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Constitutional Court vs. Lawmakers: Positive Legislature, Decision Implementation, and Balance of Authority

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ABSTRACT

The Constitutional Court's transition from a negative legislator to an executor of positive legislation has created structural tension with Lawmakers. This phenomenon creates legislative resistance that impedes decision implementation, often leaving constitutional compliance to rely on public pressure. This research aims to analyze the roots of such disharmony and to formulate a procedural law design capable of effectively guaranteeing the execution of decisions. Through a normative legal research method using the statute approach, conceptual approach, and case approach, this study examines constitutional dynamics following the Constitutional Court's delivery of two decisions regarding the judicial review of Law Number 10 of 2016 and Law Number 11 of 2020. The research results indicate that implementation barriers stem from the counter-majoritarian difficulty and the obsolescence of Chapter V of Law Number 24 of 2003, which fails to accommodate the complexity of positive legislature authority. As an absolute solution, this research recommends the urgent formation of a stand-alone Constitutional Court Procedure Bill (separate bill). This Bill must grant the Constitutional Court attribution authority to establish a "mandatory deadline" (tenggat waktu eksekutorial) for Lawmakers. Formalizing this mechanism is crucial to restoring the balance of the separation of powers system and ensuring the enforcement of constitutional supremacy through an institutionalized mechanism with legal certainty.

Keywords: Counter-Majoritarian Difficulty; Constitutional Court Procedure; Lawmakers; Mandatory Deadline; Positive Legislature.

INTRODUCTION

The constitutional tension between the Constitutional Court and the House of Representatives as Lawmakers culminated on August 22–23, 2024. Thousands of protesters, consisting of students, activists, and laborers, took to the streets in a massive demonstration wave titled "Emergency Warning" (Salim, 2024). This mass protest was triggered by the House of Representatives' maneuver to amend Law Number 10 of 2016¹. The public viewed the substance of the amendment rather than Constitutional Court Decision Number 60/PUU-XXII/2024 (Muhid, 2024). In this ruling, characterized as positive legislature, the Constitutional Court progressively removed the seat threshold of the Regional House of Representatives as a requirement for Regional Head Candidacy, replacing it with a threshold based on valid votes obtained by political parties or coalitions in the 2024 simultaneous elections. The decision automatically equalized the standing of political parties that obtained seats in the Regional House of Representatives and those that did not. The House of Representatives' amendment attempt was perceived as a form of constitutional disobedience that undermined the principle of justice in the electoral process.

Normatively, the House of Representatives and the President, acting as Lawmakers, bear an imperative obligation to follow up on every Constitutional Court decision within the legislative process. The juridical basis for this obligation is

¹Law Number 10 of 2016 on the Second Amendment to Law Number 1 of 2015, as amended by Law Number 6 of 2020.

explicitly enshrined in Article 10 section (1) letter d of Law Number 12 of 2011², which mandates that the subject matter of laws must contain a follow-up to Constitutional Court decisions. The article elucidates that the decisions referred to include final and binding judicial review decisions (Asy'ari et al., 2013; Butt, 2018). Compliance with these decisions is not merely an administrative formality but a manifestation of institutional dedication to democratic principles and the rule of law (Rezah & Sapada, 2024). Consistent decision implementation strengthens public trust in legislative institutions and ensures the integrity of the national legal system (Jaelani et al., 2019).

Furthermore, the implementation of Constitutional Court decisions possesses a strategic dimension in responsive national legal development. By integrating Constitutional Court decisions into laws, Lawmakers are essentially drafting regulations that are more relevant and equitable, in accordance with the dynamics of societal change. This step not only bolsters the functional relationship between judicial decisions and the legislative process but also promotes a transparent and accountable legal system (Umra & Faisal, 2023). Therefore, Lawmakers' sensitivity to court decisions serves as a primary indicator in measuring the quality of statesmanship and commitment to the principles of a legal state in Indonesia.

However, the "Emergency Warning" event revealed a concerning empirical reality: the constitutional compliance of Lawmakers does not operate automatically. Facts on the ground indicate that the cancellation of the amendment to Law Number 10 of 2016 was achieved not because of the internal legal consciousness of Lawmakers, but rather due to substantial public pressure (CNN, 2024). Without this wave of demonstrations, the bill amendment would probably have proceeded with a substance that would have nullified the Constitutional Court decision (Ramadhan et al., 2024). This condition creates a paradox in a rule-of-law state, where constitutional enforcement seemingly depends on the political power of the streets (the street parliament) rather than on established institutional mechanisms. If Lawmakers continue to disregard Constitutional Court decisions, the principle of checks and balances will be paralyzed, and legal certainty will become an illusion.

This issue underscores a fundamental legal void. Currently, there is no definitive regulation or effective enforcement mechanism to ensure that Lawmakers follow up on Constitutional Court decisions, particularly those with a positive legislative nature. Academic discourse on the role of the Constitutional Court as a positive legislature and the urgency of procedural law reform has been extensively discussed in prior literature (Asy'ari et al., 2013; Butt, 2018). Nevertheless, the majority of these studies tend to focus on debates over theoretical legitimacy or merely emphasize normative compliance obligations without offering binding technical instruments. The absence

²Law Number 12 of 2011, as amended several times, lastly by Article V of Law Number 1 of 2026.

of clear sanctions or legal consequences often leads Constitutional Court decisions to be treated as optional recommendations rather than binding legal orders.

Therefore, this research aims to fill this literature gap and practical need. This research aims to analyze the paradigm shift in the Constitutional Court's authority, evaluate the structural barriers and challenges arising in the implementation of decisions, and underscore the urgency of drafting an independent Constitutional Court Procedure Bill. The main focus is to construct an executive deadline mechanism within the Bill to ensure Lawmaker compliance, specifically in responding to the dynamics following Constitutional Court Decision Number 91/PUU-XVIII/2020 and Constitutional Court Decision Number 60/PUU-XXII/2024.

Consequently, this research holds high urgency to restore the dignity of Constitutional Court decisions in accordance with the mandate of Article 10 section (1) letter d of Law Number 12 of 2011. By formulating a measurable and binding implementation mechanism, it is expected that the balance of authority between the judicial and legislative powers can be achieved. Thus, the integrity of Indonesia's rule of law will be further strengthened through an established system, so that compliance with the constitution no longer requires mass mobilization but operates through transparent and accountable legal procedures.

METHOD

This study constitutes normative legal research that analyzes legal aspects by referring to norms, doctrines, and principles within various legal sources ([Soekanto & Mamudji, 2014](#)). To comprehensively dissect the issues, this research applies three specific approaches: the statute approach, the conceptual approach, and the case approach ([Marzuki, 2011](#)). The statute approach is utilized to examine the hierarchy and subject matter of regulations governing the implications of Constitutional Court decisions on the formation of laws. The conceptual approach is employed to construct theoretical arguments that Constitutional Court decisions constitute material sources of law that must be accommodated in legislation. Meanwhile, the case approach is applied to analyze the ratio decidendi in Constitutional Court decisions characterized as positive legislature.

The data collection process involved a documentary study of primary and secondary legal materials. These materials include regulations, court decision manuscripts, legal literature, and expert views relevant to the research object. The collected data were subsequently analyzed using a descriptive-qualitative method ([Qamar & Rezah, 2020](#)). This technique involves systematic elaboration and in-depth interpretation to identify patterns, causal relationships, and substantial meanings among various legal variables. The use of this analysis technique enables the researcher

to detect legal gaps and normative inconsistencies within the current positive legal system, thereby providing a holistic understanding of the constitutional issues under investigation (Watkins & Burton, 2013).

RESULTS AND DISCUSSION

A. Constitutional Court: Positive Legislature and Its Implications on the Lawmaking Process

Since its establishment in 2003, the Constitutional Court has become a center of discourse while bringing a breath of fresh air to the constitutional landscape. Through its judicial review authority, the Constitutional Court exercises supervisory oversight over national legislative politics to ensure that the subject matter of laws does not contravene the 1945 Constitution (Suherman, 2019). This mechanism guarantees constitutional supremacy, leading the Constitutional Court to be frequently referred to as “the guardian of the constitution” and “the ultimate interpreter of the constitution” (Arifin, 2023).

In its initial design, the Constitutional Court was positioned solely as a negative legislator. This concept, introduced by Kelsen (2017) in General Theory of Law and State, asserts that the judicial power is only authorized to set aside, annul, or declare a law non-binding if it conflicts with the constitution. Kelsen (2017) explicitly stated, “... *A Court which is competent to abolish laws —individually or generally— function as a negative legislator.*” Thus, within the Kelsenian paradigm, the court possesses no authority to form new norms, but merely to remove constitutionally defective norms (Wardiono & Dimiyati, 2014).

The manifestation of this negative legislative function was reflected in the early days of the Constitutional Court’s establishment, where only three conventional verdict models existed (Sambuuri, 2013). First, a petition is rejected when the petitioner fails to prove the unconstitutionality of the law under review. Second, declaring the petition inadmissible, indicating that the petition does not meet formal requirements or is incomplete. Third, granting the petition, which is a decision annulling the validity of a law because it is proven to violate the constitution.

However, along with the complexity of cases faced, the Constitutional Court underwent a paradigm shift from a mere negative legislator to an executor of positive legislature (Hermawan et al., 2022). Through this role, the Constitutional Court positions itself as a ‘third chamber’ in the legislative process, alongside the Lawmakers. This transformation gave rise to regulatory decisions, reflected in four verdict variants (Asy’ari et al., 2013). The first variant is conditionally constitutional,

declaring that the subject matter of a law is considered constitutional only if it meets specific interpretative conditions. The second variant is conditionally unconstitutional, meaning that legal material is declared unconstitutional if the corrective conditions set by the Constitutional Court are not met. Furthermore, the third variant is limited constitutional, in which the Constitutional Court tolerates the validity of an unconstitutional rule for a limited period. Finally, the fourth variant is creating new norms, in which the Constitutional Court actively alters or adds new norms to a law, thereby changing its substance from its initial design.

The four variants above confirm that the Constitutional Court no longer merely removes norms (negative legislature) but also actively forms or amends norms (positive legislature) (Huda et al., 2019). Decisions with this positive legislature nuance possess substantial implications due to their capacity to modify positive law. Although Constitutional Court decisions are final and binding and obtain permanent legal force (*inkracht van gewijsde*) immediately upon pronouncement, their implementation often requires legislative follow-up. This characteristic renders such rulings “non-self-implementing decisions,” requiring amendments or the enactment of new laws to operate effectively (Ali et al., 2015).

In this context, Lawmakers must comprehend that decisions with a positive legislature nuance are imperative sources of law, not optional ones (Huda, 2020). Lawmakers are obligated to align the subject matter of laws with the Constitutional Court’s mandate, regardless of political differences or other logical justifications. The absence of a legal loophole for recourse demands absolute compliance with these final decisions (Hunafa, 2019). Thus, regulatory Constitutional Court decisions have significantly transformed the construction of positive law in Indonesia, becoming binding references in every law formulation process (Lumbuun, 2009).

B. Structural Barriers and the Counter-Majoritarian Difficulty in Implementing Constitutional Court Decisions

The realization of the mandate of Article 10 section (1) letter d of Law Number 12 of 2011 often encounters structural barriers in relationships between state institutions. Although Constitutional Court decisions must, normatively, be followed in lawmaking, state practice reveals a latent tension between the Constitutional Court and Lawmakers. This disharmony manifests in Lawmakers’ non-compliance or resistance in implementing decisions, which directly threatens democratic integrity and the supremacy of the rule of law. Therefore, an in-depth analysis of the roots of this conflict is crucial to formulate institutional solutions capable of resolving the constitutional deadlock that frequently occurs.

Theoretically, this tension can be traced back to the principle of separation of powers. The legislative and executive branches possess a direct democratic mandate from the people to form and execute laws (Waldron, 2013). Conversely, the Constitutional Court, in its judicial review function, has the authority to annul legislative products enacted by the representation of the people's majority if they contravene the constitution (Omara, 2017; Rezah & Sapada, 2023). When the Constitutional Court annuls a law formed by the elected legislature, the Court is often labeled as a counter-majoritarian institution. This unique position places the Constitutional Court in eternal tension between its function as the guardian of the constitution and its position as unelected judges.

This dynamic intensifies when the Constitutional Court shifts its role from a mere negative legislator to an executor of positive legislature. Through this type of decision, the Constitutional Court not only removes norms but also actively modifies and inserts new norms into laws (Nugraha et al., 2020). This phenomenon triggers fierce resistance from Lawmakers, who argue that the authority to form legal norms is the exclusive right of the people's representative institution. Mietzner (2010) emphasizes that decisions taken over the legislative role are prone to triggering a "Court versus Democratic Institutions" conflict, as the Constitutional Court is deemed to have exceeded its authority limits and undermined the principle of popular sovereignty.

Bickel (1986) defines this legitimacy conflict as the "counter-majoritarian difficulty." This difficulty arises when democratically unaccountable judges strike down the will of the majority as expressed in legislative enactments. This legitimacy issue provides political justification for Lawmakers to disobey Constitutional Court decisions. In this perspective, legislative resistance is not merely a violation of the law, but an effort to defend parliamentary supremacy against excessive judicial intervention. This dilemma demands a new balance that neither stifles the democratic process nor violates constitutional boundaries.

A tangible manifestation of the counter-majoritarian difficulty is evident in the polemic surrounding Constitutional Court Decision Number 60/PUU-XXII/2024. The attempt by the House of Representatives to amend Law Number 10 of 2016 with material contrary to the Constitutional Court Decision confirms the existence of a disparity in constitutional interpretation between the two institutions. Although public pressure eventually forced the amendment's cessation, this incident demonstrates how fragile institutional compliance is when confronted with majority political interests. This case serves as a precedent that, without a strong enforcement mechanism, Constitutional Court decisions are vulnerable to being ignored in the name of parliamentary majority aspirations.

A more complex and persistent example of this tension is Constitutional Court Decision Number 91/PUU-XVIII/2020. This positive legislative decision contains four crucial orders that must be obeyed. First, the Constitutional Court declared Law Number 11 of 2020³ conditionally unconstitutional, provided it was rectified within two years. Second, the Constitutional Court ordered Lawmakers to improve the lawmaking procedure within the specified deadline, with the consequence of permanent unconstitutionality if the deadline is not met. Third, the Constitutional Court prohibited the government from adopting strategic policies with broad legal implications. Fourth, the Constitutional Court explicitly banned the issuance of new implementing regulations during the rectification period.

However, the Lawmakers' response reflected open resistance to the decision. The President issued Government Regulation in Lieu of Law Number 2 of 2022, the substance of which did not reflect the rectification ordered by the Constitutional Court, but rather negated the unconstitutionality decision. The House of Representatives subsequently ratified the Regulation in Lieu of Law into Law Number 6 of 2023, so that the norm previously declared formally defective by the Constitutional Court now possesses a new permanent legal guise. This action can be categorized as a form of constitutional evasion that weakens judicial authority.

Consequently, legal dualism arises, confusing the public and business actors. On one hand, Constitutional Court Decision Number 91/PUU-XVIII/2020, which is final and binding, stated that the formation process of Law Number 11 of 2020 was constitutionally defective. On the other hand, the existence of Law Number 6 of 2023, ratified politically, reinforces those norms. This inter-institutional conflict creates serious legal uncertainty, where society is trapped in confusion (perplexed) to determine which norm must be obeyed. This condition ultimately damages the investment climate and undermines public trust in legal certainty in Indonesia.

C. Dialectics of Judicial and Legislative Supremacy: The Urgency of Balance in Lawmaking

In comparative constitutional law studies, two main models define the relationship between legislative and judicial powers. The first model is parliamentary supremacy, rooted in the United Kingdom's Westminster tradition. This model holds that a democratically elected parliament holds the highest sovereignty, with powers limited only by political conventions and cultural assumptions, not by a rigid written constitution (Bevir, 2008). Although this model is designed to maximize popular sovereignty through its representatives,

³Law Number 11 of 2020, as repealed by Law Number 6 of 2023.

it has a fundamental weakness: the potential tyranny of the majority. Without a strong judicial control mechanism, the parliament has absolute latitude to enact laws that may violate human rights, with no other institution capable of legally annulling them.

Conversely, the second model is limited parliamentarism à la the United States, which places the constitution above the parliament. In this paradigm, the court possesses the authority to enforce constitutional supremacy by striking down laws that conflict with the constitution ([Ackerman, 2000](#)). This model effectively prevents legislative abuse of power, yet it also opens the door to judicial supremacy. The greatest risk arises when the court does not merely review norm constitutionality but assumes the legislative role through decisions characterized as positive legislature. This phenomenon creates a paradox where an institution not elected by the people dictates legal norms to the people's representative institution.

[Tushnet \(2003a, 2003b\)](#) classifies both models into the dichotomy of weak-form judicial review and strong-form judicial review. Weak-form review, representing the Westminster model, grants the court the authority to declare a law incompatible with the constitution but not to annul it. The final decision remains in the hands of the parliament, allowing for institutional dialogue but remaining weak in constitutional enforcement ([Tushnet, 2003b](#)). Meanwhile, strong-form review grants the court final authority to annul laws, meaning its decisions cannot be amended by the ordinary legislative body. Consequently, in the strong-form model, legislative legal products possess no absolute immunity and are fully subject to the court's constitutional interpretation ([Tushnet, 2003a](#)).

The Indonesian constitutional system explicitly adopts the strong-form model of judicial review. This is reflected in the Elucidation of Article 10 of Law Number 8 of 2011, which states that Constitutional Court decisions are final and binding, with no available legal recourse. This provision affirms that constitutional judges hold the ultimate veto right over the validity of laws, not the Lawmakers. The adoption of this model places the Constitutional Court in a superior position vis-à-vis Lawmakers regarding constitutional interpretation. However, the logical implication of this design is the high potential for inter-institutional friction, especially when the Constitutional Court applies positive legislature. In this context, the Constitutional Court acts not only as a 'referee' annulling rules but also as a 'player' creating new rules, which naturally triggers resistance from democratic majoritarian institutions ([Omara, 2017](#)).

The application of strong-form review in Indonesia, combined with judicial activism in the form of positive legislature, is frequently accused of exacerbating

the counter-majoritarian difficulty. [Bickel \(1986\)](#) describes this situation as a conflict between judicial and legislative-executive supremacy, in which democratic legitimacy is at stake. The critical question is: Must Indonesia maintain this strong-form model even though it is prone to triggering conflict? The answer is absolutely yes, for the sake of upholding constitutionalism. [Gordon \(2002\)](#) postulates that constitutionalism requires the limitation of government power to prevent authoritarianism. Given Indonesia's history of legal politics, where legislative products often do not align with public interest, the Constitutional Court's strong-form role becomes the last bastion of justice. Statistical data on 2,263 judicial review registrations from 2003 to 2025 provide empirical evidence of high public distrust in the quality of lawmakers' legislation ([MKRI, 2026](#)). Without a strong annulment authority, the principle of checks and balances will be paralyzed, and the state potentially reverts to uncontrolled parliamentary supremacy.

However, maintaining strong-form review does not mean allowing institutional conflict to persist without solutions. The main problem lies not in the Constitutional Court's final authority, but in the absence of clear rules of engagement regarding the limits and mechanisms for exercising it ([Tushnet, 2003b](#)). One of the primary factors triggering tension is the absence of a comprehensive Law on Constitutional Court Procedure. Thus far, the Constitutional Court has often filled procedural legal voids by creating its own regulations, including regarding the expansion of authority into positive legislature. This practice of self-proclaimed authority is precisely what delegitimizes it in the eyes of Lawmakers. Therefore, a new balance must be created not by weakening the Constitutional Court's authority (turning it into weak-form), but by regulating the procedures for exercising that authority through a mutually agreed legal instrument. This consensus on rules of engagement is insufficient if merely attached as a partial amendment to Law Number 24 of 2003⁴; rather, it demands a new comprehensive legal framework to accommodate the increasingly complex burden of authority.

D. Urgency of Independent Codification: Drafting the Constitutional Court Procedure Bill as an Absolute Solution

Although Law Number 24 of 2003 along with its amendments contains formal provisions in Chapter V (Articles 28 to 85), its existence is no longer adequate to accommodate the complexity of modern constitutional judicial practice. Constitutional Court Procedure possesses unique and dynamic characteristics, so it is insufficient to be regulated merely partially as a section or "chapter" of an institutional law. The fact that the Constitutional Court must issue various Constitutional Court Regulations and refer to other procedural laws to

⁴Law Number 24 of 2003, as amended several times, lastly by Law Number 7 of 2020.

fill legal voids proves that the existing regulation in Chapter V of Law Number 24 of 2003 is obsolete. Therefore, the initiative to draft a stand-alone Constitutional Court Procedure Bill (separate bill) is a legal necessity that must be immediately prioritized by Lawmakers in the National Legislation Program.

The urgency of drafting this separate Bill becomes increasingly inevitable when confronted with the positive legislature phenomenon. The practice wherein the Constitutional Court creates new norms is not regulated at all in Chapter V of Law Number 24 of 2003. The absence of a legal framework at the law level, rigidly regulating the limits of positive legislation, has placed the Constitutional Court in a vulnerable position, leaving it open to accusations of abuse of power. Through an independent Constitutional Court Procedure Bill, Lawmakers are expected to establish clear parameters: when and how the Constitutional Court is permitted to exercise negative or positive legislative functions. Thus, judicial activism is no longer based on unfettered discretion but is bound to procedural corridors democratically agreed upon in that specific law.

Separating procedural regulation from institutional law through the drafting of an independent regulation is also crucial to upholding the principle of the separation of powers in its purest form. In an ideal construction, Lawmakers (the House of Representatives and the President) act as the rule-maker, while the Constitutional Court serves as the rule-enforcer. If procedural law is regulated in a separate law discussed in depth by the House of Representatives and the President, then the legitimacy of every Constitutional Court decision—including those with positive legislature nuance—will be significantly strengthened. This dismantles the delegitimization argument that has thus far emerged, as the Constitutional Court is no longer perceived as creating its own procedural rules, but rather as executing a procedural mandate granted by the people through a specific law.

Furthermore, the independent Constitutional Court Procedure Bill must include legal breakthroughs that cannot be accommodated merely by amending Chapter V of Law Number 24 of 2003, namely the post-judgment mechanism. A fatal weakness of the current system is the lack of a coercive mechanism to enforce Constitutional Court decisions. In drafting this separate Bill, it is necessary to regulate the Constitutional Court's authority to establish a "mandatory deadline". This authority grants the Constitutional Court the power to order Lawmakers to amend laws within a specific timeframe, with automatic juridical sanctions if the orders are ignored.

The effectiveness of this stand-alone Constitutional Court Procedure Bill also demands harmonization with the national legislative system, particularly through the amendment of Article 10 section (1) of Law Number 12 of 2011.

Provisions in that Law must be synchronized to explicitly recognize the “deadline” orders resulting from the future Constitutional Court Procedure Law. Integration between material procedural law (in the separate Law) and the administrative law of Lawmaking (in Law Number 12 of 2011) will create a closed-loop compliance system, where “legislative delay” no longer has room to maneuver.

Ultimately, the successful drafting and ratification of the Constitutional Court Procedure Bill as a stand-alone legal entity will transform the face of Indonesia’s state administration. It will end the era of procedural legal pluralism scattered across various instruments (Law Number 24 of 2003, Constitutional Court Regulations, Jurisprudence) and unify them into a solid codification. This is not merely a technical need but a foundation for legal certainty and constitutional justice. With a separate law, the Constitutional Court will retain intact procedural legitimacy to enforce the constitution, without being overshadowed by accusations of exceeding authority limits set by an outdated law.

CONCLUSIONS AND SUGGESTIONS

The paradigm shift of the Constitutional Court from a negative legislator to an executor of positive legislature has brought fundamental implications to the lawmaking process in Indonesia. Although Constitutional Court decisions are normatively final and binding, empirical reality demonstrates structural barriers in the form of resistance from Lawmakers. These barriers are rooted in the counter-majoritarian difficulty, in which the legitimacy of Constitutional Court decisions that establish new norms is often pitted against the legislative authority of the House of Representatives and the President. This condition is exacerbated by the absence of a comprehensive legal framework, as procedural regulation in Chapter V of Law Number 24 of 2003 is obsolete and fails to regulate either the limits or the mechanisms for implementing the positive legislature. Consequently, constitutional compliance is often held hostage by political inertia and procedural legal voids.

To resolve this deadlock, this research recommends that an independent Constitutional Court Procedure Bill (separate bill) be drafted as a national legislative priority. This independent law must rigidly regulate the parameters of legislative authority and the mechanisms for decision execution (post-judgment mechanism). Specifically, Lawmakers need to grant attribution authority to the Constitutional Court to establish a “mandatory deadline” in its verdict, harmonized with the amendment of Article 10 section (1) of Law Number 12 of 2011. These codification and harmonization steps will guarantee legal certainty, restore the balance of authority, and ensure the enforcement of constitutional supremacy without relying solely on public pressure.

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