad, 2019, p. 126). Furthermore, Mahfud MD believes that in constitutional practice, disputes between state institutions are not always formal or stem from the delegation of authority under the Constitution, but often arise from differences in interpretation of the functions and authorities delegated by law (Moh. Mahfud MD, 2013, p. 78). Therefore, narrow restrictions on the objects of dispute that can be submitted to the Constitutional Court have the potential to create a legal vacuum and constitutional uncertainty.

indirect *constitutional complaint* cases , such as judicial reviews of laws that violate citizens' constitutional rights, demonstrates the growing need for *constitutional adjudication* (Saldi Isra, 2013, p. 112). *In this context, the Constitutional Court has acted de facto* as a constitutional court that assesses the actions of state institutions based on the constitution, even though it does not yet have formal authority to do so (Maruar Siahaan, 2011, p. 201). This situation indicates a gap between constitutional requirements and prevailing positive legal norms. To bridge this gap, a reinterpretation of the Constitutional Court's authority is needed to encompass broader aspects than just *judicial review* and formal *dispute settlement* between state institutions. Thus, the Constitutional Court's future existence needs to be directed not only as a tester

of statutory norms, but as a constitutional court with comprehensive jurisdiction over the implementation of constitutional principles in power relations between state organs (Satya Arinanto, 2013, p. 322).

Arguments for Expanding the Authority of the Constitutional Court

A. Philosophical Basis

The expansion of the Constitutional Court's (MK) authority must be understood in the context of maintaining the purity of the constitution as the highest legal norm in a democratic constitutional state. The constitution is not merely a collection of legal texts, but rather a manifestation of the fundamental values that animate the state system, such as justice, the balance of power, and the protection of basic human rights (Jimly Asshiddiqie, 2011, p. 17). Hans Kelsen stated that every constitutional state requires an institution that functions as the "final interpreter" of the constitution, because only in this way can the supremacy of the constitution be protected from political distortion (Hans Kelsen; 1967, p. 275). In the Indonesian context, the MK is the implementer of this principle. However, to be able to carry out its function as the "final guardian of the constitution," the MK must have jurisdiction that covers all constitutional dimensions, including actions of state institutions that have the potential to violate the constitution but are not captured by the five formal authorities that have been regulated (Saldi Isra, 2014, p. 101).

Modern constitutional legal philosophy emphasizes that oversight of the exercise of state power cannot be partial. A constitutional court that can only assess the constitutionality of statutory norms, but not the actions of state organs, will lose its ability to safeguard the principle of *constitutional supremacy* (Mauro Cappelletti, 1971, p. 93). Therefore, expanding the Constitutional Court's authority to include constitutional courts is a philosophical imperative to ensure that all branches of government are subject to constitutional principles.

B. Legal Basis

From a legal perspective, the expansion of the Constitutional Court's authority can be carried out through two approaches: (1) limited amendments to Article 24C of the 1945 Constitution, and/or (2) systematic reinterpretation of the phrase "disputes over the authority of state institutions whose authority is granted by the Constitution" as regulated in Article 24C paragraph (1) and Article 61 of Law Number 24 of 2003.

Limited amendments to the 1945 Constitution are possible based on Article 37 of the 1945 Constitution, provided that they do not change the form of the Unitary State of the Republic of Indonesia. In this case, strengthening the Constitutional Court through expanding its authority does not include changing the form of the state, but rather strengthening the principle of *checks and balances* within the framework of a state of law (Moh. Kusnardi & Harmaily Ibrahim, 1983, p. 142). Meanwhile, a systematic reinterpretation of the norms of the Constitutional Court's authority can be carried out through a *living constitution approach*, namely a progressive interpretation of the constitutional text so that it remains relevant to the needs of society and modern legal developments (Bruce Ackerman, 2007, p. 1737). This approach has been practiced by the Constitutional Court in various decisions, for example Decision Number 006/PUU-III/2005 concerning *the judicial review* of the Broadcasting Law, in which the Constitutional Court stated that it has the authority to assess the constitutionality of norms even though they are not explicitly regulated in the law (Constitutional Court Decision Number 006/PUU-III/2005).

The legal legitimacy for the expansion of the Constitutional Court's authority can also be found in the *General Explanation* of Law Number 24 of 2003, which emphasizes that the Constitutional Court was established "to ensure that the implementation of state power is in accordance with the 1945 Constitution." This phrase provides an interpretive basis that the Constitutional Court's function is not only normative, but also substantive, namely upholding the constitutionality of the actions of state institutions. From the perspective of the national legal system, the expansion of the Constitutional Court's authority through the establishment of a constitutional court can also be seen as an implementation of the principle of *ius curia novit*, where the court has an obligation to interpret and enforce the law even though there is no positive norm that explicitly regulates it (Sudikno Mertokusumo, 2009, p. 34).

C. Comparative Basis

Comparatively, the concept of constitutional courts has evolved in various countries with different models and levels of authority. In the German legal system, the *Bundesverfassungsgericht* (Federal Constitutional Court) has broad jurisdiction, encompassing *constitutional complaints* (*Verfassungsbeschwerde*), disputes between state organs, and constitutional interpretation (Donald Kommers & Russell A. Miller, 2012, p. 61). The court can hear complaints from citizens who feel their constitutional rights have been violated by the actions of state institutions, whether legislative, executive, or judicial. Similarly, in South Korea, the *Constitutional Court of Korea* is authorized to hear *constitutional complaints*, *competence disputes*, and *impeachment cases*, allowing the court to function as a comprehensive forum for resolving constitutional disputes (Yong-Jin Park, 2018, p. 215).

The Austrian model introduced by Hans Kelsen has even become a primary reference for the modern constitutional court system. The Austrian *Verfassungsgerichtshof* has the authority not only for *judicial review*, but also to decide disputes between state institutions, between central and regional institutions, and disputes regarding the constitutional responsibilities of public officials (Hans Kelsen, 1932, p. 39). From this comparison, it is clear that the expansion of the authority of the Indonesian Constitutional Court towards

a state administrative court is not contrary to the principle of universal *constitutional justice*. Rather, it is a logical consequence of the evolution of constitutional justice in modern democracies (Mark Tushnet, 2018, p. 97).

D. Theoretical Implications

Theoretically, the expansion of the Constitutional Court's authority will strengthen the concept of *the unity of constitutional jurisdiction*, namely the unity of constitutional judicial authority that upholds the supremacy of the constitution over all state actions. The Constitutional Court will transform from a mere *judicial review body* into a *constitutional court of governance*, an institution authorized to assess the constitutionality of actions between state organs in the context of implementing state functions (Wojciech Sadurski, 2005, p. 55). Thus, the expansion of the Constitutional Court's authority is not only a technical institutional issue, but also a form of deepening constitutionalism that ensures that no state power is outside the control of the constitution (Tom Ginsburg, 2003, p. 189).

The Establishment of the Constitutional Court as a Manifestation of the Expansion of the Authority of the Constitutional Court

A. Conceptualization of the Constitutional Court

The establishment of the Constitutional *Administrative Court* as part of the expansion of the authority of the Constitutional Court (MK) is a logical consequence of the need for a judicial forum that can adjudicate constitutional disputes between state organs and independent institutions that are not explicitly mentioned in the 1945 Constitution. So far, the resolution of conflicts between state institutions has often been carried out through political mechanisms, such as inter-institutional coordination meetings or the intervention of the President, which of course do not have adequate judicial legitimacy (Saldi Isra, 2012, p.14).

From the perspective of constitutional law theory, *constitutional courts* are a form of *constitutional jurisdiction*, namely judicial jurisdiction that assesses the legality and constitutionality of the actions of state institutions in carrying out their constitutional functions (Mauro Cappelletti, 1989, p. 204). Conceptually, this institution is within the judicial branch of power, but with a special function oriented towards testing and enforcing constitutional norms, not just statutory norms (Tom Ginsburg, 2003, p. 189). Jimly Asshiddiqie stated that *the constitutional court* under the Constitutional Court is needed to address constitutional issues that are not accommodated in the general judicial system or state administrative courts, such as conflicts of authority between state institutions, constitutional interpretation of implementing regulations, or alleged violations of basic constitutional principles by public officials (Jimly Asshiddiqie, 2015, p.233). Thus, the existence of this institution is not intended to expand judicial power politically, but rather to emphasize the role of the Constitutional Court as the highest protector of the constitution (Jimly Asshiddiqie, 2015, p.233).

B. Institutional Position and Relations

Structurally, *the constitutional court* can be placed as a special chamber under the Constitutional Court or as a separate judicial body functionally within the Constitutional Court. This institutional model was once proposed by Jimly Asshiddiqie with the term *constitutional chamber* or *constitutional division*, which functions to handle cases outside the five formal authorities of the Constitutional Court (Jimly Asshiddiqie, 2013, p. 8).

This approach allows the formation of *constitutional divisions* without the need for direct amendments to the 1945 Constitution, but rather through a revision of Law Number 24 of 2003. This revision can add new provisions that provide jurisdiction for the Constitutional Court to examine "constitutional disputes" *between* state institutions that are regulated or formed based on law (Denny Indrayana, 2008, p.214).

Institutionally, the relationship between *the constitutional courts* and the Supreme Court (MA) is coordinative, not hierarchical. The MA retains jurisdiction over general, religious, military, and state administrative courts as stipulated in Article 24A of the 1945 Constitution, while the MK, along with the constitutional courts, exercises constitutional jurisdiction in the realm of public law. This relationship is based on the principle of *specialized constitutional jurisdiction*, where the MK serves as the highest court in constitutional matters, while the MA serves as the apex of the judiciary in positive law (Saldi Isra, 2014, p. 119).

With this division, the Indonesian judicial system will have two main axes: (1) *ordinary jurisdiction* under the Supreme Court, and (2) *constitutional jurisdiction* under the Constitutional Court. Both complement each other within the framework of *separation of powers* and *checks and balances* (Moh. Mahfud MD, 2001, p.142).

C. Functions and Jurisdiction of the Constitutional Court

The main functions of *the constitutional court* can be divided into three main areas, namely:

1. Disputes between state institutions and independent institutions, whether regulated by the Constitution or by law, for example disputes between the DPR and the Corruption Eradication Committee, the KY and the Supreme Court, or the BPK and certain ministries.

2. Constitutional disputes between central and regional state institutions, which arise due to overlapping authority or certain constitutional policies, such as the determination of special autonomy or regional fiscal authority.

3. Testing of the constitutional actions of public officials, in cases of alleged violations of constitutional principles, for example abuse of authority by the President or Minister which violates the principle of *due process of law* (Satya Arinanto, 2014, p.212).

In addition to these three functions, *constitutional courts* can also be given the authority to receive *constitutional complaints* from citizens whose constitutional rights have been violated by the actions of the government or state institutions (Christoph Grabenwarter, 2015, p. 88). This mechanism has long been implemented in Germany, Spain, and South Korea with positive results in strengthening the protection of citizens' human rights (Donald Kommers & Russell A. Miller, 2012, p. 87).

In the Indonesian context, the *constitutional complaint mechanism* is highly relevant, given that many violations of constitutional rights cannot be resolved through general courts due to their limited absolute competence. Thus, *constitutional courts* can serve as the *ultimum remedium forum* for the protection of citizens' constitutional rights (Yong-Jin Park, 2018, p. 178).

D. Procedural and Implementative Aspects

Procedurally, the establishment of a *constitutional court* requires legal instruments in the form of:

1. Amendment to Law Number 24 of 2003 to add new provisions regarding the authority and procedures for resolving state constitutional cases;

2. Constitutional Court Regulations (PMK) which regulate the procedures for examination, evidence and decisions on constitutional cases;

3. Adjustment of institutional structure by adding special chambers or assemblies that handle constitutional cases with constitutional judges and constitutional experts. (Maruarar Siahaan, 2006, p.115). *the constitutional court* system must also adhere to the principle of *judicial restraint* to avoid overlapping with other judicial functions or excessive interference in the political sphere. Therefore, its institutional design must ensure a balance between the constitutional oversight function and respect for the political sovereignty of state institutions (Erwin Chemerinsky, 2017, p. 63). With the right structure and procedures, the establishment of *the constitutional court* will not only formally expand the Constitutional Court's authority but also strengthen Indonesia's constitutional legal system, which has remained fragmented between the public and private legal spheres.

Implications for the Indonesian Constitutional System

The expansion of the Constitutional Court's authority through the establishment of a *Constitutional Court* will have significant implications for the Indonesian constitutional system, both from an institutional, legal, and political perspective.

1. Institutional Implications

Institutionally, the establishment of a *constitutional court* will strengthen the Constitutional Court's role as a *full constitutional court*, not merely a *negative legislator*. Until now, the Constitutional Court has tended to play a passive role in constitutional enforcement, limited to reviewing norms and resolving election disputes. With this expansion, the Constitutional Court becomes an active forum in overseeing relations between state institutions and protecting citizens' constitutional rights (Saldi Isra, 2018, p. 149).

2. Legal and Legislative Implications

From a legal perspective, the regulation of *constitutional courts* will enrich Indonesia's constitutional justice system. This can be accommodated by revising Law Number 24 of 2003 concerning the Constitutional Court, by adding a specific chapter on broader constitutional jurisdiction (Maruarar Siahaan, 2006, p. 124). A constitutional *complaint* mechanism for citizens will also close the legal gap in the protection of constitutional rights not covered by *judicial review* or general courts (Denny Indrayana, 2011, p. 245).

3. Political and Governance Implications

Politically, the presence of a *constitutional court* can suppress the executive's political dominance in resolving conflicts within state institutions. This strengthens the principle of *the rule of law* and ensures that all actions of state institutions are subject to constitutional control (Moh. Mahfud MD, 2017, p. 138). However, it is also necessary to anticipate the potential for political resistance from institutions that feel their authority is being reduced due to this expansion (Bivitri Susanti, 2016, p. 220). Therefore, the formation of a new institution must be through a strong political consensus in the House of Representatives (DPR) and broad public support (Ni'matul Huda, 2015, p. 191).

4. Implications for the Principle of Checks and Balances

From the perspective of constitutional theory, an ideal system of *checks and balances* requires an *independent judicial mechanism to mediate conflicts between branches of government*. With the existence of *constitutional courts*, the balance between the legislative, executive, and judiciary will be more assured (Bruce Ackerman, 1998, p. 316). This aligns with Bruce Ackerman's view that "*constitutional courts serve as a neutral forum to mediate power struggles among political institutions*." (Bruce Ackerman, 1998, p. 316).

5. Implications for the Protection of Citizens' Constitutional Rights

The *constitutional complaint* mechanism will become a new instrument for citizens to sue for violations of their constitutional rights by government or state institutions. Thus, *constitutional courts* will strengthen the position of citizens as the primary subjects of the constitution (Christoph Grabenwarter, 2015, p. 93). This principle leads to the strengthening of constitutional democracy based on the supremacy of the constitution and respect for human rights (Mauro Cappelletti, 1989, p. 210).

Implementation Prospects and Challenges

In its implementation, the expansion of the Constitutional Court's authority through the establishment of *constitutional courts* faces a number of challenges:

Constitutional Amendments

Although theoretically it could be regulated through a revision of the law, some experts argue that adding new jurisdictions to the Constitutional Court could potentially require constitutional amendments, as Article 24C of the 1945 Constitution restrictively lists five powers of the Constitutional Court. Therefore, a progressive interpretation of this article is needed so that the Constitutional Court can develop according to constitutional needs without having to violate the text of the Constitution (Jimly Asshiddiqie, 2015, p. 11).

1. Institutional Resources and Infrastructure

The establishment of new chambers under the Constitutional Court requires human resources with high expertise in constitutional law, state administration, and constitutional philosophy. Furthermore, an institutional infrastructure is needed to support a swift, transparent, and accountable judicial process. (Maruarar Siahaan, 2014, p.201)

2. Political Resistance and the Interests of State Institutions

The presence of *constitutional courts* can be perceived as an additional form of oversight of the executive and legislative branches. Therefore, political resistance may arise, particularly from institutions concerned about judicial oversight of their authority (Denny Indrayana, 2012, p. 287). To address this, constitutional outreach and dialogue are needed that emphasize the institution's role as a neutral guardian, not a political competitor (Saldi Isra, 2014, p. 25).

CONCLUSION

The Constitutional Court's authority, as stipulated in Article 24C of the 1945 Constitution, remains limited and unable to address all constitutional issues arising in state practice. Many disputes between state institutions and violations of citizens' constitutional rights lack a judicial forum for resolution, creating a legal vacuum and constitutional uncertainty. Expanding the Constitutional Court's authority through the establishment of a Constitutional Court is an urgent and constitutional step. Philosophically, legally, and comparatively, this idea aligns with the principle of constitutional supremacy and modern constitutional judicial practices in various countries. The establishment of a Constitutional Court will strengthen the Constitutional Court's function as *guardian of the constitution*, ensure balance between branches of state power, and expand protection of citizens' constitutional rights within a democratic state based on the rule of law.

REFERENCE

1. Alec Stone Sweet, *Governing with Judges: Constitutional Politics in Europe*, (Oxford: Oxford University Press, 2000).
2. András Jakab, *The Transformation of Constitutional Law in Hungary*, (Budapest: HVG-Orac, 2016).
3. Bivitri Susanti, "Constitutional Institutional Reform and Its Challenges," *Constitutional Journal*, Vol. 13 No. 2 (2016).
4. Bruce Ackerman, "The Living Constitution," *Harvard Law Review*, Vol. 120 No. 7 (2007).
5. Bruce Ackerman, *We the People: Transformations*, (Cambridge: Harvard University Press, 1998).
6. Charles Fombad, "Constitutional Adjudication and Democracy in Africa," *International Journal of Constitutional Law*, Vol. 17 No. 1 (2019).
7. Christoph Grabenwarter, *European Constitutional Law*, (Oxford: Hart Publishing, 2015).
8. Christoph Grabenwarter, *European Constitutional Law*, (Oxford: Hart Publishing, 2015).
9. Denny Indrayana, "Strengthening the Constitutional Function of the Constitutional Court," *Constitutional Journal*, Vol. 8 No. 3 (2011).
10. Denny Indrayana, *The State Between Existence and Non-Existence: Reform of Constitutional Law*, (Jakarta: Kompas, 2008).
11. Denny Indrayana, *Indonesia's Legal State: Democracy, Human Rights, and the Constitution*, (Jakarta: Kompas, 2011).
12. Denny Indrayana, *Legal and Political Reform in Indonesia*, (Jakarta: Kompas, 2012).
13. Donald Kommers & Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany*, (Durham: Duke University Press, 2012).

14. Donald Kommers & Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany*, (Durham: Duke University Press, 2012).
15. Donald P. Kommers, *The Constitutional Jurisprudence of the Federal Republic of Germany*, (Durham: Duke University Press, 1997).
16. Erwin Chemerinsky, *Constitutional Law: Principles and Policies*, (New York: Aspen Publishers, 2017).
17. Fajrul Falaakh, "Disputes over the Authority of State Institutions: Limitations and Enforcement of Constitutional Law," *Constitutional Journal*, Vol. 7 No. 4 (2010).
18. Hans Kelsen, *Essence of the Austrian Constitutional Court*, *Journal of Public Law*, Vol. 10 No. 1 (1932).
19. Hans Kelsen, *General Theory of Law and State*, (Cambridge: Harvard University Press, 1949).
20. Hans Kelsen, *Pure Theory of Law*, (Cambridge: Harvard University Press, 1967).
21. Hans Kelsen, *Pure Theory of Law*, (Cambridge: Harvard University Press, 1967).
22. Jimly Asshiddiqie, "Progressive Interpretation of the Constitution," *Constitutional Journal*, Vol. 12 No. 4 (2015).
23. Jimly Asshiddiqie, "Expansion of the Functions and Authorities of the Constitutional Court," *Constitutional Journal*, Vol. 10 No. 3 (2013).
24. Jimly Asshiddiqie, *The Idea of Constitutional Sovereignty in Modern Constitutionalism*, (Jakarta: Constitution Press, 2011).
25. Jimly Asshiddiqie, *Constitutional Law and the Pillars of Democracy*, (Jakarta: Constitution Press, 2015).
26. Jimly Asshiddiqie, *The Indonesian Constitution and Constitutionalism*, (Jakarta: Konstitusi Press, 2005).
27. Jimly Asshiddiqie, *Towards a Democratic Legal State*, (Jakarta: Bhuana Ilmu Populer, 2015).
28. Jimly Asshiddiqie, *Models of Constitutional Testing in Various Countries*, (Jakarta: Constitution Press, 2005).
29. Jimly Asshiddiqie, *Concerning the Constitution and the Constitutional Court*, (Jakarta: Constitution Press, 2010).
30. Kevin Hewison, *Political Change in Thailand: Democracy and Its Discontents*, (London: Routledge, 2014).
31. Kittisak Prokati, "The Constitutional Court of Thailand: Challenges and Development," *Journal of Constitutional Law of Thailand*, Vol. 5 No. 2 (2015).
32. Luis López Guerra, "Decentralization and Constitutional Adjudication in Spain," *European Public Law Journal*, Vol. 14 No. 1 (2008).
33. Manuel Aragón Reyes, *La Jurisdicción Constitucional Española*, (Madrid: Tecnos, 2006).
34. Mark Tushnet, *Advanced Introduction to Comparative Constitutional Law*, (Cheltenham: Edward Elgar, 2018).
35. Maruarar Siahaan, *Procedural Law of the Constitutional Court of the Republic of Indonesia*, (Jakarta: Secretariat General and Registrar of the Constitutional Court of the Republic of Indonesia, 2006).
36. Maruarar Siahaan, *Procedural Law of the Constitutional Court of the Republic of Indonesia*, (Jakarta: Secretariat General of the Constitutional Court of the Republic of Indonesia, 2006).
37. Maruarar Siahaan, *Procedural Law of the Constitutional Court of the Republic of Indonesia*, (Jakarta: Secretariat General of the Constitutional Court of the Republic of Indonesia, 2006).
38. Maruarar Siahaan, *Indonesian Constitutional Law*, (Jakarta: Secretariat General of the Constitutional Court of the Republic of Indonesia, 2011).
39. Maruarar Siahaan, *Constitutional Courts in Indonesia*, (Jakarta: Secretariat General of the Constitutional Court of the Republic of Indonesia, 2014).
40. Mauro Cappelletti, *Judicial Process in Comparative Perspective*, (Oxford: Clarendon Press, 1989).
41. Mauro Cappelletti, *Judicial Process in Comparative Perspective*, (Oxford: Clarendon Press, 1989).
42. Mauro Cappelletti, *Judicial Review in the Contemporary World*, (Indianapolis: Bobbs-Merrill, 1971).
43. Moh. Kusnardi & Harmaily Ibrahim, *Introduction to Indonesian Constitutional Law*, (Jakarta: UI HTN Study Center, 1983).
44. Moh. Mahfud MD, *Law and the Pillars of Democracy*, (Yogyakarta: Gama Media, 2001).
45. Moh. Mahfud MD, *Constitution and Law in Controversial Issues*, (Jakarta: Rajawali Pers, 2017).
46. Moh. Mahfud MD, *Post-Constitutional Amendment Debate on Constitutional Law*, (Jakarta: Rajawali Pers, 2013).
47. Ni'matul Huda, *Indonesian Constitutional Law*, (Jakarta: Rajawali Pers, 2015).
48. Article 24A and 24C of the 1945 Constitution of the Republic of Indonesia.
49. Article 24C paragraph (1) of the 1945 Constitution.
50. General Explanation of Law Number 24 of 2003 concerning the Constitutional Court.
51. Constitutional Court Decision Number 006/PUU-III/2005 concerning the Judicial Review of the Broadcasting Law.
52. Saldi Isra, "Constitutional Dialogue as a Mechanism for Resolving Disputes Between State Institutions," *Constitutional Journal*, Vol. 11 No. 1 (2014).

53. Saldi Isra, "Resolving Disputes Between State Institutions in Indonesia," *Constitutional Journal*, Vol. 9 No. 1 (2012).
54. Saldi Isra, "Expanding the Role of the Constitutional Court in Enforcing Constitutional Rights," *Constitutional Journal*, Vol. 10 No. 2 (2013).
55. Saldi Isra, *Dynamics of Indonesian Constitutionalism*, (Jakarta: Rajawali Pers, 2018).
56. Saldi Isra, *The Role of the Constitutional Court in the Indonesian State System*, (Jakarta: Rajawali Pers, 2014).
57. Saldi Isra, *The Role of the Constitutional Court in the Indonesian State System*, (Jakarta: Rajawali Pers, 2014).
58. Saldi Isra, *Shifting Legislative Functions: Strengthening the Parliamentary Legislative Model in Indonesia's Presidential System*, (Jakarta: Rajawali Pers, 2010).
59. Satya Arinanto, "Constitutional Authority and Abuse of Power," *Journal of Law and Development*, Vol. 44 No. 2 (2014).
60. Satya Arinanto, "Reconstruction of the Role of the Constitutional Court in the Indonesian State System," *Journal of Law and Development*, Vol. 43 No. 3 (2013).
61. Sudikno Mertokusumo, *The Discovery of Law: An Introduction*, (Yogyakarta: Liberty, 2009).
62. Sung Ho Kim, "Constitutional Justice in Korea," *Korean Journal of Law and Society*, Vol. 44 (2019).
63. Tom Ginsburg, *Judicial Review in New Democracies*, (Cambridge: Cambridge University Press, 2003).
64. Tom Ginsburg, *Judicial Review in New Democracies*, (Cambridge: Cambridge University Press, 2003).
65. The 1945 Constitution of the Republic of Indonesia, Article 24C paragraph (1).
66. The 1945 Constitution of the Republic of Indonesia, Article 24C paragraph (1).
67. Law Number 24 of 2003 concerning the Constitutional Court, *State Gazette of the Republic of Indonesia* 2003 Number 98.
68. Wojciech Sadurski, *Rights Before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe*, (Dordrecht: Springer, 2005).
69. Yong-Jin Park, "Constitutional Complaints and Protection of Fundamental Rights in Korea," *Asian Constitutional Law Review*, Vol. 9 No. 2 (2018).
70. Yong-Jin Park, "The Role of the Constitutional Court of Korea in Strengthening Democratic Governance," *Asian Journal of Comparative Law*, Vol. 13 No. 2 (2018).
71. Yong-Jin Park, "The Role of the Constitutional Court of Korea," *Asian Law Review*, Vol. 12 No. 3 (2017).