

EXAMINING THE EXPANSION OF CONSTITUTIONAL COURT AUTHORITY REGARDING CONSTITUTIONAL COMPLAINTS BASED ON ARTICLE 24C PARAGRAPH (1) OF THE 1945 CONSTITUTION

Herman Bastiaji Prayitno^{1,2}, . H. Toto Tohir Suriaatmadja³, Yoyon M Darusman², Rio Arnando⁴

¹Doctoral Student in Law at Bandung Islamic University

²Lecturer at Pamulang University Law Faculty

³Lecturer at Bandung Islamic University Law Faculty

⁴Law Student at Pamulang University

¹dosen01004@unpam.ac.id, ²totorerat@yahoo.com, ³dosen00040@unpam.ac.id,

⁴rioarnando1726@gmail.com

Abstract

This article explores the evolving authority of the Constitutional Court in Indonesia as it relates to constitutional complaints filed under Article 24C Paragraph (1) of the 1945 Constitution. The provision empowers citizens to challenge laws or regulations that are deemed to violate the Constitution. By analyzing case law and legal scholarship, the article examines how the Court has interpreted and applied this provision over time. It investigates factors that have influenced the Court's approach, including changes in political and social dynamics, the development of constitutional jurisprudence, and the Court's own institutional growth. The analysis aims to shed light on the extent to which the Court's authority has expanded in adjudicating constitutional complaints, and the implications of this expansion for the protection of individual rights and the democratic governance of Indonesia.

Keyword: Constitutional Court, Judicial review, Rule of law Democratic governance

INTRODUCTION

The foundation of our nation is explained that Indonesia is a Rechtsstaat, not a Machtstaat. This implies recognition of the principle of legal supremacy and also the Constitution. It adheres to the principles of separation of powers and limitation of powers according to the constitutional system regulated within the Constitution. Moreover, it guarantees human rights within the Constitution,¹ ensures an independent and impartial judiciary, and guarantees the equality of all citizens before the law and justice for everyone, including against the abuse of power or authority by those in power.

¹ Syafrinaldi, and Endang Suparta. "Hak Asasi Manusia dan Demokrasi Dalam Konsep Negara Hukum." *Asian Journal of Environment, History and Heritage* 3.1 (2019): 133-142

The idea of establishing the Constitutional Court is one of the developments of legal state thought. The doctrine of constitutionalism emphasizes that the protection of basic rights or constitutional rights can only be realized if the state's power is limited by and through the constitution. The enforcement of the constitution cannot proceed without a legal state institution that is authorized and empowered to oversee and ensure that the provisions contained in the constitution, both formally and materially, are truly implemented and not deviated from in the practice of national life.

The establishment of the Constitutional Court, abbreviated as MK, following the amendment of the 1945 Constitution of the Republic of Indonesia (UUDNRI 1945), brings Indonesia closer to a better democracy. This is because of the existence of an independent state institution specifically tasked with upholding the dignity of the 1945 Constitution as the highest norm in Indonesia, so that every action concerning the constitution is handled specifically by the Constitutional Court.

"Since its establishment up to the present, the Constitutional Court, based on Article 24 C paragraph (1) of the 1945 Constitution in conjunction with Article 10 of Law No. 24 of 2003 concerning the Constitutional Court, holds four authorities and one obligation, namely:"

1. esting laws against the Constitution
2. Adjudicating disputes over the authority of State Institutions granted by the Constitution
3. Adjudicating the dissolution of Political Parties
4. Resolving Electoral Disputes (PHPU - Disputes over General Election Results)
5. Presidential Impeachment

The Constitution itself serves as the guardian, interpreter, and protector of democracy, as well as safeguarding the constitutional rights of citizens and human rights. Therefore, the authority granted by the law to the Constitutional Court to address violations of citizens' constitutional rights, as stipulated in Article 51 paragraph (1) of the Constitutional Court Law.² Constitutional Complaint is a citizen's complaint to the Constitutional Court regarding treatment received due to policies, or the absence thereof, by the state, including the government, legislative bodies, or the Supreme Court, which contravene the Constitution. The submission of a constitutional complaint can only be made after all legal avenues have been exhausted through other state institutions. In several countries like South Korea, South Africa, Spain, and the United States, this authority is one of the core functions of the Constitutional Court. However, in Indonesia, the 1945 Constitution does not explicitly grant the Constitutional Court the authority for constitutional complaints or citizens' constitutional complaints.

The Constitutional Court that first applied and developed the authority of constitutional complaint was the Federal Constitutional Court of Germany. A popular case in Germany related to constitutional complaints was a complaint by Muslim citizens regarding the ban on animal slaughter. In Indonesia, an example of a case categorized as a constitutional complaint is the Joint Decree Case (Decision Number 56/PUU-XV/2017) concerning the Indonesian Ahmadiyya Community (Jamaah Ahmadiyah Indonesia). The Ahmadiyya community was considered deviant, leading many to appeal to the Constitutional Court for its dissolution, which

² Ayuni, Qurrata. "Menggagas Constitutional Complaint di Indonesia." *Widyariset* 13.1(2010): 91-100.

contradicted their constitutional rights as stipulated in Article 29 Paragraph (2) of the 1945 Constitution regarding religious freedom.

The Joint Decree on the Indonesian Ahmadiyya Community was brought before the Constitutional Court of the Republic of Indonesia but was rejected on the grounds that the reasons for submission were incorrect, as it was not within the jurisdiction of the Indonesian Constitutional Court to adjudicate on the Joint Decree. The absence of constitutional complaint as a jurisdiction of the Constitutional Court in Indonesia leads to injustice and legal uncertainty in society because many requests for the review of laws, which substantially constitute constitutional complaints, cannot be accepted by the Constitutional Court on the grounds of lack of jurisdiction. This absence of a mechanism results in the unavailability of judicial remedy through constitutional courts for violations of citizens' constitutional rights, not due to the unconstitutionality of laws but because of the actions or omissions of the state institutions or public officials. Thus, the author narrows down the research with the title "EXAMINING THE AUTHORITY OF THE CONSTITUTIONAL COURT REGARDING CONSTITUTIONAL COMPLAINTS BASED ON ARTICLE 24C PARAGRAPH (1) OF THE 1945 CONSTITUTION".

RESEARCH METHODS

If such a situation persists without resolution, it contradicts the concept of a rule of law state that is based on safeguarding the fundamental rights of every individual as one of the fundamental principles underlying amendments to the 1945 Constitution and is the essence of the entire provisions of the 1945 Constitution as a system. Therefore, based on the above explanation, there is a need for further research on expanding the concept and ideas of constitutional complaints within the jurisdiction of the Constitutional Court to uphold its functions as the guardian and interpreter of the constitution, protector of democracy, and protector of citizens' constitutional rights.

DISCUSSION

The Mechanisms Available for Expanding the Authority of the Constitutional Court Regarding Constitutional Complaints under the 1945 Constitution.

Palguna explained that there are two forms of protection for constitutional rights that can be pursued through the Constitutional Court, namely judicial review and constitutional complaints. In the judicial review of laws, the subject of scrutiny is the product of legislative power, namely laws, while in constitutional complaints,³ the subject is the actions or omissions of public officials⁴.

³ I Dewa Palguna, *Pengaduan Konstitusional*, Sinar Grafika, Jakarta, 2013, hlm. 153

⁴ Yanti, Herma. "Gagasan Konstitusional Complaint Sebagai Kewenangan Baru Mahkamah Konstitusi dalam Perlindungan Hak Konstitusional." *Wajah Hukum* 2.2(2018) : 185-198.

The absence of authority for the Constitutional Court to adjudicate constitutional complaints under the 1945 Constitution results in the lack of legal recourse through a constitutional judicial mechanism that citizens can pursue when there is a violation of constitutional rights not caused

by laws conflicting with the Constitution, but rather due to the actions or omissions of public officials, even when all available legal remedies have been exhausted. As a consequence, many petitions submitted to the Constitutional Court, which are substantially constitutional complaints, are deemed inadmissible on the grounds that the Constitutional Court lacks jurisdiction to adjudicate them.

The author will attempt to analyze how efforts can be made to expand the authority of the Constitutional Court regarding constitutional complaints so that the constitutional rights of citizens can be more effectively safeguarded.⁵Top of Form

Constitutional complaint in the Constitutional Court through the 5th Amendment of the Constitution of the Republic of Indonesia 1945' into proper British English.

According to Yusril Ihza Mahendra, the procedure for filing a constitutional complaint in Indonesia is not clearly regulated in the 1945 Constitution. However, it implicitly contains the constitutional rights of citizens that must be upheld by the government. Therefore, any citizen who believes their government has violated their constitutional rights may submit a complaint to the institution responsible for safeguarding the constitutional rights of the state. This is directly related to responsive law, which argues that theoretically, legal defense should be individual and nuanced, as well as contain values that align with widely accepted societal norms⁶.

Because the power of the Constitutional Court is limited by the provisions of Article 24C paragraph (1) of the 1945 Constitution, Palguna explained that if the legislative body wishes to grant greater authority to the Constitutional Court regarding the interpretation of the constitution, it must amend the 1945 Constitution. However, amending the 1945 Constitution is not a simple matter, politically or procedurally⁷. What is crucial is to realize that consensus and interests among members of the People's Consultative Assembly (MPR) originating from the People's Representative Council (DPR) and members of the MPR originating from the Regional Representative Council (DPD)⁸ are needed. The way to increase the authority of the Constitutional Court, as seen from the Constitutional Court's founding document itself, is by amending the formulation of Articles in the 1945 Constitution of the Republic of Indonesia.⁹

⁵ I Dewa Gede Palguna, opcit. Hlm.5

⁶ Aditya, Zaka Firma, "Kewenangan Mahkamah Konstitusi dalam Menyelesaikan perkara Constitutional Complaint Berdasarkan Undang-Undang Dasar 1945.", Unnes Law Journal 3.1 (2014)

⁷ I Dewa Gede Palguna, Op.Cit. hlm. 583.

⁸ Setiawan, Heru, "Mempertimbangkan Constitutional Complaint Sebagai Kewenangan Mahkamah Konstitusi." Lex Jurnalica 14.1 (2017) : 146592

⁹ Ritonga, Rifandy. "Analisis Pengajuan Pengaduan Konstitusional (Constitutional Compalint) Pada Mahkamah Konstitusi Indonesia Sebagai Salah Satu Perlindungan Hak-Hak Warga Negara." Keadilan Progresif 7.1 (2016).

The authority of the Constitutional Court is limited to the testing of laws against the Constitution and does not include constitutional complaints. This means that in order to expand the authority of the Constitutional Court and prevent it from acting or making decisions beyond its jurisdiction, an amendment to the formulation of that article must be made. The author agrees and affirms to the Constitutional Court judges that the Joint Decree cannot be tested within the jurisdiction of the Constitutional Court because fundamentally the Joint Decree is a decision (*beschikking*) within the jurisdiction of the Administrative Court (PTUN) and is already in accordance with the positive law in Indonesia. Here, the author attempts to examine that in the future, cases directly related to constitutional violations such as the Joint Decree on Ahmadiyah should no longer be brought to the Administrative Court (PTUN) but to the Constitutional Court by expanding the authority of the Constitutional Court as stipulated in Article 24C paragraph (1), while administrative policy products that do not directly violate the constitution remain within the jurisdiction of the Administrative Court (PTUN).

The concept of Constitutional Complaint authority by the Constitutional Court of Indonesia based on the 1945 Constitution

If examined historically, the presence of constitutional complaints in several countries is rooted in past political experiences that often involved constitutional violations in state governance, leading to violations of citizens' constitutional rights, which are essentially protected by the constitution as a form of social contract between state organs¹⁰. The existence of constitutional complaints enables citizens to reclaim their constitutional rights when harmed by decisions made by public officials, including the judiciary¹¹. The application of constitutional complaints in safeguarding citizens' constitutional rights has been undertaken by several countries with Constitutional Court institutions, such as South Korea and Germany. The regulation of constitutional complaints adopted by these countries is enshrined in their respective constitutions. As a basis for comparison, Germany is a country that has implemented the constitutional complaint system. If further examined, the presence of Constitutional Court institutions adopted by Germany and Indonesia shares similarities. Both Indonesia and Germany are within the same model of constitutional review¹², namely the European model of constitutional review, and in terms of legal tradition, they both belong to the civil law tradition. In civil law tradition, codification plays a crucial role as a source of law, with the highest codification being the constitution or Basic Law. Since its establishment in 1951, the Federal Constitutional Court of Germany has played a significant role in securing the basic order of democracy,¹³ the rule of law, and the protection of fundamental rights, and through its decisions,

¹⁰ Taniady, Vicko, and Laili Furqoni, "Perluasan Kewenangan Mahkamah Konstitusi : Penerapan Constitutional Complaint dalam Menjaga Hak Konstitusional Warga Negara." *Journal of Judicial Review* 24.1 (2022) : 135-148.

¹¹ Susetio, Wasis, and MH SH, *Membangun Demokrasi melalui Constitutional Cpmplaint*, Esa Unggul University, 2005.

¹² Kurtishi, Emir. "The Constitutional Court of The Federal Repulic of Germany." *SEEU Review* 15.2 (2020) : 143-155

¹³ Purnamasari, Galuh Candra, "Upaya Hukum Terhadap Pelanggaran Hak-Hak Konstitusional Warga Negara Melalui Pengaduan Konstitusional (Constitutional Complaint)." *Varietas et Justitia* 3.2 (2017) : 244-269

it has strengthened the constitutional system in Germany. The Federal Constitutional Court of Germany is one of the constitutional courts in the world with authority in constitutional complaints regulated in the German Constitution (Grundgesetz) and the Act on the Federal Constitutional Court (Bundesverfassungsgerichtsgesetz). A notable example of a constitutional complaint case in Germany is the complaint regarding the ban on ritual slaughter of animals. This was triggered by a policy of the German government that prohibited ritual slaughter of animals as it was deemed to contradict the law on animal protection. The Muslim community in Germany objected to this ban and lodged a constitutional complaint with the Bundesverfassungsgerichts, arguing that it violated the freedom of religion guaranteed by the German constitution. According to Islamic religious provisions, animals are only halal for consumption if they are slaughtered in a specific manner. The Federal Constitutional Court of Germany upheld the complaint, stating that freedom of religion is a matter regulated in the constitution, while the ban on ritual slaughter falls under the provisions of the German Basic Law¹⁴. Article 90 of the German Constitution states that constitutional complaints can only be filed when there are no legal remedies left or when all legal remedies have been exhausted.

One of the Asian countries that has implemented the authority of constitutional complaints in its Constitutional Court is South Korea. The Constitutional Court of South Korea, established in 1988, has played a crucial role in safeguarding basic rights and constitutional values through impartial constitutional interpretation, and its decisions have also strengthened the constitutional system in South Korea. The application of constitutional complaints is crucial in protecting citizens' fundamental rights as guaranteed in the South Korean Constitution¹⁵. An example of a constitutional complaint filed in South Korea is by Dong-A Ilbo, a monthly magazine owner, who petitioned the Constitutional Court of Korea. Dong filed a constitutional complaint because a general court ordered him to publicly apologize for defamation along with payment of damages. The Constitutional Court of Korea ruled in favor of Dong, stating that forcing him to publicly apologize violated freedom of belief and the right to personal dignity guaranteed by Article 19 of the Constitution. In the case of constitutional complaints, once it becomes the jurisdiction of the Constitutional Court, it is essential for the writer to propose or provide ideas regarding the concept of Constitutional Complaint in the Constitutional Court of Indonesia concerning constitutional complaints. Observing the characteristics of constitutional complaint cases, they bear similarities to cases of testing laws against the 1945 Constitution of the Republic of Indonesia (Judicial Review). This is because they share a common genus, namely Judicial Review, with the parties to the Constitutional Complaint. Looking at Germany as one of the countries that have implemented the authority of constitutional complaints in its Constitutional Court, the parties subject to constitutional complaint cases in the Constitutional Court of

¹⁴ Zoelva, Hamdan. "Constitutional Complaint dan Constitutional Question dan Perlindungan Hak-Hak Konstitusional Warga Negara." *Jurnal Media Hukum* 19.1 (2012).

¹⁵ Anderson, Kent, and David T. Johnson. "Japan's New Criminal Trial: Origins, Operation and Implications." *New Courts in Asia*. Routledge, 2010.387-406

Germany, as outlined by I Dewa Gede Palguna, are as follows:¹⁶ Individuals whose rights are violated by a public authority are basic rights or rights regulated in Article 20IV or Article 33, 38, 101, 103, or 104 of the Grundgesetz (GG),¹⁷ violated by a law other than a state law that is open to submission to the constitutional court of the state.

In the matter of Constitutional complaint in South Korea, the petitioner in a Constitutional complaint case, according to Article 69 of the South Korean Constitutional Court Act as quoted by I Dewa Gede Palguna, is as follows:¹⁸

- a) Any person who believes that their fundamental rights guaranteed by the constitution have been violated by an action of the government or by the government's inaction or directly by legislation enacted by the legislative branch (legislative act);
- b) Parties in ordinary court proceedings whose request for the respective court to submit a petition to the South Korean Constitutional Court to examine the constitutionality of the laws applicable in those court proceedings has been rejected by the court in question - their aim is to obtain a final judgment regarding the constitutionality of the relevant laws.:

From the description above, it can be contemplated regarding the parties involved in cases at the Constitutional Court of the Republic of Indonesia with Constitutional complaints. The petitioner in this case, according to Article 51 of Law Number 24 of 2003 concerning the Constitutional Court, who can be a petitioner is:

- 1) Indonesian citizen.
- 2) Indigenous customary law communities whose existence is still recognized
- 3) Public or private legal entities who feel their constitutional rights have been violated by public institutions.

In addition to the petitioner, there will also be respondents in Constitutional complaint cases, because based on the definition of a Constitutional complaint itself, the respondent party is the public institution, whether it be the Executive, Legislative, Judiciary, or independent commissions that provide public services in carrying out their duties violating citizens' constitutional rights. The procedural process in Constitutional complaint cases will, of course, not be significantly different from other cases in the Constitutional Court, focusing more on judicial review cases. Every country with a Constitutional Court undoubtedly has procedures for filing cases, in this case, Constitutional complaints. Submitting a Constitutional complaint case to the Constitutional Court must pass through several stages first. These stages involve: first, having exhausted other judicial avenues. Second, it's the only recourse for redressing

¹⁶ I Dewa Gede Palguna, Op.Cit. hlm. 339

¹⁷ Grundgezet adalah sebutan untuk konstitusi bagi negara Jerman atau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 sebagai Konstitusi Indonesia

¹⁸ I Dewa Gede Palguna, Op.Cit. hlm. 465-466.

constitutional violations through a Constitutional complaint. Timeframes are crucial in filing cases in the Constitutional Court; many cases are rejected because they exceed the time limit prescribed by the law or other regulations. If we look at countries like Germany and South Korea, they provide time limits for filing Constitutional complaint cases. For Constitutional complaint cases, the filing timeframe must be limited¹⁹, unlike in judicial review cases. For instance, regarding the Supreme Court's cassation decision which, upon issuance, did not infringe citizens' constitutional rights, but after its implementation, it turned out to violate citizens' constitutional rights. Therefore, if the infringement of citizens' constitutional rights is felt, then citizens may file a Constitutional complaint with the Constitutional Court because there are no more legal remedies available.

In Constitutional complaint cases for those who have pursued legal avenues previously, they are given a timeframe of three times 24 hours or three working days to file a Constitutional complaint case with the Constitutional Court after the final decision has been made, and no further legal remedies are available. However, for cases that only have the option to be addressed by the Constitutional Court, the timeframe cannot be determined. This is because the issuance of policies or actions by public officials doesn't always immediately impact citizens' constitutional rights. In cases of filing a constitutional complaint, the object of the complaint can be directed at government bodies, court decisions, or laws. The Constitutional Court only examines their conformity with the Constitution (1945 Constitution), while the assessment of legal application issues and other empirical facts is the jurisdiction of other courts such as the State Administrative Court (PTUN).²⁰ Meanwhile, from the perspective of the addressee for whom the legal norm is intended, it can be distinguished into general legal norms and individual norms that can be the object of a constitutional complaint. General legal norms are legal norms directed at the general public and not specific, while individual legal norms are legal norms addressed only to individuals, groups of individuals, or many individuals who are already specified or in other words, who those individuals or groups of individuals are can be defined. Furthermore, examples of general legal norms include regulations such as laws, regional regulations, ministerial regulations, and so on. Meanwhile, examples of specific or individual legal norms are norms that are administrative provisions and normative decisions containing judgments, or what is commonly called verdicts.²¹

From the description above, when connected and matched, whether such authority is very appropriate to be adopted by the Constitutional Court of the Republic of Indonesia or not, the author will hereby elaborate on the similarities and differences between the legal systems of

¹⁹ Mahfud MD, *Konstitusi dan Hukum dalam Kontroversi Isu*, Raja Wali Pers, Jakarta, 2009, hlm. 287

²⁰ Maria Farida Indrati. *Ilmu Perundang-Undangan*. Kanisius, Yogyakarta. 2007, hlm. 26

²¹ Jimly Asshiddiqie, *Hukum Acara Pengujian Undang-Undang*, Kerjasama Konstitusi Press dengan PT Syaamil Cipta Media, Jakarta, 2006. Hlm 1.

Indonesia, South Korea, and Federal Germany. In terms of governance systems, both Indonesia and South Korea adhere to a presidential system of governance, evidenced by the 1945 Constitution applying a presidential system of governance through the separation of powers between the executive and legislative branches. The separation of powers between these two branches is a crucial indicator of a presidential system of governance. Similar to Indonesia, South Korea is a republic, dividing its government into three branches: executive, judiciary, and legislative. However, the executive branch is headed by a president elected through elections for a 5-year term and assisted by a Prime Minister appointed by the president with the approval of the National Assembly. The president acts as the head of state and the Prime Minister as the head of government. With the characteristic of a president elected through general elections, South Korea shares similarities with Indonesia, as the Indonesian President is also elected through general elections, while the German governance system is a democracy based on an ideology grounded in the principles of human rights. South Korea's legal system is seen to contain a mixture of elements from European civil law traditions, Anglo-American, and classical Chinese philosophical traditions, but its judicial system does not differ significantly from the judiciary systems in Western countries, especially mainland European countries. Meanwhile, as a legal state, Indonesia adheres to three legal systems simultaneously existing and developing in society, namely civil law, customary law, and Islamic law. These three legal systems complement, harmonize, and coexist. While the legal systems of Indonesia and Federal Germany have similarities, namely, they both use the civil law system.

CONCLUSION

To date, the authority of the Constitutional Court has been limited to reviewing laws against the 1945 Constitution (judicial review). However, regarding constitutional complaints, the Constitutional Court of the Republic of Indonesia has not been able to conduct constitutional complaint reviews due to the absence of such authority. Hence, it is crucial to establish a legal mechanism, namely through amending the 1945 Constitution, so that citizens who feel their constitutional rights have been violated by actions of state authorities, whether executive, legislative, or judicial, can file constitutional complaints. The concept of constitutional complaint authority is part of the issue of constitutional review, particularly concerning the constitutionality review of public officials' acts or state institutions. Complaints can be directed towards government bodies, court decisions, or laws. The application of constitutional complaints is essential to safeguard the basic rights of citizens.

Currently, Indonesia has not adopted the authority of Constitutional Complaint within the body of the Constitutional Court of the Republic of Indonesia because the functions of the Constitutional Court itself include being the guardian, interpreter, and protector of the constitution, democracy, constitutional rights, and human rights.

To add the authority of Constitutional Complaint, amending the 1945 Constitution is necessary. However, both procedurally and politically, this process is not easy. Therefore, the author suggests that for the amendment process to be realized, there must be political consensus and a common goal. Since the Constitutional Court of the Republic of Indonesia has not implemented the concept of constitutional complaint authority, it would be wise for it to emulate countries that have adopted such authority, such as South Korea and the Federal Republic of Germany. This is because both the legal systems of the Federal Republic of Germany and Indonesia share similarities in Civil Law, while the governance systems of South Korea and Indonesia both adhere to a presidential system of governance.

BIBLIOGRAPHY

Books:

Ayuni, Qurrata. "*Menggagas Constitutional Complaint di Indonesia.*" *Widyariset* 13.1 (2010): 91-100.

I Dewa Palguna, *Pengaduan Konstitusional*, Sinar Grafika, Jakarta, 2013, hlm. 153

Jimly Asshiddiqie, *Hukum Acara Pengujian Undang-Undang*, Kerjasama Konstitusi Press dengan PT Syaamil Cipta Media, Jakarta, 2006. Hlm 1

Mahfud MD, *Konstitusi dan Hukum dalam Kontroversi Isu*, Raja Wali Pers, Jakarta, 2009, hlm. 287

Maria Farida Indrati. *Ilmu Perundang-Undangan*. Kanisius, Yogyakarta. 2007, hlm. 26

Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, Jakarta, 2010, hlm. 283

Susetio, Wasis, and MH SH, *Membangun Demokrasi melalui Constitutional Complaint*, Esa Unggul University, 2005.

Wastia, Ryan Muthiara. "*Mekanisme Impeachment di Negara Dengan Sistem Presidensial: Studi Perbandingan Mekanisme Impeachment di Indonesia dan Korea Selatan.*"

Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada 31.2 (2019): 237-251

Yanti, Herma. "*Gagasan Constitutional Complaint Sebagai Kewenangan Baru Mahkamah Konstitusi dalam Perlindungan Hak Konstitusional.*" *Wajah Hukum* 2.2(2018) : 185-198.

Jurnal :

Aditya, Zaka Firma, “*Kewenangan Mahkamah Konstitusi dalam Menyelesaikan perkara Constitutional Complaint Berdasarkan Undang-Undang Dasar 1945.*” , Unnes Law Journal 3.1 (2014)

Anderson, Kent, and David T. Johnson. “*Japan’s New Criminal Trial: Origins, Operation and Implications.*” New Courts in Asia. Routledge, 2010.387-406

Chakim, M. Lutfi. “*A Comparative Perspective on Constitutional Complaint: Discussing Models, Procedures, and Decisions.*” Const. Rev.5 (2019):96

Kurtishi, Emir. “*The Constitutional Court of The Federal Republic of Germany.*” SEEU Review 15.2 (2020) : 143-155

Purnamasari, Galuh Candra, “*Upaya Hukum Terhadap Pelanggaran Hak-Hak Konstitusional Warga Negara Melalui Pengaduan Konstitusional (Constitutional Complaint).*” Varietas et Justitia 3.2 (2017) : 244-269

Ritonga, Rifandy. “*Analisis Pengajuan Pengaduan Konstitusional (Constitutional Complaint) Pada Mahkamah Konstitusi Indonesia Sebagai Salah Satu Perlindungan Hak-Hak Warga Negara.*” Keadilan Progresif 7.1 (2016).

Setiawan, Heru, “*Mempertimbangkan Constitutional Complaint Sebagai Kewenangan Mahkamah Konstitusi.*” Lex Jurnalica 14.1 (2017) : 146592

Syafrinaldi, and Endang Suparta. “*Hak Asasi Manusia dan Demokrasi Dalam Konsep Negara Hukum.*” Asian Journal of Environment, History and Heritage 3.1 (2019): 133-142

Taniady, Vicko, and Laili Furqoni, “*Perluasan Kewenangan Mahkamah Konstitusi : Penerapan Constitutional Complaint dalam Menjaga Hak Konstitusional Warga Negara.*” Journal of Judicial Review 24.1 (2022) : 135-148.

Zoelva, Hamdan. “*Constitutional Complaint dan Constitutional Question dan Perlindungan Hak-Hak Konstitusional Warga Negara.*” Jurnal Media Hukum 19.1 (2012).