



RESEARCH ARTICLE

The Authority of Indonesia's Constitutional Court: A Comprehensive Analysis of Its Role in Settling Disputes Among State Institution

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ARTICLE INFO	ABSTRACT
Received: Oct 27, 2024 Accepted: Dec 16, 2024	The development of state institutions in Indonesia, shaped by the amendments to the 1945 Constitution, has significantly increased the potential for disputes among these institutions. In this context, the Constitutional Court is tasked with a critical role in resolving conflicts, as outlined in Articles 24 and 24C of the Constitution. However, the Court faces ongoing challenges related to jurisdictional clarity, public understanding, and political pressures that may influence its decisions. This research aims to analyze the Court's effectiveness and the various legal factors impacting its rulings in authority disputes. Employing a normative juridical approach, this qualitative study examines the Constitutional Court's authority and its effectiveness in adjudicating disputes between state institutions in Indonesia. The Court's jurisdiction is confined to disputes concerning powers explicitly granted by the Constitution. Thus, ensuring clarity regarding which institutions are eligible to participate in these disputes is vital for maintaining legal integrity, operational efficiency, and public trust in the judicial process. Given the current landscape, there is an urgent need for standardized regulations that clearly delineate the authority of state institutions as per the 1945 Constitution. Such regulations are crucial for ensuring legal certainty in disputes brought before the Constitutional Court. Furthermore, revisions to the Constitutional Court Law and PMK 8/2006 are necessary to address existing legal gaps, define eligible parties, and ultimately enhance the Court's effectiveness in maintaining the balance of power among Indonesia's state institutions
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INTRODUCTION

The development of institutions in Indonesia is significantly influenced by the increasing number of state institutions and the expansion of legal frameworks resulting from amendments to the 1945 Constitution (Mikhael, 2022). This situation heightens the potential for disputes between state institutions. Moreover, there has been a paradigm shift from the supremacy of the People's Consultative Assembly (MPR) to the supremacy of the constitution. As a result, the MPR, which previously served as the highest authority capable of resolving disputes between institutions, no longer performs this role. This highlights the necessity of establishing a neutral institution to mediate and resolve such disputes (Wanta et al., 2023).

According to Article 24, paragraph (2) of the 1945 Constitution, as amended for the third time, the

Constitutional Court is recognized as one of the institutions that exercises judicial power. Furthermore, Article 24C, paragraph (1), emphasizes that:

“The Constitutional Court has the authority to adjudicate at the first and final level, with its decisions being final, to test laws against the Constitution, to resolve disputes regarding the authority of state institutions as granted by the 1945 Constitution, to decide on the dissolution of political parties, and to settle disputes concerning the results of general elections.”

This serves as the constitutional basis for the Constitutional Court to conduct reviews, hearings, and issue decisions on disputes regarding the constitutional authority of state institutions as outlined in the 1945 Constitution. Therefore, it is evident that the Constitutional Court holds a highly significant and strategic role. This authority is further solidified by the finality of its decisions, meaning that no further legal remedies can be pursued against them.

The Constitutional Court of Indonesia plays a crucial role in maintaining the balance among state institutions through its authority to resolve disputes regarding the powers of state institutions (Ahmad, 2024), (Sari et al., 2023). This authority is governed by the 1945 Constitution, which mandates the Constitutional Court to adjudicate disputes that arise between state institutions endowed with authority by the Constitution. With this function, the Constitutional Court aims to ensure that each state institution performs its duties within the established limits of authority, thereby preventing conflicts among institutions that could disrupt governmental stability. However, the effectiveness of the Constitutional Court in carrying out this task remains a topic of extensive discussion in various academic studies (Hasani et al., 2022).

In carrying out its duties, the Constitutional Court faces various juridical and practical challenges. Previous studies have shown differing views regarding the effectiveness of the Constitutional Court in resolving disputes over the authority of state institutions. Some studies highlight the lack of clarity in the authority boundaries between state institutions, while others focus more on the juridical obstacles in the dispute resolution process (Sodikin, 2022). Therefore, it is essential to conduct a more comprehensive analysis of the effectiveness of the Constitutional Court in exercising its authority and the juridical factors that influence its decisions (Muda et al., 2023).

In comparison, Constitutional Courts in various countries, including Germany, the United States, South Africa, and South Korea, also hold significant roles in resolving disputes related to the authority of state institutions. In Germany, the Federal Constitutional Court (*Bundesverfassungsgericht*) (Lailam et al., 2023) is tasked with ensuring the constitutionality of laws and addressing conflicts between the federal government and individual states (Dewi et al., 2022), (Avbelj, 2020). A notable example involving the German Federal Constitutional Court (*Bundesverfassungsgericht*; FCC) is the approval granted by the Court of Justice for the European Central Bank (ECB) to selectively purchase Eurozone government bonds on the secondary market through the OMT program. Although the Court of Justice imposed certain restrictions on the ECB's authority by adhering to the proportionality principle, the ruling primarily focused on institutional empowerment (Tridimas & Xanthoulis, 2016).

The United States has the Supreme Court, which serves a similar function but significantly differs in the mechanisms for resolving disputes between institutions. The U.S. Supreme Court has a long history of adjudicating conflicts among the executive, legislative, and judicial branches. One example is the case of *United States v. Nixon* in 1974, where the Supreme Court ruled that President Nixon had to surrender secret tapes to an independent investigator, reaffirming executive power's limits (Isenbergh, 2005).

Despite being a relatively new institution established after the apartheid era, the Constitutional Court of South Africa has played a pivotal role in preserving the nation's constitutional framework. It has emerged as one of the key pillars of the new democracy, shaping South Africa's identity as a

constitutional democracy and upholding the principles for which countless individuals of all races have struggled. Notable cases, such as the Makwanyane ruling on the abolition of the death penalty and the Court's decision on the Ombudsman's report concerning Nkandla (Mathebe, 2021), highlight the Court's unique approach to legal developments in the country. These cases demonstrate the Court's broad jurisdiction and emphasize its ongoing leadership in promoting fundamental human rights, upholding the rule of law, and ensuring democratic accountability.

South Korea, on the other hand, has a Constitutional Court that plays a significant role in maintaining democratic stability after the reforms. One famous case is the impeachment of President Park Geun-hye in 2017 (Heo & Yun, 2018), where the Constitutional Court ruled that President Park had violated the law, leading to her removal from office. This case underscores the firm authority of the Constitutional Court of South Korea in adjudicating disputes between state institutions, especially when constitutional violations by high-ranking officials are involved (Simamora, 2015).

This comparison shows that while each country has different mechanisms for resolving disputes between state institutions, the role of the Constitutional Court or Supreme Court is vital in maintaining the balance among state institutions and preventing constitutional violations. In Indonesia, the Constitutional Court is expected to play a similar role by ensuring that no state institution exceeds the authority mandated by the Constitution (Usman, 2020).

Regarding the resolution of disputes over the authority of state institutions as regulated by the 1945 Constitution, the Constitutional Court has handled 29 cases since 2003 (Konstitusi, 2024). Conflicts between state institutions can negatively impact the development of law in Indonesia, making the Constitutional Court's existence crucial for upholding the rule of law and improving the quality of Indonesia's legal state. Moreover, the relationship between state institutions, particularly between the Constitutional and Supreme Court, can create jurisdictional conflicts in practice (Usman, 2020). Therefore, it is essential to regulate the mechanisms of inter-institutional relationships by legal principles while considering the principles of equality and independence of institutions as outlined in the 1945 Constitution of the Republic of Indonesia (Surya et al., 2024).

However, the main question that needs to be answered is how effectively the Indonesian Constitutional Court has exercised its authority. Has the Constitutional Court been effective in resolving disputes between state institutions? Previous studies show that although the Constitutional Court has resolved several disputes over the authority of state institutions, it still faces various challenges, both in formulating decisions and implementing them in practice. The legal factors influencing the Constitutional Court's rulings need further analysis. Some frequently debated factors include constitutional interpretation, the complexity of relationships between state institutions, and political pressures that may affect the independence of the Constitutional Court. A comprehensive study of these factors will clarify how the Constitutional Court fulfills its role in the judicial context.

This research aims to examine the effectiveness of the Indonesian Constitutional Court in exercising its authority related to resolving disputes between state institutions, analyze the legal factors influencing its rulings, and assess the challenges faced by the Constitutional Court based on previous studies. Through this analysis, a more comprehensive view of the Constitutional Court's role in maintaining the balance between state institutions in Indonesia can be obtained.

RESEARCH METHOD

The research method used in this study is normative juridical with a qualitative approach (Muslim et al., 2023), aiming to deeply analyze the role and authority of the Constitutional Court in resolving disputes between state institutions. This research focuses on the legal norms that regulate the authority of the Constitutional Court and its implementation in practice. Through analyzing legal

documents, legislation, and jurisprudence, this study explores how the Constitutional Court exercises its authority to adjudicate disputes arising between state institutions, such as conflicts between the Supreme Court and other state bodies. The qualitative approach enables the researcher to understand the context and legal dynamics at play and analyze the factors influencing the Constitutional Court's decisions in resolving these disputes. The results of this research are expected to provide a clear picture of the effectiveness of the Constitutional Court in carrying out its authority, as well as the challenges it faces in resolving disputes over authority between state institutions in Indonesia. Thus, this research is expected to contribute to the development of law and improve the quality of legal governance in Indonesia.

RESULTS AND DISCUSSION

Regulation Of State Institution Authority

This subsection details the statistical methods, software used, and the application of analytical tools to quantify and interpret numerical data. It may include techniques such as regression analysis, ANOVA, correlation, or other statistical tests employed for data interpretation.

Regulating state institution authority is a fundamental aspect of the governmental system, particularly within the framework of constitutional law. This authority refers to the rights and responsibilities held by each state institution, which are clearly outlined in the 1945 Constitution. The absence of standardized regulations can create confusion among state institutions regarding the limits of their authority. For instance, if two state institutions claim authority over the same issue, it could lead to conflicts that harm public interests and result in legal uncertainty.

Moreover, state institutions involved in authority disputes at the Constitutional Court must have clear legal standing (Ramdan, 2016). Legal standing refers to the right to bring a case before a court or legal body. Proper regulation on who is entitled to file such disputes is crucial to ensure that only institutions with constitutionally recognized authority are involved (Yarni et al., 2022). This also prevents interference from institutions without legitimate authority, which could disrupt the legal process. Standardized regulations regarding the interpretation of state institution authority are also crucial for promoting transparency and accountability in governance. When authority is regulated, the public can better understand the functions and duties of each state institution. This will increase public trust in these institutions, as people will know that each operates within the established legal framework. Such transparency also helps prevent the abuse of power by institutions that hold authority.

Cases involving disputes over the constitutional authority of state institutions are cases in which the petitioner is a state institution whose authority is granted by the 1945 Constitution of the Republic of Indonesia and has a direct interest in the disputed authority. The Constitutional Court's authority to adjudicate disputes regarding the constitutional authority of state institutions, in addition to reviewing laws against the 1945 Constitution, constitutes a constitutional power established to uphold the provisions contained in the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's powers are defined in Article 24C, paragraph (1) of the 1945 Constitution in conjunction with Article 10 of Law Number 24 of 2003 concerning the Constitutional Court, which are as follows:

Reviewing laws against the Constitution;

Adjudicating disputes concerning the authority of state institutions whose powers are granted by the Constitution;

Ruling on the dissolution of political parties;

Deciding disputes regarding the results of general elections.

Based on Constitutional Court Regulation (PMK) Number 08/PMK/2006 concerning Guidelines for Adjudicating Disputes over the Constitutional Authority of State Institutions, a State Institution is defined as a state body whose authority is granted by the 1945 Constitution. Meanwhile, the constitutional authority of a state institution refers to the powers, rights, and duties/obligations vested in a state institution by the 1945 Constitution. Article 2, paragraph (1) of the PMK states, "The state institutions that may act as petitioners or respondents in disputes concerning the constitutional authority of state institutions are the House of Representatives (DPR), the Regional Representative Council (DPD), the People's Consultative Assembly (MPR), the President, the Audit Board of Indonesia (BPK), Regional Governments (Pemda), and other state institutions whose authority is granted by the 1945 Constitution.

Referring to the Constitutional Court Regulation, state institutions that have legal standing or can act as applicants or respondents in disputes over authority at the Constitutional Court are regulated in Article 2 paragraph (1) letter 'g'. This provision further interprets state institutions other than those explicitly mentioned. These institutions include high state institutions that are equal and independent, such as the President and Vice President, the People's Representative Council (DPR), the Regional Representative Council (DPD), the People's Consultative Assembly (MPR), the Constitutional Court (MK), the Supreme Court (MA), and the Audit Board (BPK). In addition, there are also state institutions and independent commissions that are based on the constitution or have constitutional interests, such as the Judicial Commission (KY), Bank Indonesia (BI) as the central bank, the Indonesian National Armed Forces (TNI), the Indonesian National Police (POLRI), and the General Election Commission (KPU). Although the Attorney General's Office's authority is regulated by law, it plays a crucial constitutional role in enforcing pro-justitia law. Likewise, the Corruption Eradication Commission (KPK), which, although established by law, has constitutional relevance as stipulated in Article 24 paragraph (3) of the 1945 Constitution, and the National Human Rights Commission (KOMNASHAM), which was established by law but also has constitutional interests.

In addition, there are other independent institutions established by law, such as the Financial Transaction Reports and Analysis Center (PPATK), the Business Competition Supervisory Commission (KPPU), and the Indonesian Broadcasting Commission (KPI). Under the executive branch of government, there are other institutions and commissions such as the Indonesian Medical Council (KKI), the National Education Commission, the National Defense Council, the National Resilience Institute (Lemhannas), the Indonesian Institute of Sciences (LIPI), the Agency for the Assessment and Application of Technology (BPPT), the National Land Agency (BPN), the State Civil Service Agency (BKN), the State Administration Institute (LAN), and the National Information Institute (LIN). Other executive institutions include Ministers and State Ministries, the Presidential Advisory Council, the National Law Commission (KHN), the National Ombudsman Commission (KON), the National Police Commission, and the Prosecutor's Commission.

In addition to these institutions, there are also state-owned institutions, corporations, and legal entities or those formed for the public interest, such as the National News Agency ANTARA, the Indonesian Chamber of Commerce and Industry (KADIN), the Indonesian National Sports Committee (KONI), state universities, state-owned hospitals, the Indonesian Civil Service Corps (KORPRI), the Indonesian Notary Association (INI), and the Indonesian Advocates Association (Peradi). These entities show that the scope of institutions involved in disputes over authority at the Constitutional Court is not only limited to institutions explicitly mentioned in the 1945 Constitution but also includes institutions with significant constitutional interests.

The resolution of disputes over the constitutional authority of state institutions falls under the jurisdiction of the Constitutional Court. Law No. 24 of 2003 on the Constitutional Court only briefly regulates the procedural aspects for handling cases at the Constitutional Court. Therefore, procedural

rules regarding the resolution of disputes over the constitutional authority of state institutions are further regulated in Constitutional Court Regulation Number 08/PMK/2006 concerning Guidelines for Adjudicating Disputes Over Constitutional Authority of State Institutions.(Eddyono, 2019)

The Authority Of The Constitutional Court In Dispute

The Constitutional Court is crucial in resolving authority disputes between state institutions. As an institution tasked with upholding the constitution, the Constitutional Court ensures that every state institution exercises its authority per the provisions set forth in the 1945 Constitution(Siahaan, 2009). However, to effectively carry out this responsibility, the Constitutional Court needs to understand which institutions are eligible to file disputes. Therefore, only state institutions whose authority is explicitly regulated by the 1945 Constitution should be permitted to act as petitioners or respondents in disputes brought before the Constitutional Court. This limitation is vital to maintain the integrity and efficiency of the legal process within the Constitutional Court. Allowing institutions with such authority to file disputes would create certainty and burden the judicial system(Patra, 2022). Furthermore, it could also lead to public doubt regarding the legitimacy of the decisions made by the Constitutional Court. Thus, clarifying state institutions' authority in disputes before the Constitutional Court is a legal matter and has implications for public trust in legal institutions.

The Constitutional Court's authority, limited to state institutions regulated by the 1945 Constitution, underscores the importance of cooperation between state institutions. In many cases, resolving disputes requires dialogue and negotiation between institutions to achieve a mutual understanding. Therefore, this limitation acts as a boundary and encourages state institutions to collaborate and seek joint solutions. Such cooperation is expected to result in better outcomes for all parties involved and for society as a whole.

The essence of the Constitutional Court's authority to adjudicate disputes over state institutions' powers within the balance of state authority serves as a judicial check on how state institutions exercise power. This is achieved by aligning the authority exercised by state institutions with the proportion or scope of power regulated by the 1945 Constitution. Based on legal considerations in Decision No. 004/SKLN-IV/2006, the Constitutional Court emphasized the importance of reviewing the authority stipulated in the Constitution before determining which institution holds that authority(Triningsih & Mardiya, 2018). This process is known as *objectum litis*(Triningsih & Mardiya, 2017), meaning the primary focus is on the specific authority granted by the Constitution. Once that authority is identified, the institution that receives such jurisdiction, referred to as the *subjectum litis* it is, is then examined. Therefore, not every dispute between state institutions can be brought before the Constitutional Court—only those disputes involving authority directly regulated by the Constitution.

In addition, the phrase "dispute over the authority of state institutions whose powers are granted by the Constitution" emphasizes that the Constitutional Court's jurisdiction is strictly limited to handling disputes involving powers explicitly regulated by the 1945 Constitution. Disputes from authority granted through ordinary laws or other regulations do not fall within the Constitutional Court's jurisdiction. This highlights the importance of clarity regarding the source of a state institution's authority, as only authority directly derived from the Constitution can serve as the basis for initiating a dispute before the Constitutional Court.

In Decision No. 004/SKLN-IV/2006, the Constitutional Court used a textual approach to interpreting the Constitution and broadened its interpretation by considering the possibility of implicit authority. Implicit authority refers to powers not explicitly mentioned in the Constitution but implied from the principal authority granted to certain state institutions. In other words, beyond the powers expressly stated, additional powers are logically necessary to execute the primary authority established by the Constitution. This interpretation extension ensures that state institutions can thoroughly perform

their duties as intended by the Constitution, even when certain functions are not expressly outlined. Recognizing both explicit and implicit powers helps maintain a functional balance in the distribution of authority among state institutions.

The Constitutional Court also elaborated on the concept of *necessary and proper*, which refers to the powers required to ensure the execution of principal authorities (Eddyono, 2016). These additional powers are often derived from laws enacted to clarify or supplement the authorities regulated by the Constitution. Consequently, the Constitutional Court, in practice, serves as an interpreter of the constitutional text and as a guardian of the functions of state institutions. This role ensures that implicit and supplementary powers function harmoniously with the principal authorities established by the Constitution.

Based on previous studies, the Constitutional Court's effectiveness in exercising its authority is evident in its ability to resolve various disputes involving state institutions. The Constitutional Court operates under a clear legal foundation, specifically Article 24C of the 1945 Constitution, which grants the authority to adjudicate disputes between state institutions at the first and final instance. However, this effectiveness must be examined more deeply by considering how the Constitutional Court confronts challenges in maintaining its independence, ensuring fair rulings, and avoiding political interference in its decision-making process. If managed well, these challenges could uphold the Court's role as an impartial institution, crucial in upholding the rule of law and maintaining public trust. Therefore, safeguarding the Court's independence and ensuring that its rulings are free from external pressures is as important as resolving the disputes themselves.

Studies conducted in Indonesia indicate that the Constitutional Court has yet to fully succeed in various issues affecting its effectiveness. Juridical factors, such as the interpretation of the Constitution and related regulations, often become sources of debate among legal scholars. The Constitutional Court is expected to provide consistent rulings, particularly in institutional authority disputes. Compared to other countries, such as Germany and South Korea, the Constitutional Court in Indonesia faces more significant challenges in maintaining its independence, mainly due to considerable political pressure in some instances.

In contrast, the Federal Constitutional Court of Germany is recognized as a highly influential institution in resolving authority disputes among state institutions (Aung, 2022). This effectiveness is closely linked to enforcing the principle of constitutional supremacy, which is held in high regard. This principle positions the Constitution as the highest law that must be adhered to by all state institutions, making the decisions of the German Constitutional Court highly respected and binding (Slinko, 2022). Moreover, the independence of the Federal Constitutional Court of Germany from political influence is a crucial factor that ensures justice in its rulings. This institution maintains its distance from domestic political dynamics, ensuring that every decision is based solely on the Constitution rather than specific political interests (Trifonov, 2020).

On the other hand, the Constitutional Court of South Korea plays a significant role in resolving disputes regarding institutional authority (Nurwulantari & Erliyana, 2021). The South Korean Constitutional Court exhibits characteristics different from Germany's in its response to domestic political dynamics. In South Korea, ongoing political developments often influence the Court's decisions, particularly in cases involving the executive and legislative branches (Chakim, 2020). Nevertheless, the Constitutional Court of South Korea is still regarded as essential in maintaining the balance of power among state entities. This institution actively upholds constitutional supremacy and ensures that every action taken by state institutions complies with constitutional provisions (Yang, 1998).

South Africa also has a Constitutional Court that is vital in resolving disputes among state institutions. Following the end of the apartheid regime, the South African Constitutional Court was established

with the primary goal of upholding a new constitution based on the principles of democracy and justice (VAN STADEN, 2022). The South African Constitutional Court is renowned for its progressive rulings, particularly in addressing conflicts among state institutions, including issues of overlapping authority among the executive, legislative, and judicial branches. This Court maintains its independence rigorously and frequently issues corrective rulings against the abuse of power by state entities (Nkoane, 2022).

In the United States, the role of the Supreme Court as an institution that resolves authority disputes among state entities is equally significant. The Supreme Court of the United States has the authority to interpret the Constitution and to determine whether an action taken by a state institution is unconstitutional (Gibson & Nelson, 2014). One of the most famous examples is the case of "Marbury v. Madison," (García Mansilla, 2020) in which the Supreme Court established the principle of judicial review, granting the Court the power to nullify executive and legislative actions deemed unconstitutional (Santos & De Oliveira, 2018). The Supreme Court of the United States consistently plays a crucial role in maintaining the system of checks and balances to prevent the abuse of power by state institutions.

From this comparative study, the Indonesian government can learn several lessons. There is a need to strengthen legal mechanisms that support the independence of the Constitutional Court in resolving authority disputes. Additionally, it is crucial to ensure that the decisions of the Constitutional Court are final and binding and that they are adhered to by all parties involved. Lessons from countries such as Germany and South Korea also highlight the importance of safeguarding the credibility of constitutional courts through stricter oversight and protection from political interference, enabling the Indonesian Constitutional Court to become more effective in carrying out its roles and authority.

The rulings issued by the Constitutional Court are influenced by several juridical factors that directly relate to legal principles and the Constitution. The first juridical factor is the provisions of the 1945 Constitution, which serves as the primary foundation for every ruling. The Court must adhere to the requirements outlined in the Constitution and apply these principles when resolving disputes. Other juridical factors influencing decisions include organic laws, such as laws governing the duties and powers of state institutions. The Court's interpretation of these laws is critical, as the decisions must be based on solid legal grounds.

To determine the authorities that are derivatives of the 1945 Constitution, it is essential to understand the concept of the delegation of powers. The delegation of power can be classified into two types: attributive powers and derivative powers. Attributive power originates from constitutional acts that create new authority which previously did not exist. Thus, this process involves structural changes and the formation of legitimacy within a broader legal framework. Attributive power has a unique characteristic, as it refers to a formative process that complies with legislative provisions, serving as a legitimate basis for creating new institutions or legal entities. The attributive acquisition of authority has significant implications for forming new powers. This illustrates that creating state institutions or legal entities through attributive power does not stem from existing authority but through a planned and legally sound process. In the context of the 1945 Constitution, state institutions such as the House of Representatives (DPR), the Regional Representative Council (DPD), and the Supreme Court (MA) are clear examples of attributive power acquisition. These institutions were formed based on constitutional provisions that provide legal grounds and legitimacy. This process signifies that within Indonesia's legal system, every creation of new institutions must adhere to established legal provisions, thereby creating a healthy system of checks and balances within governance.

The characteristics of power attribution are crucial to identify, as they determine the legitimacy of every institution or body established. As explained, the attribution of power must involve an

institution established under legislation, commonly called an authorized organ. These bodies are responsible for performing specific functions within the governmental framework. This process must follow transparent and accountable procedures to ensure that the powers granted do not violate democratic principles and human rights. Therefore, understanding these characteristics is essential for legal practitioners and scholars in analyzing the strengths and limitations of existing state institutions.

On the other hand, derivative power functions as a reinforcement of existing authority. In this case, derivative power refers to the distribution of authority from higher institutions to lower ones. For example, the power granted to regional governments by the central government through decentralization is a clear example of derivative authority. This allows greater regional autonomy in governing and managing local government affairs according to the community's needs. However, derivative power remains within the legal framework established by the 1945 Constitution and applicable laws, thus preserving the integrity and consistency of the governmental system.

Overall, understanding the acquisition of both attributive and derivative powers has significant implications for governance. Institutions formed through attribution provide momentum for reforms towards more responsive and inclusive governance in an increasingly complex global context. The success of establishing legitimate new authority is independent of legislation but also on public participation and support. This demands continuous evaluation of the existing system to ensure that delegated powers remain aligned with the people's aspirations and national development goals.

State institutions whose authority is governed and granted by the 1945 Constitution should be able to become parties in disputes handled by the Constitutional Court. Therefore, it is essential to clarify the boundaries of state institutions that can file cases so that the dispute resolution process in the Constitutional Court can run more efficiently and transparently. This also includes the need for revisions to the Constitutional Court Regulations (PMK), particularly those related to disputes over the authority of state institutions. Such revisions should clarify the provisions regarding which state institutions can serve as petitioners or respondents in these cases. Additionally, there are shortcomings in the current regulations, where the Constitutional Court Law and the Constitutional Court Regulations 8/2006 have yet to regulate the possibility of related parties in authority disputes specifically. This creates a legal gap that could lead to uncertainty in dispute resolution. To address this, revisions to the Constitutional Court Regulations 8/2006 must include relevant provisions regarding related parties in authority disputes. The Constitutional Court is expected to carry out its duties more effectively and fairly with precise regulations.

Legal Challenges Faced By The Constitutional Court

The Constitutional Court faces various legal challenges that may hinder its effectiveness in resolving authority disputes between state institutions. One significant issue arises from Article 65 of Law No. 24 of 2003, which prohibits the Supreme Court (MA) from being a party in such disputes. This provision creates several problems, including limited access to relevant legal information and documents from the Supreme Court. In this context, the prohibition is considered illogical and discriminatory because the Supreme Court, the highest judicial institution (Sukmariningsih et al., 2024), plays a crucial role in providing legal perspectives and analyses that could assist the Constitutional Court in its decision-making process.

The restriction on the Supreme Court's participation in disputes can also reduce the efficiency of dispute resolution in the Constitutional Court. By limiting the Supreme Court's role, the Constitutional Court is forced to rely on information and documents from other parties, who may not have the same understanding of the existing legal context. This could prolong the dispute resolution process and increase case complexity, as the Constitutional Court would need to conduct further research to obtain the necessary information. Moreover, this ambiguity can lead to legal uncertainty

for the parties involved in the dispute.

Another challenge the Constitutional Court faces is the absence of a clear definition of what constitutes a state institution. This lack of clarity can lead to various legal interpretations that are confusing within the legal framework. In practice, many institutions claim to be state institutions without clear limitations. This situation may result in these entities filing disputes before the Constitutional Court, even though the 1945 Constitution does not regulate their authority. Therefore, it is crucial to establish a clear and precise definition of state institutions in the Indonesian legal context to reduce confusion and legal uncertainty.

The Constitutional Court also faces challenges in formulating more technical and detailed procedural laws for resolving authority disputes between state institutions. Without clear guidelines on the legal procedures to be followed, the Constitutional Court may struggle to handle various cases effectively. This includes the procedures for presenting evidence, calling witnesses, and managing court timelines. Unclear procedural laws could result in injustice for the parties involved, as they may not receive equal treatment throughout the legal process.

One of the main challenges the Constitutional Court encounters in resolving authority disputes between state institutions is maintaining its independence from political pressure. The Court often handles cases involving the executive and legislative branches, or sometimes both simultaneously. In such situations, the Court must act neutrally and remain unaffected by any particular political interests. Additionally, the complexity of authority disputes adds to the Court's challenges. Many cases require complex interpretations of the powers conferred by the Constitution, requiring the Court to ensure that its rulings are fair and consistent with constitutional principles.

One of the legal factors that often becomes a subject of debate is the role of the Court in interpreting the Constitution. The Indonesian Constitutional Court has the authority to interpret the Constitution, but this process is not always straightforward, as multiple interpretations can be made regarding specific provisions in the 1945 Constitution. In many cases, the Court must contend with ambiguous or overlapping provisions between different state institutions, which ultimately requires a careful approach to interpret the original intent of the Constitution's framers. As a result, the decisions made by the Court often attract criticism or even rejection from certain parties who feel aggrieved.

Another challenge the Constitutional Court faces is the public's limited understanding of its role and authority. The Court is often perceived merely as a judicial body tasked with reviewing laws against the Constitution, whereas its role is far broader, including resolving authority disputes between state institutions. This lack of understanding can shape public perceptions of the Court's rulings. Hence, there is a need for more intensive public education regarding the strategic role of the Constitutional Court in maintaining the balance of power among state institutions in Indonesia.

Furthermore, coordination between state institutions challenges the Constitutional Court in its duties. Several authority disputes between state institutions involve differing interpretations regarding the boundaries of each institution's authority. This situation arises due to the absence of clear guidelines on the division of authority among these institutions. Consequently, the Court often has to intervene to resolve these disputes, although ideally, better coordination between state institutions could reduce the frequency of such conflicts.

Legal Challenges Faced By The Constitutional Court

Several solutions can be proposed to strengthen the Constitutional Court's future position (MK). First, legislation governing the distribution of authority among state institutions must be revised. Clearer regulations will help minimize authority disputes. Second, the Constitutional Court's independence must be preserved by preventing political influence in its decisions. This can be

achieved by reinforcing the selection mechanism for Constitutional Court judges to ensure they are truly independent and professional.

Improving human resource (HR) quality within the Constitutional Court is crucial for addressing the increasingly complex demands of dispute resolution in the future. Over the past few decades, the dynamics of law and constitutional issues have changed significantly, in line with society's social, political, and economic developments. The Constitutional Court is expected to interpret laws accurately and somewhat amid new emerging issues, such as human rights, corruption, and good governance. Therefore, the Court must possess competent and continuously updated HR to manage these constitutional challenges effectively.

On the other hand, one often overlooked aspect of enhancing the Constitutional Court's role is public outreach. The public needs a better understanding of the Court's function and role in upholding the Constitution. Limited public awareness of the Court's mechanisms and authority can reduce active participation in constitutional legal processes. By increasing outreach and public education activities, the Constitutional Court can encourage the public to understand their constitutional rights better and the Court's role in enforcing law and justice. Not only should outreach be extended to the general public, but it must also be broadened to state institutions. Many state institutions may need to fully understand the role of the Constitutional Court in Indonesia's constitutional system. Inadequate understanding of the Court's authority can negatively impact inter-institutional cooperation in resolving disputes involving constitutional matters. By providing state institutions a more profound sense, the Constitutional Court can strengthen its strategic position in upholding the Constitution and ensuring that all relevant parties support its decisions.

Disputes between state institutions often involve conflicting interests, making the potential for pressure on the Constitutional Court very high. In such situations, the Court's independence is put to the test. Political pressure may come from the legislative or executive branches or specific interest groups attempting to influence the Court's decisions. Some Constitutional Court justices have expressed concerns that their rulings could affect political stability or government policies. This creates an ethical dilemma for judges, where they must safeguard their integrity while also considering the broader political impact of their decisions.

Internal mechanisms are strictly enforced to address potential conflicts of interest. The Constitutional Court requires judges to disclose any relationships that could affect their impartiality in resolving inter-institutional disputes. This aims to foster a transparent environment and minimize the risk of bias in decision-making. However, challenges in implementing these mechanisms still need to be addressed. Some judges may be reluctant to disclose relevant relationships due to discomfort or pressure from certain parties. Therefore, the Constitutional Court must strengthen oversight and enforce the code of ethics among judges, ensuring that potential conflicts of interest are minimized.

Internal communication within the Constitutional Court is also crucial in resolving inter-institutional disputes. Adequate information flow within the judiciary enables justices to understand the issues at stake in each case comprehensively. Clear communication can reduce misunderstandings among judges regarding the arguments presented by different state institutions, ultimately positively impacting the quality of the decisions. On the other hand, communication barriers may lead to less informed decisions, which could undermine the Constitutional Court's reputation as a fair and independent institution.

The development of technology and social media also has the potential to influence how the Constitutional Court operates in resolving inter-institutional disputes. By utilizing information technology, the Constitutional Court can enhance transparency and accessibility to legal processes while providing more accurate information to the public about the rulings made. In this context, the Constitutional Court can leverage digital platforms to explain the legal basis for each decision,

allowing the public and other state institutions to understand the rationale behind the rulings better. Integrating technology into communication processes is expected to build public trust in the Court's independence and integrity as it fulfils its role in resolving inter-institutional disputes.

CONCLUSION

It is mandatory to have conclusions in your paper. This section should include the main conclusions of the research and a comprehensible explanation of their significance and relevance. The limitations of the work and future research directions may also be mentioned. Please do not make another abstract.

Based on the analysis of factors influencing Constitutional Court decisions in disputes over authority between state institutions, there is an urgent need for more standardized regulations concerning the interpretation of the authority of state institutions as granted by the 1945 Constitution. This regulation aims to provide legal certainty regarding which state institutions possess legal standing in disputes before the Constitutional Court (MK). Only state institutions whose authority is explicitly regulated by the 1945 Constitution should be eligible to become parties in such disputes. Clarifying these limitations within the Constitutional Court Regulations (PMK) is crucial. Moreover, revisions to the Constitutional Court Law and PMK 8/2006 are necessary to address the possibility of related parties being involved in authority disputes and prevent legal gaps that could lead to uncertainty.

The challenges faced by the MK, such as the prohibition against the Supreme Court (MA) becoming a party in authority disputes and the ambiguity surrounding the definition of state institutions, indicate the need for fundamental improvements to the existing regulations. Article 65 of Law No. 24/2003, which prohibits the MA from being a party, should be repealed to uphold the principles of justice. Additionally, the MK should provide more detailed procedural rules to resolve disputes between state institutions more effectively. Consequently, it is recommended that the government and relevant stakeholders take immediate steps to revise these regulations to enhance the MK's effectiveness in maintaining the balance between state institutions in Indonesia while also strengthening the legal system and increasing public trust in them.

AUTHOR CONTRIBUTIONS STATEMENT

Benny Bambang Irawan and Mahmuda Pancawisma Febriharini were responsible for conceptualizing the study, designing the methodology, and drafting the initial manuscript. Benny Bambang Irawan and Retno Mawarini Sukmariningsih contributed to data collection, data analysis, and manuscript editing. Retno Mawarini Sukmariningsih and Ontran Sumantri Riyanto provided supervision, conducted critical reviews, and approved the final manuscript for submission. All authors have read and approved the final manuscript.

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Data Availability Statement

The data supporting the findings of this study are not publicly available due to ethical and privacy concerns. However, anonymized data may be made available upon reasonable request to the corresponding author, provided that the request complies with ethical approval and applicable

privacy regulations.

Disclosure of Interest

The authors declare that they have no competing interests or conflicts of interest to disclose in relation to this work.

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