PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

THE ROLE OF THE CONSTITUTIONAL COURT IN LAW ENFORCEMENT IN INDONESIA

Wahib Yazid[1], Dila Hasnah Putri[2], Adi Prihasmoro[3]
Universitas Islam Negeri Imam Bonjol Padang, Universitas Prima Nusantara Bukittinggi
wahibyazid7@gmail.com , hasnahdilaputri@gmail.com , adiprihasmoro@gmail.com

Abstract

The Constitutional Court (MK) exists from the third amendment to the 1945 Constitution of the Republic of Indonesia as a judicial institution that has the authority to maintain the supremacy of the constitution while carrying out the function of checks and balances among the branches of state power. This article aims to find out the role of the Constitutional Court in law enforcement in Indonesia carried out through four constitutional authorities and one obligation attached to it, as well as how its role is in the unification of the state of law and democracy. This discussion shows that during the period 2003–2024 the Constitutional Court handled 4,128 cases and decided 4,046 of them, with the testing of the law (PUU) as the authority most often used by the public. The role of the Constitutional Court is evident in three main things, namely as a guardian of the constitutionality of legislation products, mediating disputes between state institutions, and safeguarding the integrity of the electoral process. Even so, there are still several challenges to the independence of judges, the level of compliance of state institutions with final and binding decisions, and the risk of shifting the Constitutional Court's position from a negative legislator to a positive legislator. This article recommends strengthening the ethical supervision mechanism of constitutional judges and structuring the limits of constitutional interpretation authority so that the role of the Constitutional Court remains proportionate in the Indonesian constitutional system.

Keywords**:** *Constitutional Court; law enforcement; judicial review; checks and balances; state of law*

Subbmited: Agustus 4, 2026
Reviewed: September 20, 2026
Accepted: September 30, 2026

A. Introduction

The state of law (rechtsstaat) which is expressly stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution) requires an institution that is able to maintain that all legal products and actions of state administrators are always subject to the constitution as the highest law. This need was only answered institutionally after the 1998 reform, when the third amendment to the 1945 Constitution in 2001 introduced the Constitutional Court (MK) as one of the actors of judicial power that stands parallel to the Supreme Court. Before the existence of the Constitutional Court, there was no adequate constitutional review mechanism to test laws against the 1945 Constitution, so that the product of legislation that has the potential to be contrary to the constitution is not easy to correct through judicial channels.

Since its inauguration on August 13, 2003, the Constitutional Court has been mandated to exercise four constitutional authorities and also one obligation regulated in Article 24C of the 1945 Constitution and Law Number 24 of 2003 concerning the Constitutional Court. Through this authority, the Constitutional

Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

Court not only functions as the guardian of the constitution, but also as the final interpreter of the constitution whose decisions are final and binding. An interesting phenomenon that has developed recently is the increasing impact of the Constitutional Court's decisions on the direction of national policy, ranging from the testing of norms in election laws, labor laws, to decisions that are directly involved in the requirements for the nomination of public officials. This development has led to an academic debate about the extent to which the Constitutional Court is still in the corridor of negative legislators, or has shifted to a positive legislator who formulates new norms through its decisions.

This article on the role of the Constitutional Court is not a new theme. Previous studies have discussed the position of the Constitutional Court in the constitutional system, the authority to test laws, and its role in disputes over election results. However, most of these studies tend to discuss one authority and rarely associate official performance data of the Constitutional Court institutions with normative analysis of the quality and limits of constitutional arguments that are constructed. The debate on judicial activism versus judicial restraint is generally discussed conceptually without being confirmed with real patterns and trends from the case statistics handled by the Constitutional Court for more than two decades.

Based on this background, this article aims to find out the role of the Constitutional Court in law enforcement in Indonesia, in particular by mapping how the constitutional authority of the Constitutional Court is exercised in practice, analyzing its contribution to the principle of checks and balances and the protection of citizens' constitutional rights, and identifying challenges that overshadow the effectiveness of this role.

B. Research Methodology

The data sources of this study are secondary data which include:

a. Primary legal material in the form of the 1945 Constitution and Law Number 24 of 2003 concerning the Constitutional Court and its amendments;
b. secondary legal materials in the form of national scientific journals, including the Constitutional Journal published by the Constitutional Court, the Ius Quia Iustum Law Journal, the Judicial Journal, as well as other constitutional law journals, and constitutional law books;
c. tertiary legal materials in the form of legal magazines, legal news publications, as well as annual reports and official statistical data published by the Constitutional Court.

C. Discussion and Analysis

a. Constitutional Authority as the Basis of the Constitutional Court's Role

The role of the Constitutional Court in law enforcement rests on four constitutional authorities and one limited obligation regulated in Article 24C of the 1945 Constitution and Law Number 24 of 2003.

Constitutional authority and obligations of the Constitutional Court based on Article 24C of the 1945 Constitution

1. Testing the law against the 1945 Constitution (judicial review)

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

2. Dispute Resolution of the Authority of State Institutions (SKLN)
3. Deciding on the dissolution of political parties
4. Settling disputes over general election results (PHPU)
5. Giving a ruling on the opinion of the House of Representatives regarding alleged violations by the President/Vice President

Functions in Law Enforcement

1. Maintaining consistency of legislation products with the constitution (negative legislator)
2. To mediate conflicts between state institutions whose authority is given by the 1945 Constitution
3. Maintaining the integrity of the party system from the threat of anti-constitutional ideology
4. Ensuring the certainty and integrity of election results and regional elections
5. Becoming a legal door in the impeachment process

This shows that the role of the Constitutional Court is not limited to judicial functions alone, but touches sensitive political-constitutional matters, ranging from testing norms to determining the validity of election results and the impeachment process of the highest state officials.

b. Institutional Performance of the Constitutional Court in Numbers (2003–2024)

To see how this authority is exercised in practice, official data from the Constitutional Court submitted by the Chairman of the Constitutional Court at the Special Plenary Session for the Submission of the 2024 Annual Report shows that since its establishment in 2003 until the end of 2024, the Constitutional Court has registered 4,128 cases and decided 4,046 of them.

Recapitulation of Types of Cases Handled by the Constitutional Court (2003–2024)

1	Legal Testing (PUU)	1.897	46,9%
2	Disputes over the Results of the Regional Head General Election	1.136	28,1%
3	Dispute over the Results of the Presidential/Vice Presidential and Legislative Elections	984	24,3%
4	Disputes over the Authority of State Institutions (SKLN)	29	0,7%
	Total Cases Decided	4.046	100%

Source: Report of the Chief Justice of the Constitutional Court Suhartoyo at the Special Plenary Session on January 2, 2025 (Medcom.id, 2025), processed.

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

The above data shows that the testing of laws (PUU) is the most dominant authority used, accounting for almost half of all cases decided. This strengthens the argument in this study that the negative function of legislators through judicial review is the most prominent face of the Constitutional Court's role in law enforcement, in line with the view that the presence of a constitutional testing system is a response to the need to control legislative products so that they do not conflict with the 1945 Constitution. Meanwhile, the combined cases of disputes over the results of general elections, both at the regional head and presidential and legislative levels, account for more than half of the rest, confirming the very role of the Constitutional Court in maintaining the legitimacy of the results of electoral contestations in Indonesia which holds simultaneous elections with a high scale of complexity.

At the age of 17 (2020), the Constitutional Court has printed 2,720 decisions, increased to 3,521 decisions at the age of 20 (2023), and reached 4,046 decisions at the age of 21 (2024). This relatively consistent growth pattern indicates an increasing legal awareness of the community, political parties, or state institutions to take the constitutional path through the Constitutional Court in resolving legal and political disputes, rather than resolving them outside the legal mechanism. This condition is in line with the view that the increasing number of requests for legal testing from year to year reflects the growing awareness of citizens of their constitutional rights.

c. Constitutional Court as the Guardian of the Constitutionality of Legislation

The dominance of the problem of law testing confirms the position of the Constitutional Court as the main instrument to guard the constitutionality of legislation products. In practice, a number of these laws have been repeatedly tested by various applicants with different postulates, such as the Law on Manpower, the Law on the Corruption Eradication Commission, and laws in the field of general elections. The repeated testing of the same law shows that the Constitutional Court functions as a space for continuous correction of legislation products that are dynamic according to the development of the legal needs of the community. However, the findings in previous studies show that in a number of decisions, the Constitutional Court not only canceled norms, but also contained policy formulations or substitute norms, thus raising criticism that the Constitutional Court has shifted from a negative legislator to a positive legislator. An example that has been highlighted in the latest literature is the Constitutional Court's decision regarding the age requirements and the mechanism for nominating public officials, including a decision that was criticized as a wrong practice of judicial activism because it was considered to exceed the limits of the law-testing authority and entered into an open legal policy that should be the domain of lawmakers.

The debate emphasizes that the role of the Constitutional Court as a guardian of the constitutionality of legislation is always in tension between the need to fill the legal void progressively and the risk of taking over the legislative authority that is the domain of the House of Representatives with the President, what is needed is not a drastic limitation of the Constitutional Court's authority, but rather strengthening the consistency of the methodology of constitutional interpretation so that judicial activism remains measurable and can be accounted for argumentatively.

d. Constitutional Court as a Mediator of Institutional Disputes and Guardians of Election Integrity

In addition to the function of testing the law, this shows that the authority to decide disputes over the results of general elections accounts for a very large portion of the Constitutional Court's cases, reflecting the Constitutional Court's strategic position in ensuring legal certainty for the results of electoral contests that are full of political interests. This role is very important considering that disputes

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

over election results have the potential to trigger political instability if not resolved with a legal mechanism that is trusted by all parties. The authority to decide disputes over the authority of state institutions, although the number is much smaller, has its own strategic value because it functions to prevent conflicts between state institutions from spreading into constitutional crises. Wulandari et al. (2023) emphasized that through this authority, the Constitutional Court directly plays a role in ensuring that the Indonesian government system runs fairly and balanced, as required by the principle of checks and balances.

e. Contribution to Checks and Balances and Protection of Constitutional Rights

The authority and one obligation of the Constitutional Court complement each other in supporting two major functions, namely maintaining the principle of checks and balances between branches of state power and protecting the constitutional rights of citizens from legal products and actions of state administrators that have the potential to violate the constitution. The Constitutional Court's decisions in various studies are considered to have given progressive meaning to a number of constitutional provisions and strengthened the protection of human rights, for example through rulings that expand access to justice for groups that were previously not clearly protected in the law. This is proof that the existence of the Constitutional Court has filled the void of constitutional control mechanisms that the Indonesian constitutional system did not previously have before the reform.

f. Challenges to the Effectiveness of the Constitutional Court's Role

This article identifies three main challenges that overshadow the effectiveness of the Constitutional Court's role in law enforcement. First, the challenge to the independence and integrity of constitutional judges, which is repeatedly questioned by the public, especially when the Constitutional Court's decisions are considered to correlate with certain political interests, thus raising concerns about the politicization of decisions that can ultimately erode public trust in this institution. Second, the challenge of state institutions' compliance with the Constitutional Court's decisions which are final and binding; the final nature of a decision does not necessarily guarantee its implementation to run optimally if it is not followed by political commitment and consistent revision of implementing regulations from legislative and executive institutions. Third, the challenge of maintaining proportionality between constructive judicial activism and the takeover of legislative authority, as reflected in the criticism of a number of decisions that are considered to have entered the realm of open legal policy. The three challenges are interrelated: weak judicial oversight can increase the risk of politicization of decisions, which in turn weakens the legitimacy of Constitutional Court decisions in the eyes of other state institutions and makes compliance with those decisions more difficult.

g. Constitutional Court Contribution

First, the dominance of the problem of law testing confirms that the negative function of legislators remains the most prominent of the role of the Constitutional Court, even though the debate about the shift towards positive legislators continues in academia and practice. Second, the high proportion of decisions that reject or declare applications unacceptable can be read as a form of institutional prudence, not an indicator of the Constitutional Court's dysfunctional function, so that the counter-narrative to criticism that the Constitutional Court is too expansive needs to be considered proportionally to the real data of its performance. Third, the challenge of the effectiveness of the Constitutional Court is systemic and intertwined between the ethical aspects of judges, institutional compliance, and the limits of the constitutional interpretation methodology, so its strengthening requires a comprehensive approach, not

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

just improvements in one aspect. The contribution of this research lies in the provision of an analytical framework that combines institutional data and normative review in an integrated manner, which can be a reference for further research on the effectiveness of constitutional judicial institutions in Indonesia.

D. Conclusion

This article concludes that the Constitutional Court plays a role in law enforcement in Indonesia through four constitutional authorities and one obligation attached to it, namely testing laws, settling disputes over the authority of state institutions, dissolving political parties, resolving disputes over election results, and giving rulings on the opinions of the House of Representatives in the impeachment process. Official institutional data shows that during 2003–2024 the Constitutional Court has handled 4,128 cases and decided 4,046 of them, with the testing of the law as the most dominant authority used, followed by disputes over election results that contribute a large portion to the burden of cases. Through this authority, the Constitutional Court makes a real contribution to upholding the principle of checks and balances between branches of state power, maintaining the constitutionality of legislative products, and protecting the constitutional rights of citizens.

Even so, the effectiveness of the Constitutional Court's role is still faced with challenges to the independence and integrity of constitutional judges, the compliance of state institutions with final and binding decisions, and the risk of shifting its function from negative legislators to positive legislators due to too expansive constitutional interpretations. To answer the purpose of knowing the role of the Constitutional Court in law enforcement in Indonesia, it can be concluded that this role has been substantially underway but requires continuous strengthening, especially in the aspect of supervision of the code of ethics of constitutional judges and the arrangement of the limits of the explanation of constitutional methods, so that the Constitutional Court can continue to function properly as the guardian of the constitution and the highest law enforcer in the Indonesian constitutional system.

References

Asshiddiqie, J. (2019). Indonesian constitution and constitutionalism. Sinar Grafika.

Asy'ari, S., Hilipito, M. R., & Ali, M. M. (2013). Model and implementation of Constitutional Court decisions in the testing of laws: A study of the 2003–2012 rulings. Journal of the Constitution, 10(4), 675–700.

Firmantoro, Z. A. (2021). Considering the position of the Honorary Assembly of the Constitutional Court after the issuance of Law Number 7 of 2020. Journal of the Constitution, 17(4), 811–834.

Hasibuan, S. S., Rizki, N., & Siregar, I. Y. (2024). The Role of the Constitutional Court in Law Enforcement and Maintaining the Balance of Power in the Indonesian Government System. El-Mujtama: Journal of Community Service, 4(5), 2531–2539. https://doi.org/10.47467/elmujtama.v4i5.3588

Kansil, C. S., & Nadilatasya, P. M. (2024). The impact of the Constitutional Court's decision on political dynamics and public trust in Indonesia: An analysis of legal and ethical implications. UNES Law Review, 6(4), 10753–10760.

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30

PRIMA LAW JOURNAL
Vol. 1, No. 2, September 30, 2026, hlm. 153 - 159

Mahfud MD, M. (2009). Boundary signs and the expansion of the authority of the Constitutional Court. Ius Quia Iustum Legal Journal, 16(4), 447–470.

Nurambiya, M. A. A., & Tiopan, D. (2023). Harmonization between the judicial institutions of the Constitutional Court and the Supreme Court in the dynamics of constitutional law: An analysis related to the balance of power in Indonesia. UNES Law Review, 6(2), 5208–5220.

Putra, A. (2022). The final and binding nature of the Constitutional Court's decisions in the testing of laws. Judicial Journal, 14(3), 291–310.

Rivaldo, V., & Sitabuana, T. H. (2022). The position and role of the Constitutional Court in the state system. National Seminar Series, 139–145.

Rozaq, M. A., Batara, S. D., & Jaya, M. R. (2024). The urgency of checks and balances by the Constitutional Court through judicial activism in democratic practice in Indonesia. UNES Law Review, 6(3), 8796–8805.

Saragih, G. M., Nasution, M., & Sihombing, E. N. A. M. (2025). Judicial review by the Constitutional Court: Judicial activism vs. judicial restraint in the perspective of judicial independence. Constitutional Journal, 22(1), 41–66.

Setiawan, Z. (2024). The Role of the Constitutional Court in Maintaining Legal Stability in Indonesia. Journal of Legal Intelligence, 3(1), 19–25.

Siahaan, M. (2009). The Role of the Constitutional Court in the Enforcement of Constitutional Law. Ius Quia Iustum Law Journal, 16(3), 357–378. https://doi.org/10.20885/iustum.vol16.iss3.art3

Siahaan, M. (2021). Constitutional integration of judicial review authority of the Constitutional Court and the Supreme Court. Constitutional Journal, 17(4), 731–760. https://doi.org/10.31078/jk1742

Siallagan, H. (2010). The problem of ultra petita decisions in the testing of laws. Legal Pulpit, 22(1), 71–83.

Soimin, & Mashuriyanto. (2013). The Constitutional Court in the Indonesian Constitutional System. UII Press.

Constitution of the Republic of Indonesia in 1945.

Law Number 24 of 2003 concerning the Constitutional Court.

Wulandari, S., Zenal Setiawan, et al. (2023). The Role of the Constitutional Court as an Actor in the Judicial Power System in Indonesia. Socio-Justice: Journal of Law and Social Change, 3(2), 200–222.

Hukumonline. (2020, August 13). 17 years of taking part, the Constitutional Court printed 2,720 decisions. https://www.hukumonline.com

Hukumonline. (2023, August 13). Over 2 decades, the Constitutional Court produced 3,521 rulings. https://www.hukumonline.com

*Corresponding author: Wahib Yazid *(wahibyazid7@gmail.com)*
DOI: https://doi.org/10.35730/vthmdr30