

THE LEGAL POWER OF THE CONSTITUTIONAL COURT DECISIONS REMAINS

I Nyoman Suandika^{1*}, Yohanes Usfunan^{2**}, I Dewa Gede Palguna^{3***}, Ni Nengah
Adiyaryani^{4****}

^{1,2,3,4}Universitas Udayana

* suandika1991@gmail.com ** yohanes_usfunan@unud.ac.id *** dewa_palguna@unud.ac.id
**** nengah_adiyaryani@unud.ac.id

ABSTRACT

Issues relating to granting permanent legal force to decisions of the constitutional court immediately after they are pronounced in a plenary session open to the public are important to research for several reasons. Firstly, it is very important for us to know the rationale for granting permanent legal force to decisions of the constitutional court given immediately after completion. pronounced in a public meeting open to the public. Second, understanding the permanent legal force of constitutional court decisions is also related to the question of why it is not possible to have legal efforts to correct constitutional court decisions if errors occur in terms of achieving legal certainty. Based on this, the question also arises as to whether the constitutional court's decision regarding this error will continue or not. Third, it is related to whether the legislator (positive legislator) can override the decision of the constitutional court. What is the rationale underlying the granting of permanent legal force to a Constitutional Court decision from the moment it is pronounced in a session open to the public? This research is normative legal research because there is a legal vacuum if the constitutional court's decision is contrary to the spirit of the 1945 Constitution. The importance of immediacy in granting permanent character to the constitutional court's decision, if viewed from the law in book aspect, is indeed the best choice. This is based on the following reasons. First, the Constitutional Court was formed to protect the purity of the Constitution with a more detailed interpretation. This interpretation will be used as a basis for resolving problems by certain authorities who are given direct authority by the Constitution. Therefore, it is appropriate that the interpretation is only carried out once, which is binding so that the decision must be placed at the first and final level where no effort can be made to cancel it. Second, apart from that, it must also be understood that the constitutional court as a constitutional court can resolve problems and provide legal certainty quickly by the principles of fast and simple justice.

Keywords: *Decision, Constitutional Court, Permanent legal force*

This article is licensed under [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0/) 

INTRODUCTION

Based on the provisions of Article 47 of the Republic of Indonesia Law Number 24 of 2003 concerning the Constitutional Court which was amended several times, most recently with the Republic of Indonesia Law Number 7 of 2020 concerning the Third Amendment to the Republic of Indonesia Law Number 24 of 2003 concerning the Constitutional Court (hereinafter referred to as The Constitutional Court Law) confirms that the Constitutional Court's decision has permanent legal force since it was pronounced in a plenary session open to the public. Furthermore, in the explanation of Article 10 Paragraph (1) of the Constitutional Court Law, it is emphasized that the decision of the Constitutional Court is final, that is, the decision of the Constitutional Court immediately obtains permanent legal force from the moment it is pronounced and no legal action can be taken (Setiawan et al., 2021).

Based on this explanation, what if there is a decision of the Constitutional Court that creates problems, for example, it is contrary to the spirit of the 1945 Constitution of the Republic of Indonesia, even though the decision of the Constitutional Court has had permanent legal force since it has been pronounced in a plenary session open to the public. In this condition, there is

a legal vacuum regarding this problem, in this case, the law in Indonesia does not provide a solution.

Therefore, the issue relating to granting permanent legal force to decisions of the constitutional court immediately after they are pronounced in a plenary session open to the public is important to research for several reasons, First, we need to know the rationale for granting permanent legal force to court decisions. The constitution is presented immediately after it has been pronounced in a parliamentary session open to the public. Second, understanding the permanent legal force of constitutional court decisions is also related to the question of why it is not possible to have legal efforts to correct constitutional court decisions if errors occur in terms of achieving legal certainty. Based on this, the question also arises as to whether the constitutional court's decision regarding this error will continue or not. Third, it is related to whether the legislator (positive legislator) can override the decision of the constitutional court. Based on the background description above, it is possible to identify the formulation of the problem as to the rationale underlying the granting of permanent legal force to the decision of the Constitutional Court from the moment it is pronounced in a session open to the public.

METHOD

This research is normative legal research. The object studied is statutory norms, in this case, the norms contained in Article 47 of the Constitutional Court Law. As stated by Soerjono Soekanto, normative legal research includes, among other things, research on legal principles, legal systematics, legal comparison, legal history, and synchronization of legal rules (Soekanto, 2007). Normative research was used in this research because Article 47 of the Constitutional Court Law confirms that the decision of the constitutional court has permanent legal force since it was pronounced in a plenary session open to the public. Based on this explanation, what happens if there is a constitutional court decision that creates problems, for example, it is contrary to the spirit of the 1945 Constitution of the Republic of Indonesia, even though the constitutional court decision has permanent legal force since it was pronounced in a plenary session open to the public. In this condition there is a legal vacuum or the law in Indonesia does not provide a solution.

RESULTS AND DISCUSSION

The Birth of the Idea of Forming a Constitutional Court

The formation of a constitutional court is a new phenomenon in the world of state administration. In countries that are experiencing changes from authoritarianism to democracy, the idea of establishing a constitutional court is quite popular. The idea of establishing a constitutional court is an access to the development of modern legal and constitutional thought that emerged in the 20th century (Strong, 2004).

Among scientists, the presence of a constitutional court is often referred to as a phenomenon of the 20th century, because the first constitutional court was only born in 1920. Austria is often referred to as the country that first established a constitutional court. However, other records state that Czechoslovakia (which has now become two Czech and Slovak countries) first established a constitutional court, namely in February 1920 (Palguna, 2018). However, in the 18 years of its existence, the Czechoslovak Constitutional Court only handled two cases of

reviewing the constitutionality of laws. In its development, the average country that is in the process of transitioning from an authoritarian to a democratic system, such as African, Eastern European, and Asian countries, also forms a constitutional court (or another name) in its constitution (Palguna, 2018). The reason, among other things, is that countries that have reached the final stage in their democratic transition process have accepted constitutional mechanisms that guarantee the fundamental rights of citizens and limit the roles, powers, and responsibilities of the three branches of state power (executive, legislative and judicial), these fundamental rights are now required to be implemented fairly and effectively in practice so that citizens can fully enjoy the guarantees beautifully written in the constitution.

The collapse of the communist regime in Central and Eastern Europe in the early 1990s marked the birth of a new wave of constitutionalism thinking. In a study conducted by Herman Schwatz, there were constitutional courts in various former communist Eastern European countries, such as Russia, Poland, Bulgaria, Hungary, and Slovakia. It is known that these countries both formed constitutional courts in the 1990s. Russia established the Constitutional Court in 1991, preceded by the Committee On Constitutional Supervision as a precursor to its formation in 1980. The Hungarian Constitutional Court was formed in 1989, the Bulgarian Constitutional Court in 1991, and Slovakia was formed in 1993. During the first five years of the 1990s, most of the time was filled with discussions, debates, writing, drafting, and ratifying the new Constitution or new formulations. Constitutional changes and updates also occurred in these five countries by adopting new ideas such as judicial independence, the idea of a rule of law, human rights, and liberal democracy (Asshiddiqie, 2005).

In these countries, new constitutions were drafted which also adopted the idea of establishing a constitutional court, whose main authority was to examine the constitutionality of laws, following the European model. Especially for these ex-communist countries, there is a separate reason for their tendency to follow the European model, which is based on historical experience, namely their distrust of ordinary courts which are considered more as part of implementing the policies of the ruling regime, namely the communist party, except perhaps in Hungary and Poland (Palguna, 2018). So none of the countries that were previously ruled by communist regimes were willing to hand over enormous authority, namely judicial review, to ordinary courts, even if this was limited to being given only to the Supreme Court.

Constitutional courts established in ex-communist countries are not only given the authority to cancel a law but also the authority related to the division of power between the branches of state power and the protection of human rights, as well as the authority to ratify the results of general elections and impeachment towards high-ranking state officials. This shows the great influence of Germany's success with its Federal Constitutional Court (bundesverfassungsgericht) and other European countries.

Establishment of the Constitutional Court of the Republic of Indonesia

The philosophical basis for the establishment of the Constitutional Court in Indonesia includes the existence of a law enforcement mechanism, a mechanism for deciding disputes that may occur in state institutions, the need to institutionalize the role of judges and politics in legal products, and the existence of a mechanism for deciding various disputes that cannot be resolved by other courts.

The idea of establishing a judicial body that has the authority to review laws was proposed by one of the constitutional drafters, Mohammad Yamin, at the session of the Indonesian Independence Preparation Business Investigation Agency (BPUPKI). Yamin proposed that the Balai Agung (as the Supreme Court was known at that time) be given the authority to appeal laws. The purpose of comparing laws in this case is to test the law (Aziz, 2016). But Soepomo rejected this idea for several reasons as follows:

1. The concept of the Indonesian Constitution is the distribution of power or separation of powers
2. Judges can only apply the law and cannot review the law
3. Indonesia still applies the supremacy of the MPR
4. There are not many experts in Indonesia regarding judicial review or testing laws (Faiz & Chakim, 2020).

Based on these reasons, ultimately the idea of reviewing the constitutionality of laws proposed by Mohammad Yamin was not adopted in the 1945 Constitution.

The Constitutional Court of the Republic of Indonesia is the only state institution whose formation is expressly regulated in the 1945 Constitution. Article III of the transitional regulations for the 1945 Constitution states that the Constitutional Court was formed no later than 17 August 2003 and before it was formed, all its authority was carried out by the Supreme Court. Theoretically, the birth of the Constitutional Court of the Republic of Indonesia is a necessary consequence of changes to the 1945 Constitution.

Even though it does not change the spirit of the 1945 Constitution (Preamble to the 1945 Constitution), this change is quite fundamental because it changes the Indonesian constitutional system which originally applied the principle of MPR supremacy to constitutional supremacy. This is especially evident from the changes to Article 1 paragraph (2) of the 1945 Constitution, which originally stated that sovereignty is in the hands of the people and is implemented according to the Constitution.

The change in the formulation in Article 1 paragraph (2) of the 1945 Constitution above is not just a change. The People's Consultative Assembly (MPR), as an institution that is constitutionally given the authority to amend and enact the Constitution, explained why such changes were made because the 1945 Constitution established a constitutional structure that rested on supreme power in the hands of the MPR which fully implemented people's sovereignty. This results in the absence of checks and balances in constitutional institutions. Control of the MPR is the key word for state government power which seems to have nothing to do with the people.

The last sentence of the explanation of the MPR above, namely that control of the MPR is the key word for the power of a state government which seems to have nothing to do with the people, is interesting to study further. This explanation is a kind of official response from the MPR to Indonesian constitutional practices that lasted decades before the amendments to the 1945 Constitution were made. The practice in question is one where the president's power is very large and this received justification from the 1945 Constitution itself or more precisely, justification through the regime's unilateral interpretation. which ruled the 1945 Constitution and then put it into practice, both during the old order and especially during the new order (Palguna, 2018).

One of the main and first characteristics of a democratic state which is based on law is constitutionalism, which places the constitution as the basic law or fundamental law so that all state administration practices cannot deviate from the basic law. From there, the principle of the constitutionality of the law was derived, meaning that in a democratic country based on law, the constitution (Basic Law) must always be used as a reference in assessing the validity of all state administration practices, especially in the formation and formulation of legislative norms, especially Constitution. Therefore, the need arises for an institution whose function is to ensure that the constitution is truly obeyed and implemented in the life of the nation and state.

In practice, there are two models for implementing or realizing the idea of a democratic state based on law, namely the parliamentary model and the constitutional model. In the first model, which applies the principle of parliamentary supremacy, there is no need to establish a special institution whose function is to guard the constitution because parliament was constructed as well as being the guardian of the constitution. Meanwhile, in the second model, which applies constitutional supremacy where parliament (which is also the legislature) becomes part of the institution that must be supervised by the constitution, the need arises for the need for an institution whose function is to guard the constitution. This is where the idea of forming a Constitutional Court was born.

Based on the description above, when the MPR (when making changes to the 1945 Constitution) decided to form a Constitutional Court, the meaning was that the MPR had chosen a constitutional model in creating a democratic state based on the laws mandated by the Preamble to the 1945 Constitution. or not, during meetings at the MPR in the process of amending the 1945 Constitution, especially in meetings at the Ad Hoc Committee I of the MPR Working Body (PAH I BP MPR), which was tasked with preparing the draft text for amendments to the 1945 Constitution.

The People's Representative Council and the Government then drafted a Law regarding the Constitutional Court. After in-depth discussions, the House of Representatives and the Government jointly approved Law Number 24 of 2003 concerning the Constitutional Court on 13 August 2003 and it was ratified by the President on that day. Two days later, on 15 August 2003, the President, through Presidential Decree Number 147/M of 2003, appointed constitutional judges for the first time, followed by the oath of office for the constitutional judges at the State Palace on 16 August 2003. The next chapter in the Constitutional Court's journey was the delegation of cases from the Supreme Court to the Constitutional Court, on October 15 2003 which 22 marked the start of operations of the Constitutional Court of the Republic of Indonesia as one of the branches of judicial power as stipulated in the 1945 Constitution (Faiz & Chakim, 2020).

After the explanation above, it can be concluded that the formation of the Constitutional Court of the Republic of Indonesia was influenced by important events explained above and the need for the formation of a Constitutional Court in Indonesia to resolve disputes between state institutions, control legal products determined based on the rule of majority in parliament, and as an institution that determines the value of constitutionality of legal products and plays a part in determining the impeachment process of the President and/or Vice President.

Providing permanent legal force and legal certainty

The formation of the constitutional court can be understood from two sides, namely the political side and the legal side. From a constitutional political perspective, the existence of a constitutional court is necessary to balance the lawmaking power of the DPR and the President. On the other hand, constitutional changes that no longer adhere to the supremacy of the MPR place state institutions in an equal position. This makes it possible in practice for disputes to arise between state institutions that require a forum to resolve them, and the most appropriate institution to resolve them is the constitutional court through its decisions.

As a constitutional judicial institution, the constitutional court has several special characteristics that are different from the general judiciary. This specificity lies in the constitutional court's decision which is permanent and applies to the principle of *erga omnes* (F. L. Soeroso et al., 2013). The permanent nature of constitutional court decisions gives rise to several legal consequences that must be obeyed like laws. The status of a constitutional court decision is considered to be equivalent to the law because a constitutional court decision stating that an article does not have binding legal force must be published in the state gazette no later than 30 (thirty) working days after the decision is pronounced.

The judge's decision means that the parties to the dispute hope for legal certainty and justice in the case they are facing. The judge's decision is often compared to God's decision (*judicium dei*). It is interpreted as God's decision because the judge's decision must always be decided in the name of justice and based on belief in the Almighty God. Apart from that, the judge's decision must be considered correct (Michael Tomy, 2014). As a juridical consequence of the above, the decision handed down must go through an honest judicial examination process with considerations based on justice and not just focus on formal justice or the law (Makaraao, 2013).

The decision of the constitutional court is a decision at the first and final level. The meaning of the first and last phrases is that legal remedies such as appeals or cassation cannot be carried out, as legal remedies can be carried out at the High Court and Supreme Court. The final nature of the constitutional court's decision means that it has the consequence that the decision is immediately binding as law from the moment it is pronounced in court. Every decision handed down by the constitutional court is *erga omnes*, meaning that the decision of the constitutional court is not only binding on the litigants whose constitutional rights have been violated (the applicant's party), but is publicly binding. Decisions that have binding legal force are not necessarily permanent. While a permanent decision has closed all possibilities for taking legal action, it can be ensured that it has binding legal force (*inkracht van gewijds*) (Indratanto et al., 2020).

Legal certainty is the main and most important foundation in every legal regulation and legislation that applies in society because it concerns justice for the general public. Likewise in the implementation of constitutional court decisions which can be said to be the guardian of the purity of the constitution and upholding the supremacy of the constitution (Asshiddiqie, 2005). This has been confirmed in Article 47 of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court that the decision of the Constitutional Court has permanent legal force since it was pronounced in a plenary session open to the public.

The Importance of Immediate Acquisition of Permanent Legal Force

Article 47 of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court confirms that the decision of the Constitutional Court has permanent legal force since it was pronounced in a plenary session open to the public. The permanent nature of the constitutional court's decision means that the constitutional court's decision is both the first resort and the last resort for those seeking justice (Konstitusi, 2010).

The juridical consequence of the provisions as explained above, is that the decision of the constitutional court has clear and unequivocal legal consequences, and there will be no further legal action since the decision was pronounced in a plenary session which is open to the public (F. L. Soeroso et al., 2013). The juridical basis of this provision can also be found in Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court.

Based on the explanation above, it can be concluded that there is no other choice but to implement the constitutional court's decision consistently. Moreover, the decision of the constitutional court is binding not only for parties who are litigating at the Constitutional Court but is also binding for all parties (*erga omnes*) (Siahaan, 2009).

The importance of immediacy in granting permanent character to the constitutional court's decision, if viewed from the law in book aspect, is indeed the best option. This is based on the following reasons:

First, the Constitutional Court was formed to protect the purity of the Constitution with a more detailed interpretation. This interpretation will be used as a basis for resolving problems by certain authorities who are given direct authority by the Constitution. Therefore, it is appropriate that the interpretation is only carried out once, which is binding so that the decision must be placed at the first and final level where no effort can be made to cancel it (Basri, 2021).

Second, apart from that, it must also be understood that the constitutional court as a constitutional court can resolve problems and provide legal certainty quickly by the principles of fast and simple justice. This is because the case submitted to the constitutional court is a case related to state administration, so it requires legal certainty and is bound by time limitations so as not to disrupt the continuity of other state administration agendas (R. Soeroso, 2017).

Based on the meaning of the permanent legal force of the constitutional court decision since it was pronounced in the plenary session open to the public above, the author tries to identify the legal meaning contained in this permanent constitutional court decision into several parts as follows:

1. Realizing legal certainty. The permanent legal force of the constitutional court's decision refers to the desire to immediately realize legal certainty for justice seekers. As mandated in Article 47 of the Constitutional Court Law, states that the decision of the constitutional court has permanent legal force since it was pronounced in a plenary session open to the public. Thus, since the pronouncement of the decision by the constitutional judge, the decision has permanent legal force (*in kracht van gewijsde*), so there is no more room for the parties to take other legal action. This means that from the moment the decision is issued, it is already in effect and immediately subject to execution so that there is no room for legal action. It is intended that the constitutional court through its decision can resolve the issue and provide legal certainty as soon as possible.

2. The constitutional court is a constitutional court. Legislation, both the constitutional basis and the operational basis of the constitutional court, strictly requires that there is no room for legal action against decisions that have been made. Apart from that, in the constitution, the constitutional court is specifically designed as the sole actor of judicial power. It does not have a judiciary under it and is not subordinate to any other institution. This is what differentiates constitutional court decisions from other judicial decisions. This cannot be separated from the authority that is the competence of the constitutional court as a constitutional court which is focused on constitutional disputes and is based on the constitution. So the nature of the constitutional court's decision is different from other conventional courts in that it provides access for the parties to take further legal action.
3. Social control. In this regard, the author quotes Achmad Ali's opinion regarding the concept of law as a tool of social control. The function of law as a tool of social control can be explained as the function of law to determine which behavior is considered a deviation from the rule of law (Ali, 2002).

Regarding the decision of the constitutional court which has permanent legal force since it was pronounced in a public meeting open to the public, it can also be classified as a concrete form of the essence of the decisions of the constitutional court in controlling the social conditions of Indonesian society. More than that, the constitutional court's decision also constructs a legal rule that can be applied and is by the constitutional mandate. Therefore, the decision of the constitutional court which has permanent legal force since it was pronounced in a plenary session open to the public is also an instrument of social control which is manifested in the form of legal norms whose nature is to allow and/or cancel a statutory provision.

Thus, the binding value of a constitutional court decision is the same as the binding value of a law resulting from a political product, which functions as a legal engineering tool to provide legal protection to all levels of society.

Apart from that, the immediacy of obtaining the permanent legal force of the constitutional court is one of the important things in the courts because the existence of permanent legal force can give rise to legal consequences from the decision of the constitutional court, namely as follows:

1. Ending a legal dispute, the decision made by the constitutional court through its decision which is permanent since it was pronounced in a plenary session open to the public, gives rise to legal consequences that lead to the end of a legal dispute.
2. Maintaining the principle of checks and balances, the constitutional court is an institution that was formed after the third amendment to the 1945 Constitution, which was a consequence of the addition of Article 24C of the 1945 Constitution which discusses the constitutional court. This institution is an institution that completes the form of checks and balances. A constitutional court decision that is permanent since it was pronounced in a plenary session open to the public can cancel a legal product that was discussed involving two state powers, namely the DPR, as the holder of legislative power, and the Government, in the executive sector (Widiarto, 2019). Even though these political decisions are produced through tough debates require a long period, and consume quite a large state budget. However, in a fairly short period, 9 (nine) constitutional judges can cancel political decisions in the form of a law. According to the author, this is one form of legal

consequence of the constitutional court's decision to maintain the principle of checks and balances. So, even though a law is the result of a discussion between two state powers (executive and legislative powers) when it violates the rules required by the constitution, then that is when the constitutional court with its permanent and binding decision can cancel the enactment of a law, to maintain the principle of checks and balances in the Indonesian constitutional system. Apart from that, constitutional court decisions that cancel political decisions made by lawmakers are also a form of control carried out by the constitutional court to ensure that the direction of political development remains within the corridors of the Constitution.

3. Encouraging a political process, such as the legal consequences that lead to the end of a legal dispute, as previously discussed, the legal consequences that encourage this political process,

Furthermore, the legal consequences arising from the permanent nature of the constitutional court's decision in a negative sense are closing access to legal action, even though it is known that the constitutional court's decision is permanent, meaning that there is no longer any space given to take legal action against the constitutional court's decision. However, so far there have been several problems related to decisions issued by the constitutional court which have often been in the spotlight, especially in cases of judicial review of laws. It is not uncommon for constitutional court decisions to be very controversial, which then gives rise to pros and cons in society. This will have a psychological impact and will continue to hurt the sense of justice of the judiciary which is disappointed with the permanent decision of the constitutional court. In connection with this, the author tries to draw case examples that can be representative of this problem. For example, Constitutional Court Decision Number 005/PUU IV /2006 regarding the material review of Law Number 22 of 2004 concerning the Judicial Commission. In its decision, the Constitutional Court stated that several articles or parts of articles in Law Number 22 of 2004 concerning the Judicial Commission, as well as Article 34 paragraph (3) of Law Number 4 of 2004 concerning Judicial Power, conflict with the 1945 Constitution. The articles mentioned above no longer have binding legal force (PASCA, 2018). Judges who are in judicial institutions in Indonesia. The constitutional court considered that the supervision carried out by the judicial commission in assessing the judge's decision was an injury to the independence of the judiciary, as mandated by the constitution. However, on the other hand, the independence of the judiciary is inappropriate as an excuse to avoid the supervision of a judge. Quoting Shimon Shetreet's theory which states that the independence of judges that cannot be touched is independence in deciding cases (substantive independence). So that a judge as an institution and holder of judicial power should understand the philosophy of supervision that there is no power without supervision (Putri & Ali, 2019).

CONCLUSION

The importance of immediacy in granting permanent character to the constitutional court's decision, if viewed from the law in book aspect, is indeed the best option. This is based on the following reasons. First, the Constitutional Court was formed to protect the purity of the Constitution with a more detailed interpretation. This interpretation will be used as a basis for resolving problems by certain authorities who are given direct authority by the Constitution. Therefore, it is appropriate that the interpretation is only carried out once, which is binding so

that the decision must be placed at the first and final level where no effort can be made to cancel it. Second, apart from that, it must also be understood that the constitutional court as a constitutional court can resolve problems and provide legal certainty quickly by the principles of fast and simple justice. This is because the case submitted to the constitutional court is a case related to state administration, so it requires legal certainty and is bound by time limitations so as not to disrupt the continuity of other state administration agendas.

REFERENCES

- Ali, A. (2002). Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis). In *Toko Gunung Agung* (Vol. 7, Issue 2 Oktober).
- Asshiddiqie, J. (2005). *Model-model pengujian konstiusional da berbagai negara*.
- Aziz, M. (2016). Pengujian Peraturan Perundang-Undangan dalam Sistem Peraturan Perundang-Undangan Indonesia. *Jurnal Konstitusi*, 7(5). <https://doi.org/10.31078/jk756>
- Basri, M. H. (2021). Implikasi Putusan Mahkamah Konstitusi Terhadap Komisi Yudisial Dalam Pengawasan Etik Hakim: Studi Kasus Putusan Mahkamah Konstitusi 005/PUU-IV/2006. *Lex Renaissance*, 6(3), 520–537.
- Faiz, P. M., & Chakim, M. L. (2020). *Peradilan konstitusi: perbandingan kelembagaan dan kewenangan konstiusional di Asia*. Rajawali Pers.
- Indratanto, S. P., Nurainun, N., & Kleden, K. L. (2020). ASAS KEPASTIAN HUKUM DALAM IMPLEMENTASI PUTUSAN MAHKAMAH KONSTITUSI BERBENTUK PERATURAN LEMBAGA NEGARA DAN PERATURAN PEMERINTAH PENGANTI UNDANG-UNDANG. *DiH: Jurnal Ilmu Hukum*, 16(1). <https://doi.org/10.30996/dih.v16i1.2729>
- Konstitusi, T. P. H. A. M. (2010). *Hukum Acara Mahkamah Konstitusi*. Jakarta: Sekretariat Jenderal Dan Kepaniteraan Mahkamah Konstitusi.
- Makarao, M. T. (2013). *Hukum perlindungan anak dan penghapusan kekerasan dalam rumah tangga*.
- Michael Tomy. (2014). Pengaruh Tuhan Dalam Undang-Undang Republik Indonesia Nomor 7 Tahun 2012 Tentang Penanganan Konflik Sosial. *Mimbar Keadilan*.
- Palguna, D. G. (2018). *Mahkamah Konstitusi: dasar pemikiran, kewenangan, dan perbandingan dengan negara lain*. Konstitusi Press (Konpress).
- PASCA, H. (2018). Kewenangan Komisi Yudisial Dalam Pengawasan Terhadap Prilaku. *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum Dan Keadilan*, 10(2), 117.
- Putri, I. P., & Ali, M. M. (2019). Karakteristik judicial order dalam Putusan Mahkamah Konstitusi dengan amar tidak dapat diterima. *Jurnal Konstitusi*, 16(4), 883–904.
- Setiawan, A., -, A., & Anggono, B. D. (2021). Kekuatan Mengikat Putusan Pengujian Undang-Undang Oleh Mahkamah Kostitusi Terhadap Putusan Pengujian Peraturan Perundang-Undangan Oleh Mahkamah Agung. *Jurnal Legislasi Indonesia*, 18(1). <https://doi.org/10.54629/jli.v18i1.796>
- Siahaan, M. (2009). Peran Mahkamah Konstitusi Dalam Penegakan Hukum Konstitusi. *Jurnal Hukum Ius Quia Iustum*, 16(3). <https://doi.org/10.20885/iustum.vol16.iss3.art3>
- Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*.
- Soeroso, F. L., Wijayanti, W., Triningsih, A., & Mardiya, N. Q. (2013). Implikasi dan Implementasi Putusan Mahkamah Konstitusi Nomor 5/PUU-X/2012 tentang Sekolah

- Bertaraf Internasional (SBI)/Rintisan Sekolah Bertaraf Internasional (RSBI). *Jurnal Konstitusi*, 10(4).
- Soeroso, R. (2017). Pengantar Ilmu Hukum, Cet. Kedelapan Belas, Jakarta: Sinar Grafika.
- Strong, C. F. (2004). *Konstitusi-Konstitusi Politik Modern: Kajian Tentang Sejarah & Bentuk-Bentuk Konstitusi Dunia*, diterbitkan kerjasama antara Penerbit Nuansa dengan Penerbit Nusamedia. Bandung.
- Widiarto, A. E. (2019). Implikasi Hukum Pengaturan Hukum Acara Mahkamah Konstitusi dalam Bentuk Peraturan Mahkamah Konstitusi. *Jurnal Konstitusi*, 16(1). <https://doi.org/10.31078/jk1612>