

The Legal Issues in Implementing Constitutional Court Decision Number 49/PUU-IX/2011 (The Polemic of the Abolition of Law 7/2020 Article 59 Paragraph 2)

Ridwan Syaidi

Email: syaidi.ridwan@gmail.com

Borobudur University of Jakarta, Indonesia

Abstract: According to Shaw et.al. (2018) the constitutional court is one of the forces behind the revival of comparative studies of constitutional law in the last two decades. The establishment of a constitutional court as the main feature of constitutional reform in new democracies. The purpose of this research is to find out the form of the decision Number 49/Puu-IX/2011 regarding the abolition of Article 59 paragraph 2 of Law Number 7 of 2020, and to find out the impact of Number 49/Puu-IX/2011 concerning the abolition of Article 59 paragraph 2 of the Law. - Law number 7 of 2020?. The method used is normative juridical because it discusses a decision of Law number 7 of 2020 concerning article 59 paragraph 2 which is deleted. The results of the study show 1) Decision Number 49/Puu-IX/2011 which deletes the Manuscript Law 7/2020 Article 59 paragraph (2). 2) The provisions in Article 59 Paragraph (2) were deleted in the results of the revision of the Constitutional Court Law or Law Number 7 of 2020 which was ratified by the DPR. This decision has a polemic impact on the community because it is considered a scenario for the DPR and the President to submit the Constitutional Court's decision, so that the DPR and the President no longer have an assessment of the Constitutional Court. The public considers that this decision is related to the work copyright law because with the abolition of article 59th paragraph 2 it can allow everything that is abolished in the work copyright law to be in vain because it is still under the authority of the president and the DPR.

Keywords: Constitutional Court, Authority, Normative, Polemic

INTRODUCTION

Explains that a constitution can be interpreted as a set of rules governing the system of government within a country. Bodies and institutions with power must adhere to these rules. Finer defines a constitution as a code of rules that aim to regulate the allocation of functions, powers, and duties among various government bodies and officials, as well as determine their relationships with the public. Meanwhile, Hamlyn offers a definition stating that a constitution is a set of most important rules governing the relationship between different parts of the government of a particular country, as well as the relationship between various parts of the government and the people of that country.¹

This constitution is the supreme law of the Republic; laws or behaviors that are inconsistent with it are invalid, and obligations imposed by it must be fulfilled. The Constitutional Court is the highest court in all constitutional matters. It has the competence to decide on issues such as disputes between elements of state matters at the national or provincial levels regarding the constitution. Determination of constitutional matters can be done by the Supreme Court Appeal, High Court, or other courts with similar status. According to² the Constitution regulates the framework of governance³. It also establishes some fundamental political ideas (equality, representation, individual freedom) that limit how far temporary majorities can go. This is our higher law.

Constitutional authorities in many countries often employ a practice known as proportionality review (or simply proportionality) when determining the meaning and application of constitutional rights provisions. Government officials are free to restrict the implementation of all rights, practitioners agree, as long as the justification for the restriction is sufficiently related to the justification for limiting rights. According to⁴, constitutional courts are one of the driving forces behind the revival of

¹ Neil Parpwoerth, *Constitutional and Administrative Law, 11th Edition* (United Kingdom: Oxford University Press, 2020).

² Standy Wico, 'The Future of Constitutional Complaint in Indonesia: An Examination of Its Legal Certainty.', *Indonesian Journal of Law and Society*, 2:1 (2021), 59-78.

³ Standy Wico, 'The Future of Constitutional Complaint in Indonesia: An Examination of Its Legal Certainty.', *Indonesian Journal of Law and Society*, 2:1 (2021), 59-78.

⁴ Frank J. Williams Stephen K. Shaw, William D. Pederson, 'Franklin D. Roosevelt and the Transformation of the Supreme Court', *Law and Politics of Constitutional Courts Indonesia And the Search For Judicial Heroes.*, 2018.



comparative constitutional law studies in the last two decades, with the establishment of constitutional courts as a key feature of constitutional reform in new democracies.

In the era of reform, Indonesia has taken comprehensive reform measures by returning sovereignty to the people. The culmination of these efforts was the amendment of the 1945 Constitution carried out over four consecutive years: the First Amendment in 1999, the Second Amendment in 2000, the Third Amendment in 2001, and the Fourth Amendment in 2002 by the People's Consultative Assembly (MPR). The goal of the amendments was to complement the basic rules of life as a state, which led to abuses of power in the past. According to ⁵, the Indonesian Constitutional Court has four authorities and one duty as mandated by Article 24C (1) and (2) of the 1945 Constitution. The four authorities of the Indonesian Constitutional Court are adjudicating at the first and final levels. Constitutional Court decisions are final for the testing of laws against the Constitution; settle disputes over the authority of state institutions whose authority is granted by the Constitution; decide on the dissolution of political parties; and decide disputes over the results of general elections. Meanwhile, the duty of the Indonesian Constitutional Court is to provide rulings based on the Constitution on the opinion of the People's Consultative Assembly regarding allegations of violations by the President and/or Vice President.

The Indonesian Constitutional Court is the 78th Constitutional Court in the world and the first to be established in the twenty-first century. In the study of the Indonesian Constitutional Court to date, many experts acknowledge heroic leadership ⁶. In Indonesia's constitutional system, there are no formal features that allow political branches to review judicial decisions and override the Court's decisions with a simple majority vote or vice versa. Therefore, the Court still has exclusive authority to conduct constitutional review. According to Jimly Asshiddiqie, based on its authority, the Indonesian Constitutional Court is the guardian of the constitution regarding the four aforementioned authorities and one duty. This also has consequences for the Indonesian Constitutional Court as the

⁵ Luthfi Widagdo Eddyono., 'The Constitutional Court and Consolidation of Democracy in Indonesia. Center for Research and Case Study and Management Information and Communication Technology of the Constitutional Court of the Republic of Indonesia', *Journal of the Constitution*, 15 (2018), 3-5.

⁶ Stefanus Hendrianto, 'Convergence or Borrowing: Standing in The Indonesian Constitutional Court', *Santa Clara University School Of Law, Santa Clara Jesuit Community*, 500 *El Camino Real.*, 1.1 (2015), 6.



sole interpreter of the constitution. The constitution as the highest law governs the administration of the state based on the principles of democracy, and one of the functions of the constitution is to protect human rights guaranteed in the constitution. Based on this notion, human rights become the constitutional rights of citizens. Therefore, the Constitutional Court has also functioned as a guardian of democracy, namely the protector of citizens' constitutional rights and humanity.

The Constitutional Court was established by law in August 2003. Immediately thereafter, the Supreme Court, the national parliament (People's Representative Council, DPR), and the President each selected three judges to serve on the Court. These judges were then appointed by the president's decision, and the Court began to receive cases. However, the caseload of the Constitutional Court is almost exclusively comprised of constitutional review cases and electoral disputes. The Court has three other functions, one of which is to 'determine' the dissolution of political parties. Another function of the Court is to settle jurisdictional disputes between state institutions established by the Constitution. The Indonesian Constitutional Court is entrusted with specific functions. However, they do not fully take into account the establishment of the Constitutional Court.

In some cases, the constitutional court asks the government to interpret it. laws in a certain way or specify instructions to assist the government in implementing the law. Second, the Court issues weak solutions in various forms, such as suspended declarations that suspend the decision of invalidity for a certain period during which the government must adopt a new plan to replace the law; "progressive embodiment," which allows the state to take additional steps to achieve the full realization of constitutional rights; and "prospective reduction," where the Court's decision will only apply to future cases.

Constitutional Court decisions are essentially declaratory decisions, where the Court is authorized to issue interpretations of the constitutionality of laws but it is only advisory opinion. Therefore, the type of legal remedy that can be pursued by the Court is only declaratory assistance. The effect of the Court's decision relies on its moral authority and the willingness of other political branches to follow the decision or in the form of annulment decisions (Stefanus, 2015). However, at the beginning of 2020, there was a polemic over one of the Constitutional Court's decisions, namely Constitutional Court Decision Number 49/PUU-IX/2011 regarding the abolition of Article 59 Paragraph 2 in Law 7/2020.

The removal of this paragraph has become controversial in society following the rejection of the Job Creation Law. Because the narrative



circulating is that the Constitutional Court decision could be ignored by the DPR and the government. Based on the description above, the author intends to examine the impact of the discovery of the removal of Article 59 Paragraph 2 of Law number 7 of 2020 on the legal system. The reason the Constitutional Court made this deletion is for the sake of achieving substantive justice (justice that is genuine and perceived by society as real justice) is an issue that needs to be further studied to understand the relevance of the concept of substantive justice in realizing the Constitutional Court as an institution that upholds and guards the constitution in Indonesia.

Based on the background issues above, the author can formulate several key problems as follows: (1) What is the form of Decision Number 49/PUU-IX/2011 regarding the abolition of Article 59 paragraph 2 of Law number 7 of 2020? (2) What are the impacts of Decision Number 49/PUU-IX/2011 regarding the abolition of Article 59 paragraph 2 of Law number 7 of 2020?

RESEARCH METHODS

This research utilizes a normative research model. Normative research is a type of legal research that focuses on doctrinal or theoretical legal studies. This is because normative research focuses on written research, using secondary data such as legislation, court decisions, theoretical legal regulations, and scholarly works of scholars. Various aspects are examined in this type of normative research ⁷

In general, the types of data required for this research are secondary data and primary data. Secondary data refers to data that has been collected by others, while primary data is obtained directly from its source. For this research, the method used is normative juridical, where secondary data such as legal documents and preferred case data are utilized for the study. Legal research materials in this study include secondary legal materials. Secondary data in the research consist of legal materials taken from literature reviews, which include primary legal materials, secondary legal materials, and non-legal materials. Secondary data are obtained through documentation and literature studies related to criminal law enforcement and supporting theories. In this study, the researcher utilizes secondary data, namely:

⁷ Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Empiris & Normatif* (Pustaka Pelajar).



1. Primary Legal Materials, which are the main legal materials consisting of legislation, official records, or minutes of law and regulation drafting. The following are the laws and materials used by the researcher:
 - a. Decisions on Law 7 of 2020
 - b. Job Creation Law No. 39 of 2020
 - c. MPR Decree III/MPR/2000
 - d. Article 24C (1) and (2) of the 1945 Constitution.
2. Secondary Legal Materials, which are legal materials that help explain existing primary legal materials and assist the researcher in conducting further analysis and gaining a deeper understanding of them. Secondary legal materials include journals, books, reports, and internet-based sources. Since this research is a normative legal study, and every data used by the researcher is secondary data, the researcher heavily relies on the use of library research methods. Library research method means the researcher gathers all data from regulations, journals, books, websites, and dictionaries.

The steps to analyze the data are carried out by collecting data and documents related to the understanding of the law regarding the Constitutional Court, the history of the establishment of the Constitutional Court, the functions of the Constitutional Court, and the authority of the Constitutional Court.

According to,⁸ data analysis is the process of systematically searching for and organizing transcripts of collected documents, field notes, and other materials you have gathered to enhance your own understanding of them and to enable you to present what you have found to others. Researchers use data collection methods, then reduce the data, draw conclusions, and represent the data.

RESULTS AND DISCUSSION

Decision Number 49/Puu-IX/2011 regarding the removal of Article 59 paragraph 2 of Law Number 7 of 2020

- a. Decision Number 49/Puu-IX/2011.

Law of the Republic of Indonesia Number 7 of 2020 Concerning the Third Amendment to Law Number 24 of 2003 Concerning the Constitutional Court

⁸ Sugiyono, *Memahami Penelitian Kualitatif* (Bandung: Pustaka Pelajar, 2014).



- b. Considering that the Unitary State of the Republic of Indonesia is a state based on Pancasila and the 1945 Constitution of the Republic of Indonesia, aimed at realizing an orderly, clean, prosperous, and just national and state life; that several provisions in Law Number 24 of 2003 concerning the Constitutional Court, as amended several times by Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court and by Law Number 4 of 2014 concerning the Amendment to Government Regulation in Lieu of Law Number 1 of 2013 concerning the Second Amendment to Law Number 24 of 2003 concerning the Constitutional Court, are no longer in line with the development of the legal needs of society and the state order, so they need to be amended;
- c. that based on the considerations as referred to in letters a, b, and c, it is necessary to establish a Law concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court;

Decide: Law Concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court.

Article 59 paragraph (2) provision was deleted so that Article 59 reads as follows:

Article 59

(1) The Constitutional Court's decision regarding the examination of laws against the 1945 Constitution of the Republic of Indonesia is submitted to the DPR, the Regional Representative Council, the President, and the Supreme Court.

(2) Deleted.

The text of Law 7/2020 Article 59 paragraph (2) originally read: If changes to the laws that have been tested are required, the DPR or the President shall immediately follow up on the Constitutional Court's decision as referred to in paragraph (1). With the deletion of Article 59 paragraph (2), even if a judicial review is successful in the Constitutional Court, there is no obligation for the DPR and the Government to follow up on that decision. Former Chief Justice of the Constitutional Court for the period 2003-2008, Jimly Asshiddiqie, also affirmed that the decisions of the institution conducting the material review are valid and binding because they have been read and do not require execution. Through a brief message in Jakarta, on Tuesday (13/10), according to him, Article 59 paragraph (2) of the Constitutional Court Law is often misunderstood



Background of the Decision

According to Abadi, (2014), the Constitutional Court decision is final for the following reasons: First, the nature of constitutional law as the highest law; Second, maintaining the authority of constitutional justice; and Third, there is no better alternative. This argument can be classified as a formal perspective that localizes the status of the Constitutional Court decision only as the decision itself and disregards other very important factors, namely the relationship between the Constitutional Court and the legislature, namely the DPR, the Regional Representatives Council, and the President. According to the Constitutional Court, Article 59 paragraph 2 of Law 7 of 2020 contradicts the basis or principle that the Constitutional Court decision is final and binding. That article has been deleted since 9 years ago, so it is indeed appropriate to be deleted because it is not in accordance with legal basis. Article 59 paragraph 2 was not immediately deleted but was a direct order from the constitutional court.

Based on Article 24C paragraph [1] of the 1945 Constitution, the constitutional court is the only institution authorized to test laws after the Supreme Court. So with various considerations and comparisons, the removal of article 59 paragraph 2 can be done according to the considerations and comparisons of the Constitutional Court. As explained in the constitutional justice project book, a legislation can only be repealed and declared invalid with legislation of a higher level. The repeal of legislation with higher legislation is done if the higher legislation accommodates all or part of the material of the lower legislation. If the material in the new legislation necessitates the replacement of all or part of the material in the old legislation, then the new legislation must be expressly regulated regarding regulations that limit or restrict the legislation. for legal certainty.

This is reinforced by the opinion of ⁹ The Constitutional Court is the highest body of judicial power for the protection of constitutionalism, legality, human rights, and fundamental freedoms. (2) In relation to the authority of other states, the Constitutional Court is autonomous and independent state power. Thus the decision of the Constitutional Court is the highest decision that is binding and cannot be annulled or repealed by other parties except the Constitutional Court itself so that the law becomes ambiguous when article 59 paragraph 2 in law number 7 of 2020 is still

⁹ David A. Strauss, *The Living Constitution*, *Journal of Sociology* (New York: Oxford University, 1983), LXXXVII.



attached because according to ¹⁰ the decision of a law if it has a changing meaning then the law becomes invalid and needs to be revised.

Regarding the judicial review system, Indonesia has two separate mechanisms. The first mechanism is that the Constitutional Court can only review the constitutionality of laws enacted by the President and the People's Representative Council (DPR). The second mechanism is that only the Supreme Court can review the validity of regulations below the level of law, including Government Regulations, Presidential Regulations, Provincial Regulations, and District/City Regulations. This dualism has created at least three legal problems in Indonesia's constitutional review system. First, if the Constitutional Court can only review the constitutionality of laws, while the Supreme Court can review regulations against laws, not contrary to the Constitution, there is no legal mechanism provided to review regulations or decisions contrary to the Constitution. In other words, there is no mechanism available to review the constitutionality of regulations and decisions below the level of law.

Impact of Decision Number 49/Puu-IX/2011 regarding the removal of article 59 paragraph 2 of law number 7 of 2020

The provision in Article 59 Paragraph (2) was deleted in the Constitutional Court Law revision or Law Number 7 of 2020 which was ratified by the DPR on Tuesday (1/9/2020). The Director of Synergy for Indonesian Democracy Society, Said Salahudin, considers the removal of Article 59 paragraph (2) of the Constitutional Court Law to be one of the reasons some people hesitate to take the material review steps of the Job Creation Law. The deletion of this article by some circles is considered as a scenario of the DPR and the President to cancel the Constitutional Court's decision, so that the DPR and the President no longer have judgments on the Constitutional Court's judgments.

Therefore, the assumption built within the society that the Omnibus Law on Job Creation (known as the UU Cipta Kerja) has been entirely or partially revoked by the Constitutional Court (MK) would be in vain because the law can still be enforced by the DPR (People's Consultative Assembly) and the President. Taufik Basari, a member of the DPR's Commission III from the Nasdem Party faction, stated that the removal of Article 59 Paragraph (2) of Law Number 7 of 2020 concerning the Constitutional Court (MK) does not affect the final and binding nature of

¹⁰ Karl Polanyi, *The Great Transformation The Political and Economic Origins of Our Time*, Boston (Beacon Press Boston, 2001), x <<http://www.riss.kr/link?id=A75074148>>.



the MK's decision. Taufik stated that Article 59 Paragraph (2) was removed in acknowledgment of the MK's decision Number 49/PUU-IX/2011. Based on the MK's decision Number 49/PUU-IX/2011, Prof. Saldi Isra, Prof. Arief Hidayat before becoming MK judges, Zainal Arifin Mochtar, Feri Amsari, and I (Taufik Basari) as a lawyer along with Febri Diansyah, Veri Juandi, and Donald Fariz.

Concerning the public's apprehensions regarding this decision, which is linked to the Omnibus Law on Job Creation, the removal of Article 59 Paragraph (2) could render all the aspects removed from the Omnibus Law futile since they remain within the authority of the President and DPR. The Omnibus Law on Job Creation contains provisions detrimental to workers, including those regarding low wages, contract workers, outsourcing, and severance pay.

The Omnibus Law on Job Creation includes Article 88C Paragraph (1), which states the obligation to establish provinces, and Article 88C Paragraph (2), which mentions that governors can determine the minimum wage for districts/cities under certain conditions. According to him, the term "can" in this article is highly detrimental because it means that determining the minimum wage for districts/cities (UMK) is not an obligation. The decision, which has sparked controversy for being perceived as unjust and forced, has led to several laws being reviewed or reconsidered.¹¹ the Constitution is designed with an unrealistic legal basis to expect a complex amendment process to accommodate these changes. Therefore, it seems inevitable that the Constitution will also change. Society is the primary subject in decision-making, so it is only reasonable for society to respond both positively and negatively. Responses should not become obstacles; rather, they should be legacies that prevent us from making progress and hinder our society from functioning as it should

Feri Amsari, a constitutional law expert from Andalas University, believes that society does not need to worry about the removal of Article 59 Paragraph (2) of Law Number 8 of 2011 concerning the Constitutional Court (MK) through Law Number 7 of 2020 concerning the Constitutional Court (MK) or the revision of the MK Law. If the MK's decision is annulled, the DPR and the Government also need to enact laws because they cannot take decisions from the MK as they can enact laws or create laws. Although the constitutional review mechanism was eventually established after the establishment of the Constitutional Court in 2003, discussions and debates

¹¹ Strauss, LXXXVII.



on the necessity of a constitutional review system have occurred during the drafting process of Indonesia's first Constitution, before independence in 1945. In a meeting of the Investigative Committee for Preparing Work for Indonesian Independence (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia or BPUPKI) in July 1945, one of the constitution drafters, Muhammad Yamin, proposed that the Supreme Court (Balai Agung) should have the power to review laws not only against the constitution but also against customary law and Islamic law. Yamin used the term 'membanding' (review), which refers to the term 'menguji' (test)¹²

The Administrative Court allows individuals who have been harmed or disadvantaged by government actions to challenge them in court. The object of the lawsuit submitted to the Administrative Court is the government's actions in actual form. Then, it is necessary to look at the differences between constitutional complaints and judicial reviews as an introduction to the discussion. Because these two mechanisms are very similar and often equated in practice.

On the other hand, it is not so familiar in Indonesian society with constitutional complaints. As a result, many citizens who want to defend their constitutional rights do not respond through legal mechanisms. Constitutional complaints are often associated with constitutional rights as a causal relationship under constitutional doctrine. Constitutional rights are rights guaranteed by the constitution. Meanwhile, a Complaint is a lawsuit filed by an individual or citizen to the court against the negligence of a government action carried out by an institution or community authority, which violates the fundamental rights concerned. It seems that constitutional complaints tend to focus on complaints about violations of the constitutional rights of citizens. Therefore, constitutional complaints differ from judicial review, which has become the authority of the Constitutional Court.

The MPR issued Decree III/MPR/2000 granting authority to the MPR to review the constitutionality of laws. The doctrine of parliamentary supremacy is the main basis for building this mechanism. However, it cannot be categorized as a judicial review mechanism because the power will be exercised by the legislature, not the judiciary. So, this mechanism is best categorized as legislative review, not judicial review. However, the MPR has never used its power because the system is unclear. Therefore,

¹² Saafroedin Bahar et Al, 'Risalah Sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI) 26 Mei 1945 - 22 Agustus 1945', *Sekretariat Negara Republik Indonesia* (Jakarta, 1995).



MPR members proposed the establishment of a judicial institution called the Constitutional Court.

Initially, it is necessary to delineate the scope of a constitutional complaint. Its scope is the divider and differentiator between various understandings of constitutional complaints. This discussion is intended to avoid misunderstandings and errors in the future. In the concept of constitutional complaints, every wrongful government action that potentially violates constitutional rights can be reported to the court. Constitutional complaints emphasize government actions as subjects, not laws or government regulations. These subjects are government officials, both individuals and state institutions, to carry out their responsibilities and functions.

CONCLUSION

Decision Number 49/Puu-IX/2011 Establishes: Law on the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court. The provision of Article 59 paragraph (2) was removed, so Article 59 reads as follows: Article 59 (1) Constitutional Court decisions regarding the judicial review of laws against the 1945 Constitution of the Republic of Indonesia shall be conveyed to the DPR (People's Consultative Assembly), the Regional Representative Council, the President, and the Supreme Court. (2) Removed. The text of Law 7/2020 Article 59 paragraph (2) originally read: If changes to the tested law are necessary, the DPR or the President shall immediately follow up on the Constitutional Court's decision as referred to in paragraph (1). Therefore, the Constitutional Court's decision is the highest binding decision and cannot be revoked or annulled by any other party except the Constitutional Court itself, so the law becomes ambiguous in meaning when Article 59 paragraph 2 in Law Number 7 of 2020 is still attached.

The provision in Article 59 paragraph (2) was removed in the revised Constitutional Court Law or Law Number 7 of 2020 enacted by the DPR. The removal of this article has sparked controversy, with some circles considering it as a scenario by the DPR and the President to annul the Constitutional Court's decision, thereby depriving the DPR and the President of any judgment on the Constitutional Court's ruling. The society's concern over this decision linked to the Omnibus Law on Job Creation is due to the removal of Article 59 paragraph (2), which could render all aspects removed from the Omnibus Law futile because they remain within the authority of the President and the DPR. The Omnibus Law on Job Creation contains provisions detrimental to workers, including



those concerning low wages, contract workers, outsourcing, and severance pay. Therefore, the assumption built within the society that the Omnibus Law on Job Creation has been entirely or partially annulled by the Constitutional Court would be in vain because the law can still be enforced by the DPR and the President. Taufik Basari, a member of the DPR's Commission III from the Nasdem Party faction, stated that the removal of Article 59 paragraph (2) of Law Number 7 of 2020 concerning the Constitutional Court does not affect the final and binding nature of the MK's decision. Taufik stated that Article 59 paragraph (2) was removed in acknowledgment of the MK's decision Number 49/Puu-IX/2011.

BIBLIOGRAPHY

- Achmad, Mukti Fajar and Yulianto, *Dualisme Penelitian Hukum Empiris & Normatif* (Pustaka Pelajar)
- Al, Saafroedin Bahar et, 'Risalah Sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI) 26 Mei 1945 - 22 Agustus 1945', *Sekretariat Negara Republik Indonesia* (Jakarta, 1995)
- Eddyono., Luthfi Widagdo, 'The Constitutional Court and Consolidation of Democracy in Indonesia. Center for Research and Case Study and Management Information and Communication Technology of the Constitutional Court of the Republic of Indonesia', *Journal of the Constitution*, 15 (2018), 3-5
- Hendrianto, Stefanus, 'Convergence or Borrowing: Standing in The Indonesian Constitutional Court', *Santa Clara University School Of Law, Santa Clara Jesuit Communtiy, 500 El Camino Real.*, 1.1 (2015), 6
- Karl Polanyi, *The Great Transformation The Political and Economic Origins of Our Time*, Boston (Beacon Press Boston, 2001), x
<<http://www.riss.kr/link?id=A75074148>>
- Parpwoerth, Neil, *Constitutional and Administrative Law, 11th Edition* (United Kingdom: Oxford University Press, 2020)
- Stephen K. Shaw, William D. Pederson, and Frank J. Williams, 'Franklin D. Roosevelt and the Transformation of the Supreme Court', *Law and Politics*



of Constitutional Courts Indonesia And the Search Fro Judicial Heroes., 2018

Strauss, David A., *The Living Constitution, Journal of Sociology* (New York: Oxford University, 1983), LXXXVII

Sugiyono, *Memahami Penelitian Kualitatif* (Bandung: Pustaka Pelajar, 2014)

Wico, Standy, 'The Future of Constitutional Complaint in Indonesia: An Examination of Its Legal Certainty.', *Indonesian Journal of Law and Society*, 2:1 (2021), 59-78

