



The Legal Vacuum Regarding Constitutional Complaints Under Article 24C of the 1945 Constitution of the Republic of Indonesia and the Urgency of Expanding the Powers of the Constitutional Court

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Abstract

This study examines the constitutional implications of the absence of constitutional complaint mechanisms within the Indonesian constitutional framework and evaluates the urgency of expanding the authority of the Constitutional Court to strengthen constitutional rights protection. Employing a non empirical normative legal research design, the study analyzes statutory provisions, constitutional doctrines, and comparative constitutional literature through statutory, conceptual, and comparative approaches. Secondary legal materials include constitutional provisions, national legislation, and scholarly works on constitutional adjudication and rights protection. The findings indicate that the current constitutional structure provides fragmented remedies that are insufficient to address direct violations of constitutional rights by public authorities. Comparative insights from established constitutional democracies demonstrate that constitutional complaint mechanisms significantly enhance access to constitutional justice, judicial accountability, and the effectiveness of rights enforcement. The study concludes that introducing constitutional complaint jurisdiction would strengthen constitutional supremacy and improve the coherence of constitutional remedies in Indonesia. The research highlights that institutional reform is necessary to bridge gaps in constitutional protection and to enhance the responsiveness of constitutional adjudication to contemporary governance challenges.

Keywords : *Constitutional Complaint, Constitutional Court, Constitutional Rights, Judicial Review, Constitutional Reform.*



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INTRODUCTION

In contemporary constitutional democracies, the protection of constitutional rights has evolved from a formal commitment embedded in constitutional texts into a substantive obligation requiring the existence of effective judicial mechanisms capable of providing remedies against state actions that infringe individual rights. Recent developments in comparative constitutional law reveal a growing tendency among constitutional courts to expand their role beyond abstract constitutional review toward direct protection of citizens whose constitutional rights are adversely affected by acts of public authorities. This transformation reflects a broader global understanding that constitutional supremacy cannot be fully realized unless constitutional guarantees are accompanied by accessible institutional mechanisms capable of addressing concrete violations experienced by individuals. Within this framework, constitutional complaint has emerged as one of the most influential instruments for safeguarding constitutional rights, particularly in jurisdictions where constitutional courts function as guardians of constitutional order and protectors of fundamental rights. The increasing relevance of constitutional complaint is closely associated with the contemporary emphasis on constitutional justice, judicial accountability, and democratic legitimacy, all of which seek to ensure that constitutional norms operate effectively in everyday governance rather than remaining merely aspirational principles. In Indonesia, debates concerning constitutional protection have become increasingly significant in the aftermath of constitutional reform and the establishment of the Constitutional Court under Article 24C of the 1945 Constitution, especially amid continuing discussions regarding constitutional transition, popular sovereignty, judicial authority, and the institutional architecture of constitutional governance (Setiawan, 2026). The growing complexity of interactions among judicial institutions and constitutional actors has further intensified scholarly attention toward the adequacy of existing constitutional remedies

and the capacity of the Constitutional Court to respond to evolving demands for constitutional protection (Purwadi et al., 2024).

Existing scholarship has generated substantial insights into the relationship between constitutional adjudication and the protection of fundamental rights, particularly through comparative analyses examining constitutional justice systems in established constitutional democracies. Studies have consistently demonstrated that constitutional complaint functions not merely as a procedural mechanism but also as a constitutional instrument that strengthens the practical enforceability of constitutional rights by allowing individuals to challenge state actions that produce constitutional injuries. Comparative examinations of Germany and Indonesia indicate that jurisdictions equipped with constitutional complaint mechanisms generally provide broader opportunities for citizens to obtain constitutional remedies, thereby enhancing the effectiveness of human rights protection and constitutional accountability (Suharsono, 2024). At a theoretical level, constitutional adjudication has been conceptualized as an essential component of democratic governance because judicial institutions serve not only as interpreters of constitutional norms but also as guarantors of constitutional values against arbitrary exercises of power (Barak, 2006). Indonesian legal scholarship has similarly emphasized that constitutional complaint possesses the potential to fill institutional gaps in constitutional protection by providing a direct avenue through which citizens may seek redress when ordinary legal mechanisms fail to address constitutional grievances (Simamora, 2014). Collectively, these studies suggest that effective constitutional protection requires a legal framework capable of linking abstract constitutional principles with concrete remedial mechanisms available to rights holders.

Despite these valuable contributions, the existing literature remains fragmented in several important respects. A significant portion of prior research has approached constitutional complaint primarily through comparative legal analysis or normative advocacy, while comparatively limited attention has been devoted to examining constitutional complaint as a manifestation of legal vacuum arising from the textual and structural limitations of Article 24C of the 1945 Constitution. As a result, many studies implicitly assume that constitutional complaint represents merely an institutional enhancement rather than a response to a deeper constitutional deficiency embedded within the current allocation of judicial powers. This limitation becomes particularly evident when existing analyses fail to adequately reconcile tensions between constitutional rights protection and the rigid constitutional enumeration of the Constitutional Court's jurisdiction under Law Number 24 of 2003 concerning the Constitutional Court and Law Number 48 of 2009 concerning Judicial Power. Furthermore, scholarly discussions concerning judicial oversight and constitutional accountability often focus on institutional relations among courts and supervisory bodies without sufficiently addressing situations in which constitutional rights violations originate from governmental actions that fall outside the established categories of constitutional review (Violetta et al., 2026). Similar conceptual gaps emerge in broader legal debates regarding state authority, public decision making, and legal accountability where questions concerning constitutional remedies frequently remain peripheral despite their direct implications for constitutional rights protection (vino Sebastian et al., 2026).

The persistence of these conceptual and institutional limitations creates both scientific and practical urgency. From a constitutional perspective, the absence of a constitutional complaint mechanism generates a situation in which citizens may experience violations of constitutionally protected rights without access to an effective constitutional forum capable of reviewing and remedying such violations. This problem is particularly significant because constitutional rights can be infringed not only through unconstitutional legislation but also through administrative decisions, judicial actions, or governmental conduct that formally comply with statutory provisions while substantively undermining constitutional guarantees. The resulting gap between constitutional recognition and constitutional enforcement raises fundamental questions regarding the effectiveness of constitutional supremacy and the capacity of the Indonesian legal system to provide comprehensive constitutional protection. Such concerns become increasingly pressing in light of the broader commitment to constitutional democracy and the rule of law embodied in the constitutional framework and reinforced through legislative instruments governing constitutional adjudication and legal norm formation, including Law Number 24 of 2003 concerning the Constitutional Court and Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law Number 13 of 2022 (Republic of Indonesia, 2003; Republic of Indonesia, 2011). The absence of an adequate constitutional remedy risks producing a disconnect between constitutional guarantees and lived constitutional realities,

thereby weakening public confidence in constitutional institutions and diminishing the practical value of constitutional rights.

Against this backdrop, the present study positions itself at the intersection of constitutional theory, judicial institutional design, and constitutional rights protection by reframing constitutional complaint not merely as an additional judicial competence but as a necessary response to an identifiable legal vacuum within Indonesia's constitutional system. Unlike previous studies that primarily emphasize comparative experiences or normative desirability, this research focuses on the structural consequences of the absence of constitutional complaint within the constitutional framework established by Article 24C of the 1945 Constitution. By situating the discussion within broader debates concerning constitutional supremacy, judicial authority, institutional accountability, and post reform constitutional development, this study seeks to provide a more integrated explanation of why existing constitutional mechanisms remain insufficient for addressing certain categories of constitutional rights violations. Such an approach enables a deeper assessment of the relationship between constitutional design, judicial competence, and effective constitutional protection while simultaneously contributing to ongoing discussions regarding the evolution of Indonesia's constitutional order and the balance between legal certainty and constitutional justice (Purwadi et al., 2024; Setiawan, 2026; Republic of Indonesia, 2009).

This study aims to analyze the legal vacuum concerning constitutional complaint under Article 24C of the 1945 Constitution of the Republic of Indonesia and to examine the urgency of expanding the powers of the Constitutional Court as a means of strengthening constitutional rights protection. The research contributes theoretically by developing a constitutional law framework that conceptualizes the absence of constitutional complaint as a structural deficiency within constitutional protection rather than merely an institutional limitation. It contributes methodologically by integrating normative constitutional analysis with conceptual and comparative approaches to evaluate the relationship between constitutional rights enforcement and judicial competence. Through this perspective, the study seeks to advance scholarly understanding of constitutional remedies while offering a systematic basis for future constitutional reform aimed at enhancing constitutional justice, strengthening constitutional supremacy, and ensuring more effective protection of citizens' constitutional rights in Indonesia.

RESEARCH METHODS

This study employed a non empirical normative legal research design because the research objective was directed toward examining legal norms, constitutional doctrines, and institutional arrangements governing constitutional rights protection rather than collecting primary data from human participants. The study relied on secondary legal materials consisting of primary legal sources, including Article 24C of the 1945 Constitution of the Republic of Indonesia, Law Number 24 of 2003 concerning the Constitutional Court, Law Number 48 of 2009 concerning Judicial Power, and Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law Number 13 of 2022, as well as secondary sources comprising scholarly books, journal articles, and constitutional law literature relevant to constitutional complaint, judicial review, constitutional supremacy, and constitutional rights protection. Source selection was conducted through purposive relevance criteria, emphasizing materials that directly addressed constitutional adjudication, constitutional remedies, legal vacuum theory, and the institutional role of constitutional courts. The analytical framework integrated statutory, conceptual, and comparative approaches to examine the normative structure of constitutional authority, evaluate the adequacy of existing constitutional protection mechanisms, and assess the constitutional implications of the absence of constitutional complaint within the Indonesian constitutional system (Marzuki, 2021; Kelsen, 2008; Raz, 2009; Barak, 2006; Simamora, 2014).

The analytical procedure was undertaken through systematic legal interpretation, doctrinal analysis, and comparative constitutional examination. The study first identified the constitutional scope of the powers granted to the Constitutional Court under Article 24C and relevant statutory provisions before evaluating areas in which constitutional rights violations may remain beyond the reach of existing constitutional remedies. Subsequently, legal concepts concerning constitutional supremacy, judicial protection of rights, and constitutional complaint were synthesized to determine whether the absence of constitutional complaint constitutes a legal vacuum within the Indonesian constitutional framework. Comparative analysis was then employed to assess how constitutional complaint mechanisms contribute to constitutional rights protection in jurisdictions where such remedies are

institutionally recognized. To ensure methodological rigor, the study applied source triangulation across constitutional provisions, legislation, judicial doctrines, and authoritative academic literature, while maintaining interpretive consistency through cross verification of legal arguments and doctrinal propositions. Since the research did not involve human participants, personal data, or field based data collection, formal ethical approval was not required, although the study adhered to principles of academic integrity, transparency, and accurate citation throughout the research process.

RESULTS AND DISCUSSION

Normative Construction of Constitutional Authority and the Emergence of a Legal Vacuum Under Article 24C of the 1945 Constitution

The constitutional architecture of Indonesia positions the Constitutional Court as a central institution responsible for preserving constitutional supremacy through powers explicitly enumerated in Article 24C of the 1945 Constitution. The constitutional design reflects the principle that constitutional adjudication must operate within clearly defined jurisdictional boundaries. Such a model corresponds with Kelsen's hierarchical theory of norms which requires state institutions to exercise authority strictly according to constitutional mandates (Kelsen, 2008). The legal consequence of this arrangement is that judicial competence cannot be presumed beyond powers expressly conferred by the constitution.

A doctrinal examination of Article 24C demonstrates that the Constitutional Court possesses authority to review statutes, resolve disputes among constitutional organs, adjudicate electoral disputes, decide political party dissolution cases, and participate in impeachment proceedings. The constitutional text does not recognize constitutional complaint as an independent jurisdictional category. This omission acquires significance because constitutional rights violations frequently arise from governmental conduct rather than from unconstitutional legislation alone. The relationship between constitutional authority and legal legitimacy requires that remedies for rights violations remain institutionally accessible within the constitutional order (Raz, 2009).

The normative limitation of constitutional jurisdiction creates a structural distinction between constitutional rights recognition and constitutional rights enforcement. Citizens may possess constitutionally protected rights while lacking direct constitutional remedies when infringements originate from administrative decisions, judicial actions, or governmental practices. Constitutional protection becomes procedurally incomplete when rights holders cannot access a forum specifically mandated to examine constitutional injuries. Similar concerns regarding the gap between constitutional guarantees and practical enforcement have been identified in contemporary constitutional scholarship (Mahmuda, 2024).

The Indonesian Constitutional Court has often been described as both guardian of the constitution and protector of constitutional rights. These functions imply a broader responsibility extending beyond textual interpretation toward maintaining constitutional justice within democratic governance. Scholarly evaluations of the Court indicate that its institutional legitimacy derives partly from its capacity to safeguard constitutional values against state excesses (Isra & Faiz, 2024). Tension emerges when constitutional expectations exceed the jurisdictional scope established by constitutional provisions.

Judicial protection of constitutional rights requires not only substantive constitutional norms but also procedural mechanisms capable of transforming abstract guarantees into enforceable claims. Constitutional complaint mechanisms developed in various jurisdictions precisely to address situations where constitutional harm cannot be remedied through ordinary judicial procedures. Indonesian scholarship has repeatedly identified this institutional deficiency as a recurring challenge within constitutional adjudication (Simamora, 2014). The absence of constitutional complaint consequently raises questions regarding the completeness of constitutional justice within the national legal system.

Table 1. Normative Scope of Constitutional Court Authority and Areas of Unaddressed Constitutional Injury

Constitutional Authority under Article 24C	Constitutional Basis	Rights Protection Function	Remaining Protection Gap
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Judicial Review of Statutes	Article 24C Constitution	Reviews statutory constitutionality	Non statutory state actions
Constitutional Organ Disputes	Article 24C Constitution	Resolves institutional conflicts	Individual constitutional injury
Electoral Disputes	Article 24C Constitution	Protects electoral integrity	Administrative rights violations
Political Party Dissolution	Article 24C Constitution	Protects constitutional order	Personal constitutional complaints
Impeachment Proceedings	Article 24C Constitution	Maintains constitutional accountability	Judicial and executive actions affecting citizens

Source: Compiled by the author based on the 1945 Constitution, Law Number 24 of 2003, and doctrinal analysis adapted from Simamora (2014), Marzuki (2021), and Isra and Faiz (2024).

The analytical pattern presented in Table 1 demonstrates that existing constitutional powers are primarily directed toward institutional constitutional control rather than individualized constitutional remedies. Constitutional injuries experienced by citizens frequently fall outside the categories expressly recognized by Article 24C. The table reveals a normative asymmetry between constitutional enforcement mechanisms and the broader spectrum of constitutional rights violations. Such asymmetry constitutes a central indicator of legal vacuum within constitutional adjudication.

The existence of legal vacuum should not be understood merely as the absence of regulation in a literal sense. Contemporary legal theory interprets legal vacuum as a condition where normative expectations cannot be effectively translated into enforceable legal consequences despite constitutional recognition of rights (Nurmansyah & Azmilhuda, 2026). Constitutional rights become vulnerable when institutional mechanisms fail to provide corrective responses to governmental conduct. This perspective aligns with the proposition that legal systems derive legitimacy from their ability to provide effective remedies against unlawful exercises of public authority (Raz, 2009).

Institutional developments within Indonesia further reinforce the significance of this problem. Various studies concerning judicial authority have documented recurring tensions between constitutional institutions when jurisdictional boundaries remain insufficiently aligned with constitutional objectives (Purwadi et al., 2024). Comparable institutional conflicts have also emerged in administrative and criminal justice sectors where overlapping authority creates uncertainty regarding legal accountability (Pangaribuan, 2025). The constitutional complaint debate reflects a similar challenge involving the relationship between institutional competence and constitutional protection.

From a constitutional democracy perspective, rights protection constitutes a substantive requirement rather than a symbolic constitutional commitment. Democratic legitimacy increasingly depends upon the availability of effective legal channels through which constitutional grievances may be examined and resolved. Research on constitutional governance in Indonesia has emphasized that constitutional accountability requires mechanisms capable of addressing governmental conduct that departs from constitutional principles (Aritonang et al., 2024). The absence of constitutional complaint restricts the institutional capacity to perform this accountability function comprehensively.

The normative findings indicate that the legal vacuum surrounding constitutional complaint originates from the restrictive constitutional formulation of judicial authority rather than from the absence of constitutional rights themselves. Constitutional rights are formally recognized within the constitutional framework, yet the procedural pathway for enforcing certain categories of constitutional claims remains unavailable. This discrepancy illustrates a structural imbalance between constitutional substance and constitutional procedure. The analytical outcome supports the argument that the constitutional design under Article 24C leaves a significant segment of constitutional injuries beyond the reach of constitutional adjudication, creating a legal vacuum that warrants further examination.

Comparative Constitutional Complaint Models and Their Relevance for Constitutional Rights Protection in Indonesia

Comparative constitutional analysis demonstrates that constitutional complaint has become an increasingly important mechanism for translating constitutional rights into enforceable legal claims.

Constitutional democracies that recognize this instrument generally provide direct access for individuals whose constitutional rights have been impaired by public authority actions. The institutional objective extends beyond dispute resolution because constitutional complaint functions as a bridge between constitutional guarantees and practical legal protection (Alamri, 2025). Comparative experience suggests that constitutional courts achieve stronger legitimacy when citizens are able to invoke constitutional review procedures directly in response to rights violations.

Germany represents one of the most influential models in the development of constitutional complaint jurisprudence. The Federal Constitutional Court permits individuals to challenge governmental actions that allegedly violate constitutionally protected rights after ordinary legal remedies have been exhausted. This mechanism has contributed significantly to the expansion of constitutional rights protection and the development of constitutional doctrine in German public law (Suharsono, 2024). The German experience illustrates how constitutional adjudication can simultaneously preserve constitutional supremacy and strengthen citizen access to justice.

South Korea provides another important example of constitutional complaint implementation within a constitutional democracy. The Constitutional Court of Korea recognizes constitutional complaint as an instrument through which individuals may seek constitutional review when state actions adversely affect constitutional interests. Judicial intervention through constitutional complaint has generated a substantial body of constitutional jurisprudence that reinforces accountability and constitutional compliance (Lisi et al., 2025). The Korean model demonstrates that constitutional complaint can operate effectively within legal systems characterized by strong constitutional institutions and evolving democratic governance.

Comparative literature also indicates that constitutional complaint performs functions extending beyond individual rights protection. Constitutional courts frequently use complaint proceedings to clarify constitutional principles, guide administrative authorities, and establish standards for future governmental conduct. Judicial interpretation in such cases contributes to constitutional development while preserving democratic values and institutional balance (Barak, 2006). The comparative evidence reveals that constitutional complaint often serves both corrective and preventive constitutional functions.

A significant characteristic shared by successful constitutional complaint systems is the recognition that constitutional injury may arise from diverse forms of public authority action. Rights violations frequently originate from administrative decisions, judicial determinations, or executive conduct rather than exclusively from legislative acts. Comparative constitutional jurisprudence acknowledges that constitutional protection requires remedies capable of responding to this broader spectrum of governmental activity (Alamri, 2025). Such recognition has encouraged constitutional courts to adopt a more citizen centered approach to constitutional justice.

Table 2. Comparative Characteristics of Constitutional Complaint Mechanisms in Selected Constitutional Democracies

Country	Institution	Scope of Complaint	Applicant	Legal Effect
Germany	Federal Constitutional Court	Rights violations	Individual citizen	Binding
South Korea	Constitutional Court	Constitutional injury	Individual citizen	Binding
Indonesia	Not available	Not available	Not available	Not available

Source: Adapted from Lisi et al. (2025), Suharsono (2024), and Alamri (2025).

The comparative structure presented in Table 2 highlights a notable institutional distinction between jurisdictions that recognize constitutional complaint and jurisdictions that do not. Germany and South Korea provide direct procedural access to constitutional adjudication when constitutional rights are affected by state action. Indonesia currently lacks a comparable mechanism despite possessing a constitutional court entrusted with constitutional guardianship functions. The comparison suggests

that differences in procedural design influence the practical effectiveness of constitutional rights protection.

The relevance of comparative constitutional models to Indonesia extends beyond institutional imitation. Comparative legal analysis seeks to identify transferable principles capable of functioning within distinct constitutional and political environments. Research concerning constitutional complaint in Indonesia has emphasized that adaptation should focus on constitutional objectives rather than mechanical replication of foreign institutional arrangements (Fitryantica et al., 2026). The comparative approach therefore supports contextual reform grounded in domestic constitutional realities.

Transferability appears particularly feasible because Indonesian constitutional development has historically incorporated comparative constitutional influences. Institutional reforms associated with constitutional adjudication, judicial review, and democratic accountability have frequently drawn lessons from international constitutional experiences while preserving national constitutional identity (Isra & Faiz, 2024). Similar patterns can be observed in discussions concerning judicial modernization and specialized adjudicatory structures influenced by comparative legal systems (Ibnususilo et al., 2026). Comparative constitutional complaint models therefore provide valuable reference points for future institutional development.

The relationship between constitutional complaint and judicial independence also deserves attention within comparative analysis. Studies examining judicial activism indicate that constitutional complaint may strengthen constitutional courts when exercised within carefully defined procedural standards and constitutional limits (Hapsari, 2025). The mechanism does not necessarily expand judicial power without restraint because constitutional review remains anchored in constitutional principles and legal reasoning. Comparative experience instead suggests that constitutional complaint enhances the ability of courts to fulfill their role as protectors of constitutional rights.

The comparative findings indicate that constitutional complaint contributes to constitutional rights enforcement, access to constitutional justice, and institutional accountability in jurisdictions where it has been adopted. Scholarly evaluations of constitutional courts consistently associate effective rights protection with the availability of remedies capable of addressing concrete constitutional injuries experienced by individuals (Mukhlis et al., 2025). Comparative constitutional practice reveals that constitutional complaint functions as an institutional mechanism through which constitutional democracy becomes more responsive to citizen grievances. These observations provide a substantial analytical foundation for assessing the potential relevance of constitutional complaint within the Indonesian constitutional framework.

The Constitutional Necessity of Expanding the Powers of the Constitutional Court Through Constitutional Complaint Mechanisms

The evolution of constitutional democracy requires judicial institutions to provide effective remedies for violations of constitutional rights that arise from public authority actions. Contemporary constitutional systems increasingly recognize that constitutional guarantees cannot achieve practical significance when citizens lack direct procedural mechanisms for constitutional protection. The Constitutional Court occupies a central position in maintaining constitutional supremacy and safeguarding democratic governance through rights based adjudication (Mukhlis et al., 2025). This institutional function becomes more significant as constitutional governance expands into increasingly complex spheres of state activity and public administration (Hasani & Yosarie, 2026).

The normative assessment conducted in this study indicates that expanding constitutional jurisdiction through constitutional complaint mechanisms constitutes a constitutional necessity rather than a discretionary institutional option. Constitutional rights protection requires not only substantive recognition of rights but also procedural accessibility capable of addressing concrete constitutional injuries. Judicial remedies represent an essential component of constitutional enforcement because constitutional guarantees without remedies risk becoming symbolic declarations (Barak, 2006). Similar observations have emerged within contemporary Indonesian constitutional scholarship that advocates stronger constitutional protection through expanded constitutional adjudication mechanisms (Fitryantica et al., 2026).

The urgency of jurisdictional expansion is closely associated with the growing complexity of governance and the increasing interaction between citizens and state institutions. Administrative actions, regulatory decisions, and exercises of public authority frequently generate constitutional

implications extending beyond traditional judicial review frameworks. Studies concerning institutional accountability in Indonesia demonstrate that constitutional governance increasingly depends upon effective oversight mechanisms capable of reviewing exercises of public power (Violetta et al., 2026). Judicial institutions therefore require procedural instruments that can respond directly to constitutional grievances emerging from practical governmental activities (Hapsari, 2025).

Another significant consideration concerns the emergence of constitutional rights deficits when citizens encounter constitutional injuries without access to constitutional adjudication. Rights protection becomes fragmented when available remedies depend upon procedural classifications rather than the substantive nature of constitutional harm. Similar concerns have appeared in discussions regarding constitutional questions and democratic quality within Indonesia, where limitations in constitutional adjudication may affect broader constitutional accountability structures (Madjid & Asmorojati, 2023). Constitutional complaint mechanisms address this concern by focusing judicial attention on the protection of constitutional rights as the primary object of constitutional review.

The constitutional necessity of reform also relates to accountability deficits within democratic governance. Public institutions exercise substantial authority affecting individual rights, yet constitutional accountability mechanisms remain uneven across different sectors of governance. Research concerning institutional supervision and accountability demonstrates that effective constitutional governance depends upon review mechanisms capable of examining exercises of public authority against constitutional standards (Aritonang et al., 2024). Constitutional complaint jurisdiction would strengthen this accountability architecture by providing a direct constitutional avenue for challenging actions inconsistent with constitutional principles.

Table 3. Constitutional Implications of Introducing Constitutional Complaint Jurisdiction in Indonesia

Constitutional Dimension	Current Condition	Proposed Reform
Rights Protection	Limited	Expanded
Constitutional Remedies	Fragmented	Integrated
Judicial Accountability	Partial	Stronger
Constitutional Supremacy	Indirect	Direct

Source: Normative synthesis developed by the author based on Fitryantica et al. (2026), Hapsari (2025), Mukhlis et al. (2025), and Barak (2006).

The analytical synthesis presented in Table 3 demonstrates that constitutional complaint jurisdiction would influence multiple dimensions of constitutional governance simultaneously. The proposed reform does not merely add a procedural mechanism but restructures the relationship between constitutional rights and judicial protection. Expanded rights protection would emerge through direct constitutional access while integrated remedies would reduce institutional fragmentation (Fitryantica et al., 2026). Stronger judicial accountability would also reinforce constitutional supremacy by ensuring that public authority remains subject to constitutional scrutiny (Hapsari, 2025).

Failure to introduce constitutional complaint mechanisms may generate broader democratic consequences extending beyond individual cases of constitutional injury. Constitutional democracies rely upon institutional arrangements that allow citizens to challenge exercises of public authority through legally recognized channels. Studies examining constitutional governance and state institutional dynamics suggest that accountability gaps may weaken public confidence in constitutional institutions when constitutional grievances remain unresolved (Setiawan, 2026). Democratic legitimacy therefore depends not only upon electoral representation but also upon meaningful access to constitutional justice.

The institutional benefits of constitutional complaint mechanisms extend into multiple policy sectors where constitutional rights increasingly intersect with governance practices. Scholarship concerning financial regulation, public administration, data protection, and criminal justice demonstrates that constitutional issues frequently arise within specialized regulatory domains (Ningsih et al., 2025). Similar challenges appear in debates concerning personal data protection where effective rights enforcement requires robust oversight and review mechanisms (Cantik & Rahmahani, 2026).

Constitutional complaint jurisdiction would provide a constitutional framework capable of addressing rights based disputes across diverse governance sectors.

Several reform pathways may be considered for institutionalizing constitutional complaint jurisdiction within Indonesia. Constitutional amendment offers the strongest normative foundation because it provides explicit constitutional authorization and minimizes interpretive uncertainty. Statutory reform may offer a more politically feasible alternative, although questions concerning constitutional legitimacy could emerge if statutory provisions substantially expand judicial authority (Lisnawaty et al., 2025). Constitutional interpretation represents another possibility, particularly where constitutional principles are interpreted dynamically to strengthen constitutional protection in response to evolving democratic needs (Barak, 2006).

The most realistic model for Indonesia appears to be a phased institutional reform combining constitutional interpretation with subsequent legislative refinement. Such an approach accommodates constitutional continuity while gradually strengthening constitutional remedies through institutional practice and legal development. Experiences concerning institutional adaptation and governance reform suggest that gradual constitutional innovation often achieves greater sustainability than abrupt structural transformation (Pangaribuan, 2025; Issa & Sajit, 2026). Constitutional complaint jurisdiction should therefore be designed as an integrated mechanism for constitutional rights protection, democratic accountability, judicial oversight, and constitutional supremacy capable of responding to contemporary constitutional challenges in Indonesia (Hamid & Silvana, 2025; vino Sebastian et al., 2026).

CONCLUSION

The comparative, normative, and doctrinal analysis demonstrates that the Indonesian constitutional system faces structural limitations in providing comprehensive protection of constitutional rights due to the absence of a constitutional complaint mechanism within the existing constitutional adjudication framework. The study confirms that although current judicial arrangements offer certain avenues for constitutional review, they remain insufficient to address direct and individual constitutional injuries arising from public authority actions, thereby creating fragmentation in constitutional remedies and limiting access to constitutional justice. Comparative constitutional experiences indicate that constitutional complaint mechanisms function as an essential instrument for strengthening judicial accountability, enhancing rights enforcement, and reinforcing constitutional supremacy in modern constitutional democracies. The findings further establish that the introduction of such a mechanism would significantly improve the coherence of constitutional protection by integrating fragmented remedies into a unified constitutional adjudication system. Therefore, the expansion of the Constitutional Court's jurisdiction through constitutional complaint represents a constitutional necessity to ensure effective rights protection, strengthen democratic governance, and enhance institutional responsiveness within Indonesia's evolving constitutional order.

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