

The Role of the Constitutional Court in Strengthening Constitutional Democracy in Indonesia

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ABSTRACT

This study aims to analyze the role of the Constitutional Court in strengthening constitutional democracy in Indonesia from a normative legal perspective. The study focuses on the effectiveness of the legal framework governing the Constitutional Court and the urgency of institutional strengthening in maintaining the principles of a democratic rule of law state (Law Number 7 of 2020). The research method used is a normative juridical method, based on the 1945 Constitution of the Republic of Indonesia, the Constitutional Court Act, the Judicial Power Act, and recent academic literature. The findings indicate that normatively, the legal framework governing the Constitutional Court is sufficiently effective in providing a strong basis for its authority as the guardian of the constitution through judicial review mechanisms and the protection of citizens' constitutional rights. However, its effectiveness still depends on implementation, institutional independence, and consistency in constitutional interpretation. Furthermore, strengthening the Constitutional Court's regulatory framework is an urgent necessity in responding to contemporary constitutional dynamics to ensure the continuity of checks and balances and the reinforcement of constitutional democracy. Thus, the Constitutional Court functions not only as a judicial institution but also as a key pillar in maintaining the stability of Indonesia's democratic and constitutional legal system.

Keywords: *Constitutional Court, Constitutional Democracy, Constitutional Law, Judicial Review, Rule of Law.*

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1. | INTRODUCTION

Constitutional democracy is a key characteristic of a modern rule of law state, which places the constitution as the supreme source of legitimacy in the exercise of state power. In this system, state power is not only limited by law but also directed toward protecting citizens' constitutional rights through judicial oversight mechanisms. Indonesia, as a state based on the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, adopts a constitutional democratic model that integrates the principle of popular sovereignty with constitutional supremacy. In this context, the Constitutional Court (MK) holds a strategic position as the guardian of the constitution and the guardian of constitutional democracy through its authority to test laws against the 1945 Constitution (Andiraharja, 2021).

The MK's existence is inextricably linked to the need to ensure that legislative products do not deviate from constitutional values. This aligns with the function of judicial review, which is the primary instrument for ensuring the conformity of legal norms with the constitution. Judicial review serves not only as a judicial correction mechanism but also as an instrument for strengthening the principle of checks and balances in the constitutional system (Kurniawati & Rohmah, 2024). Thus, the Constitutional Court serves not only as a judicial institution but also as a constitutional institution that maintains the balance of power between the legislative, executive, and judicial branches.

Normatively, the Constitutional Court's authority is regulated in Article 24C of the 1945 Constitution of the Republic of Indonesia, which was further clarified in Law Number 24 of 2003 concerning the Constitutional Court, as amended several times, including through Law Number 7 of 2020. This regulation affirms that the Constitutional Court has the authority to review laws against the Constitution, decide on disputes over the authority of state institutions, dissolve political parties, and resolve disputes over election results. This authority demonstrates the Constitutional Court's central role in maintaining the integrity of constitutional democracy (Hasanah & Kharisma, 2022).

Furthermore, the Constitutional Court's existence is also strengthened by the principle of judicial independence, as stipulated in Law Number 48 of 2009 concerning Judicial Power. This independence is a fundamental requirement for the Constitutional Court to carry out its functions without political interference, ensuring that its decisions truly reflect constitutional justice (Sukedi et al., 2024). From the perspective of a state based on the rule of law, judicial independence is a crucial element in ensuring the protection of human rights and legal certainty (Kamila, 2024).

In the development of modern constitutional theory, the Constitutional Court is also understood as an actor that not only interprets the law but also shapes the direction of democratic development through its constitutional decisions. This indicates a shift from mere judicial review to a more progressive constitutional interpretation that addresses

the needs of modern society (Rahman et al., 2024). This role is increasingly crucial in the context of democratic dynamics that require the continuous strengthening of institutions that oversee power.

However, the effectiveness of the Constitutional Court's role in strengthening constitutional democracy is not without various challenges, both normative and institutional. These challenges include consistency in constitutional interpretation, strengthening institutional integrity, and increasing public legitimacy of its decisions. In this regard, studies on the effectiveness of regulations and the urgency of strengthening the Constitutional Court's role are relevant for academic study to ensure the Court's continued function as a guardian of the constitution (Anggreni et al., 2024).

Based on this description, this research focuses on normatively examining the role of the Constitutional Court in strengthening constitutional democracy in Indonesia through a legislative approach and the latest academic literature. Therefore, this research formulates two main questions as follows: RQ1: How effective are the regulations governing the Constitutional Court in strengthening constitutional democracy in Indonesia? RQ2: Why is strengthening the regulations and role of the Constitutional Court urgent in maintaining constitutional democracy in Indonesia?

2. | RESEARCH METHOD

This research employs a library research method with a normative legal approach, aiming to conceptually and legally examine the role of the Constitutional Court in strengthening constitutional democracy in Indonesia. This approach was chosen because the issues studied are not empirical in nature, but rather focus on the analysis of legal norms, legal doctrine, and relevant academic literature. The library study allows researchers to explore, identify, and analyze various primary and secondary legal sources related to the issue of constitutionalism and the role of the constitutional court in the Indonesian constitutional system.

The legal sources in this study consist of primary, secondary, and tertiary legal materials. The primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 24 of 2003 concerning the Constitutional Court, as most recently amended by Law Number 7 of 2020, and Law Number 48 of 2009 concerning Judicial Power. These three regulations serve as the primary basis for analyzing the position, authority, and independence of the Constitutional Court within the Indonesian constitutional system.

Secondary legal materials consist of various scientific literature such as legal journals, academic articles, constitutional law textbooks, and previous research relevant to the topic of constitutional democracy and judicial review. This literature is used to provide theoretical and conceptual perspectives in understanding the role of the Constitutional Court as a guardian of the constitution and as an institution safeguarding constitutional democracy. Meanwhile, tertiary legal materials are used to support the understanding of legal terms through legal dictionaries and legal encyclopedias.

Data collection was conducted through a documentary study, which involved searching and reviewing literature obtained from academic databases such as Google Scholar, accredited national law journals, and relevant scientific publications from the past five years. The collected data was then analyzed using a qualitative-descriptive analysis method, which involves interpreting legal norms, connecting legal concepts, and systematically drawing conclusions based on the patterns of relationships between regulations and the theories used.

The analysis in this study also draws on a statutory and conceptual approach. The statutory approach is used to examine the legal norms governing the Constitutional Court, while the conceptual approach is used to understand the concepts of constitutional democracy, judicial review, and the principle of the rule of law. Therefore, this study not only describes the applicable legal regulations but also examines the meaning and normative implications of the Constitutional Court's existence within Indonesia's democratic system.

Constitutional law studies are not limited to textual analysis of laws and regulations but must also understand the dynamics of constitutional values that are alive in state practice. Therefore, the literature study method in this research is considered the most appropriate for exploring the relationship between legal norms, constitutional theory, and the institutional practices of the Constitutional Court in strengthening constitutional democracy in Indonesia.

3. | RESULTS AND DISCUSSION

The Effectiveness of Constitutional Court Regulations in Strengthening Constitutional Democracy in Indonesia

The effectiveness of the regulations governing the Constitutional Court (MK) in the Indonesian constitutional system can be seen from the extent to which legal norms provide a strong foundation for the Court in carrying out its constitutional functions. Normatively, the Constitutional Court's existence is rooted in Article 24C of the 1945 Constitution of the Republic of Indonesia, which grants it strategic authority to review laws against the Constitution, resolve disputes over the authority of state institutions, disband political parties, and dispute election results. This provision is reinforced by Law Number 24 of 2003 concerning the Constitutional Court, as amended by Law Number 7 of 2020, which more technically regulates the mechanism for implementing these authorities (Handayani & Angrayni, 2019).

From a legal effectiveness perspective, the existence of these regulations demonstrates a relatively comprehensive legal structure supporting the Constitutional Court's function as guardian of the constitution. Judicial review, the Constitutional Court's primary instrument, serves as a corrective mechanism for legislation that potentially conflicts with the constitution. This confirms that regulations are not only formal normative in nature but also have a substantive function in upholding

constitutional supremacy (Kurniawati & Rohmah, 2024). Thus, structurally, regulations have provided a strong foundation for strengthening constitutional democracy in Indonesia.

Furthermore, Law Number 48 of 2009 concerning Judicial Power strengthens the institutional independence of the Constitutional Court as part of an independent judicial system. This independence is a primary prerequisite for the Constitutional Court to carry out its functions without political interference, ensuring that every decision it makes truly reflects the principles of constitutional justice (Sukedi et al., 2024). In this context, regulatory effectiveness is measured not only by the completeness of its norms but also by its ability to guarantee the independence of constitutional judicial institutions.

However, the effectiveness of regulations does not always operate optimally in state practice. Several studies indicate that the main challenge lies in implementation, particularly in maintaining consistency in the Constitutional Court's interpretation of the constitution and maintaining public legitimacy in its decisions (Andiraharja, 2021). Although the Constitutional Court has strong authority, its effectiveness depends heavily on institutional integrity and the quality of enforcement of the rule of law principles in practice.

In the context of constitutional democracy, the Constitutional Court also plays a role in ensuring the balance of checks and balances. The judicial activism of the Constitutional Court in several decisions demonstrates that this institution functions not only as a law examiner but also as a contributing actor in shaping the direction of the country's constitutional policy (Hasanah & Kharisma, 2022). This reinforces the view that existing regulations provide sufficient space for the Constitutional Court to play an active role in maintaining democratic dynamics.

Furthermore, regulatory effectiveness is also evident in its ability to protect citizens' constitutional rights. Through its judicial review mechanism, the Constitutional Court serves as a crucial channel for protecting constitutional rights guaranteed by the 1945 Constitution. This demonstrates that regulations are not merely institutional in nature but also encompass a human rights protection dimension inherent in a constitutional democratic system (Rahman et al., 2024).

Nevertheless, some literature confirms that regulatory effectiveness still faces challenges in terms of strengthening the consistency of decisions and increasing public trust in constitutional courts. Therefore, regulatory strengthening is needed, not only structurally but also substantively, to ensure the Constitutional Court remains a credible and authoritative institution within the Indonesian constitutional system (Yoga et al., 2024).

Therefore, it can be concluded that, normatively, the regulations governing the Constitutional Court have been quite effective in supporting its role as a guardian of constitutional democracy. However, this effectiveness still depends heavily on

implementation, institutional integrity, and consistency in upholding the principles of a democratic rule of law..

The Urgency of Strengthening Constitutional Court Regulations in Maintaining Constitutional Democracy (Answer to RQ2)

The urgency of strengthening regulations on the Constitutional Court (MK) within Indonesia's constitutional democratic system is inextricably linked to its position as a constitutional guardian, ensuring a balance between democratic principles and the rule of law. Within the framework of a modern rule of law state, the constitution serves not only as a normative document but also as a living instrument that must be safeguarded through constitutional judicial mechanisms. Therefore, the Constitutional Court's existence is crucial in ensuring that the exercise of state power remains within the constitutional framework (Kamila, 2024).

Theoretically, constitutional democracy requires the limitation of power through effective and enforceable laws. In this context, the Constitutional Court plays a central role in overseeing the constitutionality of laws to ensure they do not conflict with the fundamental principles of the rule of law. Without adequate regulatory strengthening, the Constitutional Court's function could potentially be weakened, particularly in the face of increasingly complex legal and political dynamics (Patra, 2022). Therefore, strengthening regulations is a crucial instrument for maintaining the stability of the constitutional system.

Furthermore, the urgency of regulatory strengthening is also related to the need to strengthen the Constitutional Court's institutional independence. Law Number 48 of 2009 concerning Judicial Power emphasizes that the judiciary must be independent from interference by other powers. However, in practice, this independence still requires strengthening through regulations that are more adaptive and responsive to the dynamics of modern state administration. This is crucial to ensure the Constitutional Court continues to perform its function impartially in reviewing the constitutionality of legal norms (Sukedi et al., 2024).

Furthermore, the development of modern democracy demonstrates that challenges to constitutionalism are increasingly complex, particularly in the form of the politicization of law and pressure on the judiciary. In this situation, strengthening the Constitutional Court's regulations is urgent to ensure that this institution maintains strong legitimacy and constitutional authority. Judicial review, as the Constitutional Court's primary mechanism, must be maintained to remain an effective instrument in protecting citizens' constitutional rights (Handayani & Angrayni, 2019).

From a human rights perspective, the Constitutional Court also plays a crucial role as the guardian of citizens' constitutional rights. Any potential violations of rights resulting from legislation can be tested through the judicial review mechanism. Therefore, strengthening regulations not only has an institutional dimension but also

protects the fundamental rights of citizens in a constitutional democratic system (Rahman et al., 2024).

Another urgency lies in the need to maintain the consistency of the Constitutional Court's decisions so that they remain legal references with high certainty and binding force. Several academic studies have identified consistency of decisions as a factor influencing public trust in the constitutional court. Therefore, strengthening regulations is necessary to ensure that the Constitutional Court can consistently carry out its constitutional interpretation function and can be held legally and morally accountable (Ilham, 2024).

Furthermore, strengthening regulations is also crucial in the context of maintaining the principle of checks and balances in the constitutional system. The Constitutional Court functions not only as a judicial examiner of laws but also as a balance of power between branches of government. Without strong regulations, this balance can be disrupted, potentially weakening the constitutional democratic system as a whole (Anggreni et al., 2024).

Thus, it is understandable that the urgency of strengthening regulations at the Constitutional Court relates not only to institutional aspects but also to the sustainability of constitutional democracy itself. Strengthening regulations is an important instrument to ensure that the Constitutional Court continues to function as a guardian of the constitution, protector of citizens' rights, and strengthen the democratic legal system in Indonesia.

4. | CONCLUSION

The Constitutional Court plays a crucial role in strengthening constitutional democracy in Indonesia through its authority to uphold the supremacy of the constitution and ensure that every legal product produced by the legislature does not conflict with the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's existence as an independent judicial institution is a key element in maintaining the balance of state power while strengthening the principles of a democratic state based on the rule of law.

The study shows that, from a normative perspective, the regulations governing the Constitutional Court are sufficiently comprehensive in providing a legal basis for the implementation of its functions and authorities. The provisions in the 1945 Constitution, the Constitutional Court Law, and the Judicial Power Law provide strong legitimacy for the Constitutional Court to carry out its role as guardian of the constitution. However, the effectiveness of these regulations still depends heavily on implementation, institutional integrity, and consistency in upholding constitutional principles in state administration.

On the other hand, strengthening regulations on the Constitutional Court is an urgent need to maintain the sustainability of constitutional democracy. The ever-evolving dynamics of state administration demand institutional strengthening of the Constitutional Court so that it can continue to carry out its functions independently,

objectively, and credibly. This strengthening is also necessary to maintain public trust in the constitutional courts and ensure the effective protection of citizens' constitutional rights. The Constitutional Court serves not only as a judicial review body but also as a key pillar in maintaining the balance of the democratic system and the rule of law. Therefore, strengthening the Constitutional Court's regulations and institutions is a crucial strategic step to ensure that constitutional democracy in Indonesia can continue to develop healthily, stably, and sustainably into the future.

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The authors declare that there is no conflict of interest.

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Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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