

HYBRID MULTI-LEVEL CONSTITUTIONAL COMPLAINT: REFORMING CONSTITUTIONAL RIGHTS PROTECTION IN INDONESIA

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Abstract

The absence of a direct constitutional complaint mechanism in Indonesia means that individuals still lack a legal means to contest violations of basic rights beyond the scope of judicial review. This study examines three main issues: the factors causing the absence of a constitutional complaint mechanism in Indonesia, a comparison of the objects and mechanisms of constitutional complaints in Germany, South Korea, and Spain, and the implementation of the Hybrid Multi-Level Constitutional Complaint in Indonesia. This study proposes an alternative model that aims to resolve constitutional rights disputes before this mechanism is officially regulated in the 1945 Constitution of the Republic of Indonesia.

Keywords: Constitutional Complaint; Constitutional Rights; Hybrid Multi-level Model; Indonesian Constitutional Court; Judicial Reform

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I. INTRODUCTION

1.1. Background

The protection of citizens' constitutional rights is a fundamental pillar for the upholding of a democratic rule of law. The Constitution as the supreme law not only contains the blueprint of state organization but also guarantees a set of rights and freedoms inherent to every individual. However, such normative guarantees would be meaningless if not accompanied by effective enforcement mechanisms. One mechanism that is widely recognized in various constitutional democracies¹ is the constitutional complaint. This mechanism provides direct access for citizens to lodge complaints regarding violations of their constitutional rights to the constitutional court.²

On the other hand, the only ideal way to implement the Constitutional Complaint mechanism in the Constitutional Court is through an amendment by adding this authority. The problem is that constitutional amendments are a highly dynamic political mechanism, making it difficult to achieve. Even if the amendment is carried out, debates on the technicalities, mechanisms, and concepts of the constitutional complaint will still remain a long discourse to be implemented without causing other new issues.

In fact, in Indonesia, the discourse on constitutional complaints has been ongoing for quite some time, but this mechanism has not yet been formally adopted into the legal system. The absence of this legal avenue reflects a limitation in the constitutional rights protection system, particularly due to the lack of a direct constitutional complaint mechanism against concrete acts or judicial constitutional complaints (the review of judicial decisions or legal proceedings that violate constitutional rights), Regulatory Constitutional Complaints (*Beleidsregel*) (the review of state instruments outside of regulations, such as presidential instructions, circular letters, and regulations below the law that violate the constitution), and Constitutional Omission (the neglect of constitutional duties,

¹ Hikam Hulwanullah, "Indonesian Constitutional Policies to Overcome Climate Crisis from Ecological Democracy Perspectives," *E3S Web of Conferences* 673 (2025): 02017, 2-4.

² Jackson, "Constitutional Law in an Age of Proportionality," 3094-3196.

such as the failure to create laws that the DPR RI is supposed to pass to protect fundamental rights, which remain unimplemented, as well as decisions by the Constitutional Court that have not been fully implemented). Consequently, individuals frequently encounter obstacles when seeking adequate legal recourse after their constitutional rights, enshrined in the 1945 Constitution, are violated by governmental measures, whether in the form of legislation or specific policy implementations. This situation places individuals in a vulnerable position and, in practice, weakens the supremacy of the Constitution as the primary guardian of human rights.³

The absence of a constitutional complaint mechanism is becoming increasingly problematic in the face of more complex constitutional challenges.⁴ Violations of constitutional rights no longer arise solely from general laws, but also from state instruments beyond regulations and basic legal frameworks, court decisions, and judicial processes that fail to uphold due process of law, as well as from the state's failure to fulfill its constitutional obligations situations that are not adequately addressed within the existing legal framework (Constitutional Omission).⁵ In this context, there is a growing need for a legal breakthrough that can offer more comprehensive and accessible protection of citizens' rights. This paper explores the factors contributing to the absence of a constitutional complaint mechanism in Indonesia, draws lessons from the experiences of Germany, South Korea, and Spain, and proposes an alternative model to address the gap in constitutional complaint authority before it is formally incorporated into the constitution.⁶

In this study, "Hybrid" refers to the integration of two or more different elements, methods, or approaches into a new unified system. In the context of this study, it means not relying solely on a pure constitutional complaint model at the Constitutional Court, but rather combining various approaches

³ Refly Harun, "Memangkas Mahkamah Konstitusi [Trimming the Constitutional Court]," *Harian Media Indonesia*, April 17, 2004, quoted in Gugun El Guyanie, "Urgensi Pengujian Constitutional Complaint oleh Mahkamah Konstitusi Republik Indonesia [The Urgency of Constitutional Complaint Review by the Constitutional Court of the Republic of Indonesia]," *In Right: Jurnal Agama dan Hak Azazi Manusia* 3, no. 1 (2013): 184.

⁴ Hulwanullah, "Konstruksi Constitutional Complaint [Construction of Constitutional Complaint]"

⁵ Seyla Benhabib, "Dialogic Constitutionalism and Judicial Review," *Global Constitutionalism* 9 (2020): 506–14.

⁶ Standy Wico et al., "Constitutional Complaint in Indonesia Through the Lens of Legal Certainty," *Indonesian Journal of Law and Society* 2, no. 1 (2021): 57.

(for example, combining judicial oversight through the Judicial Commission with the expanded authority of the Administrative Court, Human Rights Court, and others). Meanwhile, “Multi-Level” indicates that the process or resolution of constitutional rights violations does not only occur at one level or one institution in the Constitutional Court, but involves multiple levels (for instance, from oversight institutions/ombudsman to the judiciary). This concept represents a filtering method to address constitutional rights protection issues at the Constitutional Court as a curative method, once individuals have exhausted all other avenues for fulfilling their constitutional rights, provided the Constitutional Court has the authority through constitutional amendment. With this design, the model aims to strengthen the protection of citizens’ rights while maintaining judicial balance and helping to manage the Constitutional Court’s caseload before the establishment of a constitutional complaint mechanism at the Constitutional Court. This approach directly addresses the limitations of Indonesia’s existing remedial framework, which does not yet provide a direct constitutional avenue to address violations arising from concrete acts or judicial decisions. As a consequence, individuals are often forced to rely on fragmented mechanisms that are not specifically tailored to address constitutional grievances. In this context, the proposed model offers a more cohesive approach by integrating the review of legal norms with concrete state actions, while incorporating procedural safeguards to preserve institutional balance.

1.2. Research Questions

This paper raises three main questions: First, what factors have caused the absence of a constitutional complaint mechanism in the Indonesian legal system thus far? Second, how can the implementation of constitutional complaints in several countries provide lessons for designing the objects of constitutional complaints and an alternative mechanism beyond the Indonesian Constitutional Court? And how can the concept and normative design of the hybrid multi-level constitutional complaint model be formulated as an alternative system?

1.3. Research Method

This study employs a normative legal research method to address the three research questions in a structured manner.⁷ The statute approach is used to answer the first research question by examining Indonesia's existing legal framework, particularly the 1945 Constitution, the Constitution of Germany, the Constitution of South Korea, the Constitution of Spain, the Constitutional Court Law, the Judicial Power Law, the Administrative Court Law (UU PTUN), the Human Rights Court Law, and other relevant regulations. The objective is to uncover the underlying normative constraints that contribute to the absence of a constitutional complaint mechanism. This approach allows the study to evaluate the effectiveness of existing legal frameworks in safeguarding constitutional rights, while also identifying the significant gaps that persist in the system.⁸

The conceptual framework plays a crucial role in addressing the second research question by offering a theoretical rationale for the establishment of a constitutional complaint mechanism. By drawing upon foundational principles such as the rule of law, constitutional supremacy, and the protection of fundamental rights, this approach provides a solid normative foundation for understanding the necessity of such a mechanism within Indonesia's constitutional framework.⁹

The comparative approach is pivotal in tackling the third research question and in crafting the proposed model. Rather than merely providing a descriptive comparison, this study delves into the experiences of Germany, South Korea, and Spain, identifying key elements of institutional design such as admissibility criteria, filtering mechanisms, and the scope of review that can be tailored to fit Indonesia's context. These insights are then selectively incorporated and adapted into the development of the Hybrid Multi-Level Constitutional Complaint Model. Through this process, comparative analysis becomes a bridge that connects

⁷ Depri Liber Sonata, "Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum [Normative and Empirical Legal Research Methods: Distinctive Characteristics of Methods for Researching Law]," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (2015).

⁸ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi [Legal Research, Revised Edition]* (Jakarta: Kencana, 2017), 135–36.

⁹ Abdul Hakim Siagian, "Constitutional Complaint as Strengthening Constitutionalism in Indonesia," *Randwick International of Social Science Journal* 1, no. 3 (2020): 486–98.

theoretical arguments with practical institutional design, offering a well- rounded perspective on how to implement such a mechanism effectively.¹⁰

II. RESULTS & DISCUSSION

2.1. Factors Underlying the Absence of a Constitutional Complaint Mechanism in Indonesia's Legal System

The lack of a constitutional complaint mechanism in Indonesia's legal system does not stem from mere chance but arises from a combination of interconnected factors. Recognizing these underlying causes is essential before developing a viable alternative model. Broadly speaking, the barriers to implementing such a mechanism fall into three main groups: legal considerations, institutional challenges, and political dynamics.¹¹ Together, these elements form a systemic obstacle that is hard to overcome without strong political commitment and deep legal reforms. A detailed examination of each factor will help clarify the nature of the challenges involved.¹²

From a legal standpoint, the constitutional framework governing the authority of the Constitutional Court under the 1945 Constitution presents a significant barrier. Article 24C paragraph (1) clearly lists four powers and one duty of the Court in an exhaustive manner, without providing any mandate for the Court to directly hear constitutional complaints submitted by individual citizens. While certain progressive readings have tried to expand the scope of judicial review, the dominant interpretation continues to adhere closely to the text and remains narrow in application. Furthermore, there is no specific organic law that regulates this particular mechanism, which means individuals lack a direct constitutional avenue to contest rights violations resulting from specific actions or court rulings. Institutional considerations also carry considerable weight, especially concerning the preparedness of the Constitutional Court and other judicial institutions.

¹⁰ Marzuki, *Penelitian Hukum Edisi Revisi [Legal Research, Revised Edition]*, 12.

¹¹ Pan Mohamad Faiz, "A Prospect and Challenges for Adopting Constitutional Complaint and Constitutional Question in the Indonesian Constitutional Court," *Constitutional Review* 2, no. 1 (2016): 103–28.

¹² Simon Butt and Tim Lindsey, "Indonesian Laws and Lawmaking," in *Indonesian Law* (Oxford: Oxford University Press, 2018), 34–60.

Worries about a possible flood of cases, or what is often described as judicial overload, frequently surface as grounds for resistance, since such an increase is seen as a threat to the Court's core responsibilities.¹³

From a political perspective, opposition to broadening citizens' access to the Constitutional Court frequently comes from state institutions like the government and the House of Representatives. Introducing a constitutional complaint mechanism might strengthen judicial oversight of government policies and actions, which could be seen as limiting the autonomy of the executive and legislative branches.¹⁴ Short-term political interests are frequently prioritized over the long-term strengthening of constitutional rights protection. The lack of strong and organized pressure from civil society also contributes to why this agenda has not yet become a priority in national legal reform. The combination of these three factors has left the idea of a constitutional complaint largely confined to academic discourse, without advancing into a concrete policy agenda.¹⁵

Understanding these inhibiting factors is essential for designing an effective advocacy strategy. Efforts to introduce a constitutional complaint cannot be limited solely to amending legal texts. A holistic approach is required, one that also addresses institutional capacity-building and the development of political consensus among stakeholders. Without simultaneously overcoming the root problems at the juridical, institutional, and political levels, any proposed model will be difficult to implement and risks becoming a mere paper tiger without enforceability.¹⁶ Accordingly, the analysis in this subsection serves as a foundation for the subsequent discussion on the design of alternative models and their implementation strategies.¹⁷

¹³ Juwai Riyah, "Position and Authority of the Constitutional Court as a State Institution," *JUSTICES: Journal of Law* 3, no. 2 (2024): 76–85.

¹⁴ Aziz Z. Huq and Tom Ginsburg, *How to Save a Constitutional Democracy* (Chicago: University of Chicago Press, 2018).

¹⁵ Wico et al., "Constitutional Complaint in Indonesia," 57.

¹⁶ David S. Law and Mila Versteeg, "Is the Influence of the U.S. Constitution Declining?," in *Modern Constitutions* (Chicago: University of Chicago Press, 2020), 17–63.

¹⁷ Christine Bell, "Introduction: Bargaining on Constitutions—Political Settlements and Constitutional State-Building," *Global Constitutionalism* 6 (2017): 13–32.

2.1.1. Legal Factors

Juridical factors constitute a fundamental obstacle to the implementation of a constitutional complaint in Indonesia. The root of the problem lies in the formulation of the Constitutional Court's authority under the 1945 Constitution.¹⁸ Article 24C paragraph (1) explicitly and exhaustively stipulates that the Constitutional Court has jurisdiction, at the first and final instance with binding decisions, to review laws against the Constitution, to adjudicate disputes over the authority of state institutions whose powers are granted by the Constitution, to decide on the dissolution of political parties, and to resolve disputes concerning the results of general elections. Not a single phrase in this provision grants the Constitutional Court the authority to receive and examine individual complaints from citizens regarding violations of their constitutional rights. The dominant interpretation among legal scholars and constitutional judges tends to be textualist, meaning that the Constitutional Court's powers are confined to what is literally stated. This method hinders the introduction of legal innovations via judicial interpretation.

In addition to constitutional constraints, the lack of a legal foundation at the statutory level also presents a significant barrier. As of now, no specific legislation governs the constitutional complaint mechanism. Law No. 24 of 2003, most recently revised by Law No. 7 of 2020 concerning the Constitutional Court, only details powers that are already outlined in the 1945 Constitution. Without a statutory framework, it becomes impossible to establish technical procedures, procedural rules, admissibility criteria, or the scope of constitutional complaints. Efforts to include such provisions in amendments to the Constitutional Court Law have consistently failed due to the absence of political agreement. This legal gap leads to uncertainty and makes any attempt to submit an individual complaint premature and lacking legal basis.¹⁹

¹⁸ Felicia Felicia, "Kedudukan Mahkamah Konstitusi dalam Sistem Hukum Ketatanegaraan Indonesia [The Position of the Constitutional Court in the Indonesian Constitutional Law System]," *Jurnal Indonesia Sosial Teknologi [Indonesian Journal of Social Technology]* 3, no. 5 (May 2022): 58

¹⁹ Jack M. Balkin, "Translating the Constitution," *Michigan Law Review* 118, no. 6 (2020): 977–1004.

Another juridical problem relates to the nature of the Constitutional Court's decisions in judicial review. At present, the Court may only declare that a statutory provision is inconsistent with the 1945 Constitution and therefore lacks binding legal force. Such rulings are *erga omnes*, meaning they apply universally to all persons. By contrast, a constitutional complaint mechanism may provide individual relief to applicants (*inter partes*), while in some cases also resulting in the invalidation of legal norms with broader effect (*Erga omnes*). In this way, the Constitutional Court can address not only concrete acts or judicial decisions, but also the legal norms that may underlie constitutional violations. The current procedural framework is not designed to accommodate such a dual function, which would necessitate fundamental changes not only to the Court's procedural law but also to the overall judicial system. This complexity renders juridical factors the first line of resistance that must be overcome in order to realize a constitutional complaint mechanism in Indonesia.²⁰

2.1.2. Institutional Factors

Institutional factors concern the preparedness and capability of legal institutions, especially the Constitutional Court and the wider judiciary, to implement a mechanism for constitutional complaints.²¹ One of the most enduring concerns in this area is the risk of case overload, or judicial congestion, that could emerge once individuals are given direct access to the Court. Instead of depending on speculative estimates, a more realistic evaluation can be based on comparative experiences from other legal systems that have long applied similar mechanisms.²² In Germany, the Federal Constitutional Court handles over 5,000 constitutional complaints annually, placing it among the world's busiest constitutional courts in the realm of individual rights litigation. Despite the substantial caseload, the court maintains effective operations by employing a

²⁰ Agsel Awanisa, Yusdianto Yusdianto, and Siti Khoiriah, "The Position of Constitutional Complaint in the Constitutional Court of the Republic of Indonesia," *Pancasila and Law Review* 2, no. 1 (2021): 61–78.

²¹ Steven Greer and Luzius Wildhaber, "Revisiting the Debate about 'Constitutionalising' the European Court of Human Rights," *Human Rights Law Review* 12, no. 4 (2012): 655–87.

²² Tanto Lailam and M. Lutfi Chakim, "A Proposal to Adopt Concrete Judicial Review in Indonesian Constitutional Court: A Study on the German Federal Constitutional Court Experiences," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 10, no. 2 (2023): 148–71.

structured filtering system, which allows it to screen and dismiss a significant number of cases at an early stage.²³ A similar pattern can also be seen in South Korea. Since its establishment in 1988, the Constitutional Court of Korea has handled a total of 55,476 cases up to the end of 2025, of which 54,159 cases approximately 97 percent, are constitutional complaints. This overwhelming dominance of individual petitions underscores the central role of constitutional complaint as a primary avenue for rights protection. However, the Court manages this caseload through a rigorous screening process: more than 35,000 cases have been dismissed at the panel stage, meaning that only a limited number proceed to full adjudication. In Spain, the *recurso de amparo* demonstrates how open individual access can create significant institutional pressures.²⁴ In 2023, the Spanish Constitutional Court handled more than 8,000 applications, which led it to tighten admissibility standards to preserve procedural efficiency and judicial effectiveness. These experiences across different jurisdictions show that granting direct individual access to a constitutional court typically results in a substantial rise in caseload. In Indonesia, where the Constitutional Court has only nine justices and functions under existing institutional limitations, such a surge would pose serious challenges to its ability to process cases efficiently. An overwhelming number of cases could delay rulings and weaken the quality of judicial reasoning. Over time, this might erode the core purpose of constitutional complaints, ensuring effective protection of constitutional rights. Additionally, the relationship between the Constitutional Court and the Supreme Court requires careful thought.²⁵

Introducing a constitutional complaint mechanism, especially one that covers judicial decisions, can create tension between two top courts. The Supreme Court might see the Constitutional Court's review of its rulings as a threat to its independence and to the principle that court decisions should be final. To avoid conflict, the system needs clear rules that define each court's role and encourage

²³ Bundesverfassungsgericht [Federal Constitutional Court], *Annual Report* (Karlsruhe: Bundesverfassungsgericht, n.d.).

²⁴ Constitutional Court of Korea, "Case Load Statistics," accessed May 25, 2026.

²⁵ Tribunal Constitucional de España [Constitutional Court of Spain], *Memoria Anual 2023* [Annual Report 2023] (Madrid: Tribunal Constitucional, 2023).

cooperation instead of rivalry.²⁶ Without clear procedural protocols and a shared institutional understanding, carrying out constitutional complaints may create tensions that, if not handled properly, could weaken the overall coherence and effectiveness of the judiciary. This situation therefore requires structured dialogue among institutions and a step-by-step improvement of the judicial framework, so that the protection of constitutional rights can be enhanced without disrupting the balance between institutions.

The quality of human resources in the Constitutional Court is also a key factor. Resolving constitutional complaints demands specialized knowledge from judges, court registrars, and legal researchers. These individuals need more than just a solid grasp of constitutional law, they must also understand related areas like administrative, criminal, and civil law, since violations of constitutional rights can occur in various legal contexts.

Building institutional capacity through staff training, comparative learning, and hiring experts is essential for the mechanism to function properly. At the same time, the IT infrastructure must be ready to handle a large number of cases. Without sufficient preparation, introducing a constitutional complaint system could seriously affect the Court's efficiency and daily operations.²⁷

2.1.3. Political Factors

Political considerations frequently play the decisive role in shaping legal reform initiatives, including the implementation of a constitutional complaint system. Resistance or lack of commitment from the executive and legislative authorities often poses a significant barrier to progress.²⁸ Filing a constitutional complaint naturally reinforces the role of judicial review and broadens the court's oversight over government actions and legislative outcomes.²⁹ This implies that

²⁶ Satya Arinanto, "Constitutional Court in Indonesia," *Jurnal Hukum & Pembangunan [Law and Development Journal]* 26, no. 5 (2017): 387.

²⁷ Maartje de Visser, "Promoting Constitutional Literacy: What Role for Courts?," *German Law Journal* 23, no. 7 (2022): 1121–38.

²⁸ Gerhard Dannemann, "Constitutional Complaints: The European Perspective," *International and Comparative Law Quarterly* 43, no. 1 (1994): 142–53.

²⁹ Tanto Lailam and Nita Andrianti, "Legal Policy of Constitutional Complaints in Judicial Review: A Comparison of Germany, Austria, Hungary, and Indonesia," *BESTUUR* 11, no. 1 (2023): 75–94; Mark Tushnet, "The Possibility of Illiberal Constitutionalism?," *Florida Law Review* 69, no. 6 (2017): 1367–84.

citizens could directly challenge any government policy, implementing regulation, or administrative action if they believe it violates constitutional rights. For some officials in the government and parliament, stronger judicial oversight might be seen as limiting their political discretion and room to maneuver, which could lead to resistance against such reforms.³⁰

Party politics also play a crucial role in shaping the prospects for constitutional reform. Proposals to amend the 1945 Constitution or revise important laws, such as the Constitutional Court Law, require wide-ranging support across political parties in the legislature. In a highly divided political environment, achieving consensus on such foundational matters becomes extremely challenging. Political parties usually pursue different goals, and protecting citizens' constitutional rights often fails to rank high on their agendas because it lacks immediate political appeal or urgency. As a result, this issue tends to be overshadowed by other legislative priorities that more directly serve the interests of those in power, like changes to electoral rules or party regulations. Unless major parties demonstrate strong commitment or form a stable coalition around the issue, discussions about constitutional complaints will likely remain limited to academic circles.³¹

Another political factor lies in the level of public or civil society awareness and the pressure they exert. In numerous countries, the implementation of robust rights-protection mechanisms frequently stems from social movements or widespread public demands. In Indonesia, while awareness of constitutional rights has been steadily increasing, efforts to push for a constitutional complaint mechanism have not yet evolved into a coordinated and enduring mass movement. Although civil society organizations, academics, and legal professionals have emphasized the importance of this issue, their advocacy has not gained sufficient momentum to substantially shape the national political agenda. In the absence of substantial bottom-up political pressure, political elites tend to maintain the status quo, which they perceive as safer for their interests. Therefore, building

³⁰ Adam S. Chilton and Mila Versteeg, "Do Constitutional Rights Make a Difference?," *American Journal of Political Science* 60, no. 3 (2016): 575–89.

³¹ Wolfgang C. Müller, "Political Parties in Parliamentary Democracies: Making Delegation and Accountability Work," *European Journal of Political Research* 37, no. 3 (2000): 309–33.

public awareness and mobilizing broad support is one of the keys to overcoming this political barrier.³²

2.2 Protection of Constitutional Rights in Comparative Perspective

A comparative constitutional approach is essential in identifying institutional designs capable of balancing individual access to constitutional justice with judicial sustainability. Rather than adopting any single foreign model wholesale, comparative analysis enables the extraction of institutional elements that may be selectively adapted to Indonesia's constitutional structure. In this regard, Germany, South Korea, and Spain present three distinct yet complementary models of constitutional complaint, each offering important insights for institutional design.

Germany's *Verfassungsbeschwerde* is widely seen as the classic model for individual constitutional complaints. Under Article 93(1)(4a)³³ of the Basic Law and the Federal Constitutional Court Act (*BVerfGG*),³⁴ individuals can directly bring cases before the Federal Constitutional Court to challenge actions by public authorities that violate constitutional rights. Although access is broad, the system imposes strict requirements for admissibility. Applicants must first exhaust all other available legal remedies and show that their complaint involves a matter of fundamental constitutional importance.³⁵ Additionally, the chamber system (*Kammer*), consisting of three judges, acts as an initial screening mechanism with the authority to reject complaints that are clearly inadmissible or lack merit.³⁶ Only cases that meet substantial constitutional requirements move forward to the Senate. This structured filtering approach shows how broad protection of rights can coexist with institutional efficiency by managing judicial workload effectively, rather than trying to eliminate it completely. In reality, thousands of constitutional complaints are still filed each year, as seen in the experience of

³² Wico et al., "Constitutional Complaint in Indonesia," 57.

³³ Basic Law for the Federal Republic of Germany (*Grundgesetz* [Basic Law]), art. 93(1)(4a).

³⁴ Federal Constitutional Court Act (*Bundesverfassungsgerichtsgesetz* [Federal Constitutional Court Act]—*BVerfGG*), §§ 13(8a), 90–95.

³⁵ Donald P. Kommers and Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany*, 3rd ed. (Durham: Duke University Press, 2012), 36–42.

³⁶ Christian Boulanger, "The Federal Constitutional Court: Guardian of the Constitution," in *The German Federal Constitutional Court*, ed. Matthias Jestaedt (Oxford: Oxford University Press, 2016), 121–25.

Germany's Federal Constitutional Court. However, through a strict admissibility review process, the Court ensures that only matters of real constitutional importance proceed to full judicial consideration. This way, the system maintains meaningful constitutional oversight while preserving the institution's ability to function properly.

South Korea adopted its constitutional complaint mechanism within the broader context of democratic transition following authoritarian rule. Established in 1988, the Korean Constitutional Court introduced a system³⁷ that allows individuals to challenge governmental actions and, under certain circumstances, judicial decisions that infringe constitutional rights.³⁸ The mechanism has played a significant role in consolidating constitutional governance and strengthening the protection of civil liberties. For example, in 2015 the Korean Constitutional Court declared the criminalization of adultery unconstitutional, affirming the protection of individual autonomy and privacy.³⁹ Similarly, in 2018 the Court recognized the right to conscientious objection to compulsory military service, reinforcing freedom of conscience under the Constitution.⁴⁰ These landmark rulings show that constitutional complaints in South Korea serve not only as a procedural mechanism but also as a normative tool that strengthens democratic accountability and fosters constitutional culture within a society transitioning from authoritarian rule.

Spain offers another significant reference point through its *recurso de amparo*, especially for civil law systems. This legal mechanism is established under Articles 53(2) and 161(1)(b) of the Spanish Constitution.⁴¹ and further detailed in the Organic Law of the Constitutional Court (LOTC),⁴² the *amparo* procedure allows individuals to request protection of their fundamental rights when these are threatened or violated by acts of public authorities, including court rulings. Similar to Germany, Spain has established strict criteria for

³⁷ Constitution of the Republic of Korea (1987), arts. 111–13.

³⁸ Constitutional Court Act of Korea, arts. 68–75.

³⁹ Korean Constitutional Court, Case No. 2009 Hun-Ba17, Decision of February 26, 2015 (Adultery Case).

⁴⁰ Korean Constitutional Court, Case No. 2011Hun-Ba379, Decision of June 28, 2018 (Conscientious Objection Case).

⁴¹ *Constitución Española de 1978* [Spanish Constitution of 1978], arts. 53(2), 161(1)(b).

⁴² *Ley Orgánica 2/1979, de 3 de octubre, del Tribunal Constitucional* [Organic Law 2/1979 of October 3 on the Constitutional Court] (LOTC), as amended.

admissibility, particularly the requirement of “special constitutional relevance” (especial trascendencia constitucional) as a prerequisite for constitutional review.⁴³ This admissibility filter acts as a tool to manage caseload while ensuring access to constitutional justice. The Spanish case shows that a constitutional complaint system can be successfully incorporated into a civil law court structure without upsetting the institutional equilibrium, as long as procedural safeguards and filtering criteria are clearly defined.⁴⁴

The experiences of Germany, South Korea, and Spain collectively point to three key design features necessary for a workable constitutional complaint system. In Germany, the model shows how a structured filtering mechanism helps control the court’s workload by applying strict admissibility criteria, allowing only cases with genuine constitutional relevance to move forward to full review. South Korea’s approach, on the other hand, underscores the normative role of constitutional complaints, where the court interprets constitutional rights and shapes legal standards through its rulings, thus supporting democratic development and enhancing rights protection during periods of legal transition. Meanwhile, Spain’s system emphasizes the need for institutional compatibility, demonstrating how a constitutional complaint process can function effectively within a civil law framework without sacrificing procedural efficiency. Together, these lessons offer a solid basis for crafting a hybrid, multi-tiered constitutional complaint system in Indonesia, one that broadens access to constitutional justice while maintaining judicial capacity and upholding the balance of the legal system.

2.2.1. Model Constitutional Complaint in Germany

The German constitutional complaint system, known as *Verfassungsbeschwerde*, is one of the oldest and most influential models worldwide. Established under Article 93(1) No. 4a of the German Basic Law, it allows any person to bring a claim before the Federal Constitutional Court if they believe a public authority,

⁴³ Spanish Constitutional Court, STC 155/2009, June 25, 2009.

⁴⁴ Víctor Ferreres Comella, *Constitutional Courts and Democratic Values: A European Perspective* (New Haven: Yale University Press, 2009), 96–120.

such as legislation, executive action, or a court ruling, has infringed upon their fundamental rights. The Court does not re-try the case or act as an appellate body. Instead, it only examines whether the contested measure violates constitutional law, especially regarding fundamental rights. This narrow focus ensures the mechanism serves primarily to safeguard constitutional principles rather than function as an extra level of ordinary judicial review.⁴⁵ This model is notably broad in scope and has become the dominant instrument in the practice of the German Constitutional Court, accounting for more than 90 percent of the cases it handles. The success of the German model lies in its ability to provide broad access for individuals while at the same time maintaining the effectiveness of the judiciary's performance. One of the key features of the German model is the strict prerequisites for filing a constitutional complaint. The primary requirement is the principle of subsidiarity, which requires applicants to exhaust all available legal remedies in the ordinary courts before turning to the Federal Constitutional Court. This principle reflects the role of ordinary courts as the primary protectors of fundamental rights, while the Constitutional Court exercises a subsidiary and corrective function limited to constitutional review.⁴⁶

Furthermore, the complaint must clearly show a specific breach of a fundamental right that is protected under the Constitution.⁴⁷ The Court will not accept cases that only challenge the improper application of general law.⁴⁸ Disputes in Germany often involve challenges to statutory laws, executive measures, and court rulings that violate fundamental rights, particularly those protected under the Basic Law. These cases must meet specific criteria, which act as a crucial first filter in determining admissibility.⁴⁹

To handle the enormous number of cases it receives, the German Federal Constitutional Court uses a systematic and highly selective filtering process.⁵⁰

⁴⁵ Kommers and Miller, *Constitutional Jurisprudence of the Federal Republic of Germany*, 34–42.

⁴⁶ Jimly Asshiddiqie, *Model-model Pengujian Konstitusional di Berbagai Negara [Models of Constitutional Review in Various Countries]* (Jakarta: Konstitusi Press, 2005), 22.

⁴⁷ Federal Constitutional Court Act (BVerfGG), § 90(2); Christian Boulanger, "The Federal Constitutional Court: Guardian of the Constitution," in *The German Federal Constitutional Court*, ed. Matthias Jestaedt (Oxford: Oxford University Press, 2018), 121–35.

⁴⁸ Kommers and Miller, *Constitutional Jurisprudence of the Federal Republic of Germany*, 36–42.

⁴⁹ Awanisa, Yusdianto, and Khoiriah, "Position of Constitutional Complaint," 61–78.

⁵⁰ Boulanger, "Federal Constitutional Court," 121–35.

Each constitutional complaint is first reviewed by a Chamber (Kammer) consisting of three judges. The Chamber has the authority to reject complaints that are clearly inadmissible or lack sufficient constitutional significance. In such cases, it may issue a summary rejection without providing detailed reasoning, and these decisions are final and cannot be appealed.⁵¹ A complaint will move forward to adjudication by the Senate, which consists of eight judges, only if it involves a matter of fundamental constitutional importance or if dismissing it would cause serious harm to the applicant. This multi-stage filtering system enables the Court to handle a consistently large caseload, often reaching several thousand complaints each year, while ensuring that only issues of real constitutional significance are given full judicial review.⁵²

The implications of the German model are profound for the legal culture and constitutional awareness of society.⁵³ The availability of the *Verfassungsbeschwerde* has rendered the constitution a living and relevant document in the daily lives of German citizens. This mechanism not only provides remedies for individuals whose rights have been violated but also ensures the protection of individual rights against actions by the legislature, executive, or judiciary that fail to uphold constitutional standards. This mechanism also plays a role in shaping constitutional law doctrines through the Court's rulings. Regular courts have become more aware and careful when applying the law, avoiding actions that might violate basic rights, since their decisions can be overturned by the Constitutional Court. The German example shows how a constitutional complaint can serve at once as a tool for protecting individuals, fostering dialogue among courts, and promoting constitutional awareness across the country.⁵⁴

2.2.2. The Constitutional Complaint Model in South Korea

The Constitutional Court of South Korea was established in 1988 during the country's shift toward democracy. It holds authority over constitutional

⁵¹ Kommers and Miller, *Constitutional Jurisprudence of the Federal Republic of Germany*, 58–60.

⁵² Niels Petersen, "The German Constitutional Court and Legislative Capture," *International Journal of Constitutional Law* 12, no. 3 (2014): 650–69.

⁵³ Kommers and Miller, *Constitutional Jurisprudence of the Federal Republic of Germany*, 58–65.

⁵⁴ Alfredo Narváez Medécigo, "The German System of Constitutional Review: Prototype of a Concentrated Model?" in *Rule of Law and Fundamental Rights* (Cham: Springer, 2016), 155–211.

complaints, a key function that underpins its role in safeguarding human rights.⁵⁵ Regulated under Article 68 of the Constitutional Court Act of Korea (Act No. 4017, promulgated on August 5, 1988, and most recently amended by Act No. 17900 in 2021), the South Korean model allows for two types of constitutional complaints.⁵⁶ The first type, outlined in Article 68(1), is similar to the German model in that individuals who believe their fundamental rights have been infringed by an act or omission of a public authority may file a complaint after they have exhausted all other legal avenues. However, unlike the German *Verfassungsbeschwerde*, the South Korean system takes a more restrictive stance when it comes to judicial decisions. Generally, court rulings are not included within the scope of constitutional complaints, and only under very narrow conditions can such decisions be reviewed at the constitutional level. This reflects a system designed to prioritize the finality of judicial outcomes and to uphold the authority of regular courts.⁵⁷

The second type of constitutional complaint, as outlined in Article 68(2), serves as a unique procedural tool within South Korea's constitutional framework. Under this mechanism, regular courts have the option to submit a constitutional question to the Constitutional Court when a law appears pertinent to resolving a given case. If, however, the ordinary court declines to make such a referral, the involved parties retain the right to lodge a constitutional complaint contesting that decision.⁵⁸ In this context, the objection is not aimed at the law itself but at the court's refusal to refer the constitutional issue for review. Nevertheless, through this procedural route, the Constitutional Court can still assess the law's constitutionality, albeit in an indirect manner.⁵⁹

⁵⁵ Constitution of the Republic of Korea (1987), arts. 111–13.

⁵⁶ Rofi Rasyidah and Mohammad Jamin, "Constitutional Complaint Through Constitutional Court as Protection of Constitutional Rights of Citizens (Comparative Study of the Constitutional Courts of Germany and South Korea)," *International Journal of Business, Economics and Law* 25, no. 1 (December 2021): 58–61.

⁵⁷ Jeongran Yun, "Constitutional Review Complaint as an Evolution of the Kelsenian Model," *ICL Journal* 14, no. 4 (2020): 423–46.

⁵⁸ Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases* (Cambridge: Cambridge University Press, 2003), 239–45.

⁵⁹ Hyo-jun Im, "The Characteristic and Scope of the 'Enforcement Action' at Issue in the 'Directiveness' Requirement of Constitutional Complaint: Focused on the Organization Clause for Committee Composition," *World Constitutional Law Review* 30, no. 1 (2024): 89–117.

This model demonstrates a refined institutional framework that integrates aspects of concrete judicial review, which emerges from specific cases brought by individuals, with a restricted form of normative control.⁶⁰ It maintains the central role of regular courts in triggering constitutional review, while also guaranteeing that individuals can still seek constitutional redress when their requests for referral are rejected.⁶¹ In South Korea, constitutional complaints generally concern conflicts involving laws, court rulings, or state actions that are seen as violating basic rights. The key areas include constitutional violations by laws, such as those affecting the right to privacy, freedom of speech, or discrimination issues.⁶² Notably, cases involving the right to refuse compulsory military service on grounds of conscience, or the decriminalization of adultery show how constitutional complaints can have a direct impact on societal reform. Such cases exemplify how constitutional complaints have played a pivotal role in shaping human rights protection in South Korea.⁶³ The hybrid model, which allows citizens to contest constitutional breaches stemming from government actions, has become a crucial mechanism for advancing constitutional justice.⁶⁴ This system proves its practical value in situations where regular courts decline to submit constitutional questions but still permit individuals to continue their legal claims directly. As a result, laws can be examined within the broader legal framework, enabling citizens to contest actions or decisions that violate constitutional principles, even when lower courts are hesitant to take up such issues at first.⁶⁵

The Constitutional Court has the authority to examine complaints of this nature, playing a crucial role in ensuring that legislation remains consistent with the principles of fundamental rights. This power enables citizens to

⁶⁰ Chaihark Hahm and Sung Ho Kim, "The Korean Constitutional Court in a Changing Society," in *Asian Constitutional Courts in Context* (Cambridge: Cambridge University Press, 2015).

⁶¹ Korean Constitutional Court, 89Hun-Ka113, Decision of April 2, 1990 (National Security Act Case).

⁶² Kyunghye Yi, "The Fragility of Liberal Democracy: A Schmittian Response to the Constitutional Crisis in South Korea (1948–79)," *Journal of Asian Studies* 81, no. 2 (2022): 305–21.

⁶³ Ginsburg, *Judicial Review in New Democracies*, 249–60.

⁶⁴ Janpatar Simamora, "Comparison of Constitutional Court Authority Between Indonesia and South Korea," *Jurnal Dinamika Hukum [Journal of Legal Dynamics]* 15, no. 3 (September 2015): 331–38.

⁶⁵ Awanisa, Yusdianto, and Khoiriah, "Position of Constitutional Complaint," 61–78.

contest government actions, court decisions, or administrative measures that violate constitutional protections.⁶⁶ Considering that South Korea's system has successfully integrated citizen participation into constitutional adjudication, its model could offer valuable insights for Indonesia as it develops its own constitutional complaint mechanism.⁶⁷

2.2.3. The Constitutional Complaint Model in Spain

Spain serves as a significant civil law model for designing institutional frameworks for constitutional complaint mechanisms through its *recurso de amparo*. This mechanism was introduced under the 1978 Spanish Constitution, with its procedural basis primarily outlined in Articles 53(2) and 161(1)(b). The implementation and details of the *amparo* process are further specified in the Organic Law of the Constitutional Court (*Ley Orgánica del Tribunal Constitucional*, LOTC).⁶⁸ The mechanism enables individuals to request protection of their fundamental rights in cases where actions or failures to act by public authorities, including court rulings, infringe upon rights guaranteed under Articles 14 to 29 and Article 30(2) of the Constitution.⁶⁹

The *recurso de amparo* is designed as an extraordinary remedy. Applicants must first exhaust all available ordinary judicial remedies before filing a complaint before the Constitutional Court.⁷⁰ This requirement reflects the principle of subsidiarity, positioning the Constitutional Court not as a fourth instance of appeal, but as the ultimate guardian of constitutional rights. Only after lower courts have had the opportunity to address the alleged violation may the Constitutional Court intervene.

⁶⁶ Arthur Dyevre, "Filtered Constitutional Review and the Reconfiguration of Inter-Judicial Relations," *American Journal of Comparative Law* 61, no. 4 (Fall 2013): 729–55.

⁶⁷ Tauchid Komara Yuda, Pinurba Parama Pratiyudha, and Kafa Abdallah Kafa, "Managing Social Policy in the Emerging Welfare Regime of Governance: What Indonesia Can Learn from South Korea's Experience," *International Social Work* 66, no. 2 (2023): 357–72.

⁶⁸ *Constitución Española de 1978* [Spanish Constitution of 1978], arts. 53(2), 161(1)(b); *Ley Orgánica 2/1979, de 3 de octubre, del Tribunal Constitucional* [Organic Law 2/1979 of October 3 on the Constitutional Court] (LOTC), as amended.

⁶⁹ *Constitución Española de 1978* [Spanish Constitution of 1978], arts. 14–29, 30(2).

⁷⁰ *Ley Orgánica 2/1979* (LOTC) [Organic Law 2/1979 on the Constitutional Court], arts. 43–44.

The objects of constitutional complaints in Spain include a wide array of issues, including challenges against judicial decisions, violations of fundamental rights such as equality and freedom, and the imposition of laws or government actions that are deemed unconstitutional. For instance, the Spanish Constitutional Court has seen complaints relating to violations of the right to equality (e.g., gender discrimination), infringements on the right to a fair trial, and breaches of the right to personal freedom and integrity. Complaints can also address laws or regulations that undermine these rights, as well as executive actions or public policies that conflict with constitutional guarantees.

Over time, Spain has implemented important admissibility filters to control the number of cases and maintain judicial efficiency. A key reform came with Organic Law 6/2007, which established that a complaint must show “special constitutional relevance” as a requirement for being admitted.⁷¹ This reform enhanced the Court’s ability to manage its caseload at its own discretion, ensuring that only cases with significant constitutional implications move forward to full judicial review. The Spanish model shows that wide access to constitutional remedies for individuals can coexist with the long-term viability of the institution, provided there are strict procedural controls in place. While the amparo mechanism significantly enhances the protection of fundamental rights, its admissibility criteria primarily serve to manage the Court’s caseload rather than to fully prevent judicial overload.⁷²

For Indonesia, the Spanish experience offers two important lessons. First, the amparo model shows that a constitutional complaint mechanism can be integrated within a civil law judicial hierarchy. At the same time, however, this integration is not without its challenges. In practice, the amparo procedure has at times taken on a quasi-appellate character and, in certain instances, has generated institutional tension with ordinary courts, particularly in relation

⁷¹ *Ley Orgánica 6/2007, de 24 de mayo* [Organic Law 6/2007 of May 24], amending the Organic Law of the Constitutional Court; see also Spanish Constitutional Court, STC 155/2009, June 25, 2009.

⁷² Ferreres Comella, *Constitutional Courts and Democratic Values*, 96–120; Alec Stone Sweet, *Governing with Judges: Constitutional Politics in Europe* (Oxford: Oxford University Press, 2000), 140–65.

to the finality of judicial decisions.⁷³ Second, the introduction of the “special constitutional relevance” requirement provides a practical way to manage caseload while maintaining access to constitutional justice. Rather than fully preventing judicial overload, this filtering mechanism allows the Constitutional Court to focus on cases that raise broader constitutional questions. The Spanish example shows that a constitutional complaint mechanism can work within a civil law framework, as long as it is carefully structured to maintain a balance between public access, the judiciary’s workload, and the consistency of legal institutions.

Table 1. Types of Cases Accepted by Constitutional Courts
Based on Annual Reports

Country	Types of Cases Accepted by Constitutional
Germany	<p>Court decisions: The German Constitutional Court hears complaints about judicial rulings that impact fundamental rights</p> <p>Executive actions: This includes emergency ordinances and government regulations deemed inconsistent with constitutional principles, particularly those that infringe on personal rights or freedoms.</p> <p>Privacy and civil liberties: Numerous cases center on issues of privacy, freedom of expression, and policies related to anti-discrimination.</p>
South Korea	<p>Court Decisions: The South Korean Constitutional Court accepts complaints regarding court decisions that do not comply with constitutional justice principles, such as those related to civil rights or procedural justice.</p>

⁷³ Michal Kovalčík, “Constitutional Referrals by Ordinary Courts: A Platform for Judicial Dialogue and Another Toolkit for Judicial Resistance?,” *European Constitutional Law Review* 20, no. 1 (2024): 52–81.

Country	Types of Cases Accepted by Constitutional
	<p>Executive Actions: Complaints about executive decisions that infringe on constitutional rights, such as policies restricting freedom of speech or discrimination.</p> <p>Omissions by the State: Complaints about actions that ignore constitutional protection, such as the failure of the legislature to carry out certain constitutional obligations.</p>
Spain	<p>Court Decisions: The Spanish Constitutional Court handles complaints against court decisions that involve human rights issues, often focusing on procedural justice or privacy rights.</p> <p>Regulatory Actions: Complaints related to government regulations or policies that are considered unconstitutional or violating fundamental rights.</p> <p>Omissions by the State: Cases involving failure of the state to fulfill constitutional obligations, such as failing to enact the necessary laws to protect basic rights.</p>

Table 2. Comparison of Constitutional Complaint Types in Germany, South Korea, and Spain

Country	Judicial Constitutional Complaint	Regulatory Constitutional Complaint (<i>Beleidsregel</i>)	Constitutional Omission
Germany	Can challenge statutes, executive actions, court decisions that infringe upon	Government Regulations in Lieu of Law (Perppu), actions of state	Deals with the state's failure to act in situations requiring legislative

Country	Judicial Constitutional Complaint	Regulatory Constitutional Complaint (<i>Beleidsregel</i>)	Constitutional Omission
	fundamental rights. (Based on Decision No. 138/PUU-VII/2009)	bodies. Typically handled under the principle of subsidiarity.	or administrative action that directly impacts constitutional rights.
South Korea	Includes court decisions in limited circumstances. Excludes most judicial decisions from the scope of constitutional complaints, unless they involve fairness or procedural justice.	Regulations outside of laws (executive actions or government orders) can be contested, particularly when they violate fundamental rights.	Failing to provide constitutional protection or actions that are explicitly required by law but are not executed can be contested within the constitutional review process.
Spain	Can challenge court decisions in cases involving constitutional issues, particularly relating to fairness or public rights.	Complaints against laws affecting constitutional rights directly or indirectly. Complaints	Deals with the failure of authorities to create laws or implement policies that protect fundamental

Country	Judicial Constitutional Complaint	Regulatory Constitutional Complaint (<i>Beleidsregel</i>)	Constitutional Omission
		can be filed if government actions contradict constitutional guarantees.	constitutional rights. These cases often involve ongoing social justice or civil rights issues.

2.3. Normative Concept and Design of the Hybrid Multi-Level Constitutional Complaint as an Alternative Model

Based on the analysis of the absence of a constitutional complaint mechanism in Indonesia and the lessons learned from practices in other countries, it is essential to formulate an alternative model that is innovative, realistic, and appropriate to Indonesia’s constitutional context. The model proposed here is called the “Hybrid Multi-Level Constitutional Complaint Model.” This name captures two core features that form the foundation of its design. The term “hybrid” indicates the combination of two review targets: constitutional scrutiny of legal norms, like laws and regulations, and constitutional examination of specific actions, such as court rulings or administrative decisions, that directly violate the constitutional rights of individuals. By integrating both abstract legal provisions and concrete state actions, this approach provides broader protection for constitutional rights. It allows the system to respond not only to general legal rules but also to real-life government conduct that impacts citizens directly. This is particularly relevant in the Indonesian context, where the current legal framework lacks a constitutional complaint mechanism, leaving rights

violations stemming from specific judicial or administrative acts without proper legal recourse.⁷⁴

The idea of a “multi-level” mechanism describes a procedural structure that involves more than one layer of judicial bodies. Instead of allowing direct access to the Constitutional Court, this approach gives an initial screening role to courts under the Supreme Court’s authority, making them the first point of review for constitutional complaints. This system is based on the principle of subsidiarity and the need to exhaust legal remedies, meaning regular courts act as the primary guardians of constitutional rights before a case reaches the Constitutional Court. It’s important to note that this filtering role does not mean the Supreme Court is subordinate to the Constitutional Court, since both operate within their own separate constitutional mandates. Rather, the relationship is complementary: the Supreme Court handles the legality and application of laws in the regular court system, while the Constitutional Court remains the final authority on interpreting the Constitution.⁷⁵ By organizing access in this way, the model aims to handle the Constitutional Court’s workload more effectively while enhancing the role of regular courts in upholding constitutional principles. At the same time, it enables the Constitutional Court to focus on cases that involve significant constitutional issues and carry wider systemic consequences. The design supports greater access to justice for citizens without disrupting the balance of judicial authority. This method directly addresses a weakness in Indonesia’s current system, where constitutional breaches caused by executive measures or court rulings are not properly handled.

The formulation of this model is grounded in the philosophy that the protection of constitutional rights is the responsibility of the entire judiciary, rather than being the exclusive domain of the Constitutional Court.⁷⁶ In line with this philosophy, this model proposes that other state

⁷⁴ Siagian, “Constitutional Complaint,” 486–98.

⁷⁵ Wico et al., “Constitutional Complaint in Indonesia,” 57.

⁷⁶ Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (Cambridge, MA: Harvard University Press, 2004), 148–55.

institutions, such as the Administrative Court (PTUN), Human Rights Court, and Ombudsman, could serve as transitional instruments to resolve constitutional rights disputes before this mechanism is officially regulated within the 1945 Constitution of the Republic of Indonesia. Courts at all levels should serve as the frontline defenders of citizens' rights. The constitutional complaint mechanism thus functions as a final safety net when the ordinary judicial system fails to provide such protection. The normative design of this model must be formulated in detail, encompassing the subjects entitled to file a complaint, the objects that may be challenged, procedural rules, filing requirements, as well as the types and binding force of the decisions that may be rendered.⁷⁷

Overall, the hybrid multi-level model seeks to strike a balance. On one hand, it aims to provide the broadest possible access for citizens to obtain constitutional justice. On the other hand, it aims to preserve the overall health and efficiency of the judicial system by avoiding an excessive burden on any single institution. This approach combines the idealism of safeguarding rights with a pragmatic understanding of institutional realities. Putting it into practice will certainly demand significant reforms at both constitutional and legislative levels, along with sustained political will from all involved parties.

Table 3. State Institutions Capable of Addressing Constitutional Complaints in Indonesia

No	Institutions	Scope of Authority
1	Constitutional Court of the Republic of Indonesia (Mahkamah Konstitusi RI)	Authority is limited to reviewing the conformity of laws with the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945)

⁷⁷ Siagian, "Constitutional Complaint," 486–98.

No	Institutions	Scope of Authority
2	National Commission on Human Rights (Komnas HAM)	Only handles recommendations for the protection of human rights and does not have the authority to issue binding decisions
3	Ombudsman	Has authority limited to maladministration in public services
4	Human Rights Court	Authority is limited to handling cases of gross human rights violations
5	Administrative Court (PTUN)	Authority is limited to adjudicating disputes concerning administrative decisions and actions (state administrative acts) issued by public officials

2.3.1. Formulation of the Hybrid Multi-Level Model Concept

The hybrid concept in the proposed model does not aim to create entirely new subjects for constitutional review. In practice, the Constitutional Court has already held the authority to examine statutes and, under specific circumstances, Government Regulations in Lieu of Law (Perppu), especially following Decision No. 138/PUU-VII/2009. Instead of broadening the range of norms eligible for review, the innovation of the hybrid model lies in redefining how such review is initiated and situated within real-life contexts. The model links the scrutiny of legal norms more directly to actual cases faced by individuals, recognizing that constitutional breaches often stem not just from the existence of a rule but from how it is applied in practice. Additionally, constitutional complaints may target judicial decisions perceived to conflict with constitutional rights,

particularly when issues of fairness or procedural justice are involved. In this way, the hybrid approach combines the review of legal norms with the assessment of specific state actions, including court rulings and administrative measures. This structure ensures that constitutional safeguards function not only at the level of abstract legal principles but also during the implementation phase, where rights violations commonly occur.⁷⁸

Later on, the multi-level approach sets up a step-by-step system organized in layers. At the first stage, constitutional complaints are not filed straight with the Constitutional Court. Complaints challenging judicial decisions must first be brought before courts within the Supreme Court's jurisdiction through available legal remedies, including *Peninjauan Kembali* (PK), accompanied by supplementary arguments concerning alleged violations of constitutional rights. It is important to note, however, that under the current legal framework, PK is classified as an extraordinary legal remedy with strictly limited grounds.⁷⁹ Therefore, positioning it as a mechanism for constitutional rights review would require explicit legal reform, particularly through amendments to the Law on the Supreme Court and relevant procedural laws, in order to incorporate constitutional claims as an admissible ground. Within this reformed framework, the Supreme Court functions as a preliminary judicial filter, limited to assessing whether a case raises a credible constitutional issue, rather than conducting a full constitutional adjudication. The petitioner may bring the case to the Constitutional Court only when the complaint has not been properly resolved or when a review request is rejected. This mechanism is known as the indirect access model. Its main purpose is to strengthen the authority of courts under the Supreme Court's supervision while controlling the number of cases handled by the Constitutional Court. In doing so, it supports greater efficiency and consistency in constitutional adjudication, all without interfering with the clear division of roles among judicial institutions.⁸⁰

⁷⁸ M. Barros, "Constitutional Design and the Brazilian Judicial Review: Remarks about Strong and Weak-Form Review in the Brazilian Federal Supreme Court," *Opinião Jurídica* 15, no. 20 (2017): 180–206.

⁷⁹ Saldi Isra, "Model Akses Tidak Langsung dalam Pengujian Konstitusional [Indirect Access Model in Constitutional Review]," *Jurnal Konstitusi* 17, no. 2 (2020): 215–30.

⁸⁰ M. Lutfi Chakim, "A Comparative Perspective on Constitutional Complaint: Discussing Models, Procedures, and Decisions," *Constitutional Review* 5, no. 1 (2019): 96–133.

When it comes to complaints about administrative actions by the state, a specific procedural pathway can be outlined. Individuals must first go through all available administrative channels, such as filing appeals and pursuing cases in the State Administrative Court up to the cassation stage at the Supreme Court. Only after these lower legal routes have been fully used and have not resolved the issue can someone bring the matter to the Constitutional Court. This step-by-step process follows the principle that all legal remedies must be exhausted first. The structure supports the propriety among judicial bodies and encourages each institution to pay closer attention to constitutional aspects within their cases, helping create a kind of ongoing conversation about constitutional values across the judiciary.⁸¹

Combining hybrid and multi-level approaches results in a system that is both thorough and well organized. It allows individuals to bring forward various types of constitutional rights violations, whether they involve abstract legal norms or specific, real-life situations. At the same time, the layered structure ensures that the Constitutional Court only handles cases with truly essential constitutional implications, those where the regular court system has clearly failed to offer adequate safeguards. This approach manages to find a middle ground between the ambitious goal of protecting all rights and the practical need to handle judicial workloads efficiently, making it a solution that is more feasible both institutionally and politically.⁸²

2.3.2. Normative Design of the Constitutional Rights Protection System

The hybrid multi-level model requires a normative foundation grounded in a clear legal framework, preferably through an amendment to the 1945 Constitution. This should be followed by corresponding updates to related laws. At the constitutional level, Article 24C of the 1945 Constitution needs to be expanded to include a clause that explicitly authorizes the Constitutional Court to review and rule on constitutional complaints.⁸³ The wording of this clause could be general in nature, for example :

⁸¹ Wico et al., "Constitutional Complaint in Indonesia," 57.

⁸² Benhabib, "Dialogic Constitutionalism," 506–14.

⁸³ Benhabib, "Dialogic Constitutionalism," 506–14.

“The Constitutional Court has the authority to review and rule on complaints filed by any individual concerning violations of constitutional rights as guaranteed by the Constitution, which arise from actions taken by public authorities. The procedural aspects of this process will be further detailed and regulated by law.”

Such an addition would give the entire mechanism strong constitutional legitimacy.

At the statutory level, particularly in the amendments to the Constitutional Court Law and the Supreme Court Law, the normative framework requires more detailed elaboration. First, with regard to the legal standing of petitioners, it must be clearly established that any individual, whether a citizen or a private legal entity, whose constitutional rights are directly and actually infringed has the right to file a complaint. Second, concerning the scope of admissible complaints, it is essential to precisely define what qualifies as “actions of public authorities,” including final and binding court rulings, administrative decisions, regulatory policies, and instances of omission. These provisions must also expressly exclude the review of Constitutional Court decisions themselves to uphold the finality of its judgments.⁸⁴

Furthermore, the legislation must provide detailed regulations regarding the requirements and procedures for filing a complaint. This includes filing deadlines (e.g., within 90 days after the exhaustion of the last available legal remedy), the format of the petition, evidentiary requirements, and, most importantly, criteria for case acceptance. These criteria can adopt best practices from other countries, such as the necessity to have exhausted all available legal remedies, ensuring that the complaint is not trivial, and that it involves a fundamental constitutional issue. Additionally, a dedicated unit or screening panel within the Constitutional Court’s registry should be established to conduct a preliminary examination of the completeness and admissibility of petitions before they are submitted to the judges.⁸⁵

⁸⁴ Dovilė Pūraitė-Andrikienė, “Advantages and Disadvantages of the Lithuanian Individual Constitutional Complaint Model,” *Teisė* 114 (2020): 49–70.

⁸⁵ Ria Casmi Arsa and F. Susanto, “Constitutional Complaint, Human Rights, and Protection of Right to Freedom of Religion and Belief in Indonesia,” *World Constitutional Law Review* 26, no. 3 (2020): 325–50.

Finally, the normative design must regulate the types of decisions that the Constitutional Court may issue. These decisions should be sufficiently flexible. The Constitutional Court may declare a particular action or court decision unconstitutional and annul it or order a public authority to act or refrain from acting in order to remedy a constitutional violation. However, remedies in the form of compensation or damages do not generally fall within the jurisdiction of the Constitutional Court and remain within the competence of ordinary or administrative courts. Decisions may be *inter partes* (binding only on the parties involved) or, in cases involving fundamental constitutional principles, may also have *erga omnes* effect. The binding force and enforcement mechanisms of these decisions must be explicitly regulated to ensure that Constitutional Court rulings are not merely symbolic but can be effectively implemented.

2.3.3. Inclusive and Accessible Mechanism

One of the primary objectives of the constitutional complaint mechanism is to provide access to justice for all segments of society. Therefore, the design of the mechanism must ensure that it is both inclusive and accessible. Inclusivity implies that no discriminatory barriers should exist in accessing the mechanism. Every individual, regardless of social, economic, or educational background, must have an equal opportunity to file a complaint. This can be achieved by simplifying administrative procedures and avoiding high filing fees. Moreover, the provision of state-funded legal aid for economically disadvantaged petitioners should be considered, ensuring that they can be represented by competent legal counsel.⁸⁶ Within the framework of the Hybrid Multi-Level Constitutional Complaint Model, access to justice includes a multi-tiered filtering mechanism. Initially, complaints undergo review by courts under the Supreme Court's jurisdiction, such as through the *Peninjauan Kembali* (PK) process, which ensures that regular courts serve as the first layer of scrutiny. This step ensures that only cases involving substantial constitutional matters advance to the Constitutional Court, thereby supporting efficient management of its workload.

⁸⁶ Fabian Duessel, "Direct Individual Access to Constitutional Justice in South Korea and Taiwan," in *Comparative Constitutional History* (Leiden: Brill, 2020), 245–76.

Accessibility also encompasses how easily individuals can obtain information and submit petitions. The Constitutional Court should actively engage in public outreach and education about this new mechanism. Details regarding filing procedures, required forms, and documentation criteria must be readily available and simple to access, both in person at the Court's facilities and online via an intuitive website. Implementing information technology solutions, such as an electronic filing system, would greatly improve accessibility, especially for citizens living outside the capital. This method removes geographic obstacles and lowers the expenses faced by people pursuing justice.⁸⁷

To promote inclusivity, the language used across all stages of the process, from application forms to final rulings, should be straightforward, simple, and accessible to the general public. Legal terms that might confuse applicants should be kept to a minimum or avoided altogether. Staff and court clerks at the Constitutional Court need proper training so they can clearly explain procedures and provide helpful guidance to citizens. In addition, there should be formal opportunities for civil society organizations to take part as *amicus curiae* in cases that affect large segments of society. Their input can give judges access to broader viewpoints and help reinforce the credibility of the judicial process.⁸⁸

A mechanism can only be genuinely inclusive and accessible when the public trusts the institution overseeing it. For this reason, the Constitutional Court must consistently maintain its integrity, independence, and transparency. Every stage of the review process, from case registration through hearings to the announcement of rulings, needs to be carried out openly and made available to the public. When trust is built in this way, people will feel assured and willing to use the constitutional complaint mechanism as a tool to protect their most basic constitutional rights.⁸⁹

⁸⁷ Awanisa, Yusdianto, and Khoiriah, "Position of Constitutional Complaint," 61–78.

⁸⁸ Tegar Raffi Putra Jumentoro et al., "Constitutional Question dan Constitutional Complaint: Pembaharuan Mahkamah Konstitusi dan Terjaminnya Hak Konstitusional Warga Negara [Constitutional Question and Constitutional Complaint: Reform of the Constitutional Court and Guarantee of Citizens' Constitutional Rights]," *AL-MIKRAJ Jurnal Studi Islam dan Humaniora* 4, no. 2 (2024).

⁸⁹ Aylin Aydin-Cakir and Amanda Driscoll, "On Motives and Means: How Approach and Justification for Court-Curbing Impact Public Trust," *Democratization* 32, no. 4 (2025): 938–62.

Indonesia urgently needs to adopt a hybrid multi-level constitutional complaint model. This necessity stems not just from the theoretical requirement to complete the legal framework, but also from the real-world situation where many citizens hit legal dead ends when their constitutional rights are violated. Currently, if someone's rights are undermined by a flawed court ruling or arbitrary government action, their options to seek constitutional redress are extremely restricted.⁹⁰ Existing mechanisms, such as filing lawsuits at the State Administrative Court or requesting statutory review by the Constitutional Court, do not adequately address all types of rights violations. Introducing a constitutional complaint mechanism would close this gap and act as an essential protection for democratic principles.⁹¹

The implementation of this model, while not without obstacles, remains entirely feasible. Legally, the current discussions surrounding the fifth amendment to the 1945 Constitution present a timely opportunity to introduce this expanded authority for the Constitutional Court. There is already considerable backing from legal scholars and practitioners, which can provide a solid intellectual foundation to influence policy decisions. However, putting this model into practice will require more than just changes to the Constitutional Court's jurisdiction. It will also demand coordinated action from other state institutions, including the Supreme Court and administrative courts (PTUN), which would play a key role in screening complaints during the early stages before they reach the Constitutional Court. This layered approach would help manage the volume of cases more efficiently and establish a more unified system for delivering constitutional justice.⁹² From an institutional standpoint, the Constitutional Court and the Supreme Court have shown significant development in recent decades. Through strategic planning, efforts to strengthen institutional capacity, and the integration of technological

⁹⁰ Isra, "Model Akses Tidak Langsung [Indirect Access Model]," 215–30.

⁹¹ Amarru Mutfie Holish and Aulia Maharani, "Strengthening Constitutional Complaint Authority: Enhancing Citizens' Constitutional Rights Protection in Indonesia," *Journal of Law and Legal Reform* 4, no. 3 (2023): 347–64.

⁹² Simon Butt and Tim Lindsey, *Indonesian Constitutional Law: A Research Guide* (Oxford: Oxford University Press, 2018), 45–67.

tools, challenges related to excessive judicial workload can be effectively managed. The proposed multi-tiered model is tailored specifically to tackle this problem.⁹³

The biggest opportunity, and at the same time the toughest hurdle, comes from politics. Making this model work depends heavily on the President and the House of Representatives (DPR) showing real political commitment. It's essential to make political leaders understand that improving citizens' rights protection isn't a risk, it's an investment in lasting stability.⁹⁴ Advocacy efforts by civil society organizations, media outlets, and pro-democracy groups can build public pressure that pushes politicians to focus on this issue and support the larger aim of safeguarding constitutional rights. When properly carried out, the constitutional complaint mechanism will not only transform Indonesia's human rights protection system but also strengthen the nation's reputation internationally as a modern, democratic state grounded in the rule of law.⁹⁵

The urgency and future prospects of adopting this model ultimately hinge on the collective decision of the Indonesian people. Will the nation persist with the current system, which fails to fully protect citizens' rights, or will it have the courage to take bold steps toward establishing a legal framework that truly upholds the Constitution as the highest law and recognizes citizens as sovereign individuals whose rights must be respected and safeguarded by the state? The path ahead may be long and fraught with challenges, but the ultimate aim, achieving constitutional justice for everyone, is unquestionably worth the effort.⁹⁶

2.3.4. The Urgency of Reforming Rights Protection

The main reason for urgently reforming the constitutional rights protection system through a constitutional complaint mechanism is to achieve genuine constitutional supremacy. Currently, constitutional supremacy is mostly seen in terms of the legal hierarchy, where laws must not conflict with the 1945

⁹³ Larysa Nalyvaiko and Olha Chepik-Tregubenko, "Institute of Constitutional Complaint: Foreign Practice, Domestic Experience and Prospects," *Naukovyi Visnyk Dnipropetrovskoho Derzhavnogo Universytetu Vnutrishnikh Sprav* 2, no. 2 (2020): 7–15.

⁹⁴ Ginsburg, *Judicial Review in New Democracies*, 24–30.

⁹⁵ Faiz, "Prospect and Challenges," 103–28.

⁹⁶ Pan Mohamad Faiz, "The Protection of Civil and Political Rights by the Constitutional Court of Indonesia," *Indonesia Law Review* 6, no. 2 (2016): 158–79.

Constitution. Yet real constitutional supremacy means every action by the state, without exception, must align with constitutional provisions, especially those safeguarding human rights. Without a system that lets individuals challenge specific state actions that infringe on their constitutional rights, constitutional supremacy stays incomplete. A constitutional complaint acts as a vital link between the general rights outlined in the constitution and their actual enforcement in people's everyday lives.

Another pressing concern arises from the necessity to strengthen the accountability of state institutions. When every official decision, bureaucratic action, and court ruling can be challenged on constitutional grounds, state bodies are encouraged to act more carefully, professionally, and in alignment with constitutional principles. The constitutional complaint serves as a strong external oversight tool, directly exercised by citizens as the ultimate authority. This helps curb the misuse of power and arbitrary conduct, while fostering transparent and responsible governance. Over time, it contributes to building greater public confidence in state institutions.⁹⁷

From the victims' point of view, the need for this reform is clear and urgent. Research, both based on real-world evidence and legal theory, shows that many people and community groups whose constitutional rights are violated often cannot get proper justice through the current court systems, especially when those violations are part of everyday laws or how institutions normally operate. Issues like unfair forced evictions, the prosecution of human rights activists, discrimination against minorities, and harm to the right to live in a healthy environment often go unresolved or receive only weak responses under the present system.⁹⁸ The criminalization of human rights defenders has been widely acknowledged as a systemic issue that erodes the safeguarding of fundamental rights and undermines the rule of law. In this context, the constitutional complaint mechanism serves as an essential corrective measure, offering victims a direct and effective legal

⁹⁷ Heru Setiawan, "Mempertimbangkan Constitutional Complaint sebagai Kewenangan Mahkamah Konstitusi [Considering Constitutional Complaint as an Authority of the Constitutional Court]," *Lex Jurnalica* 14, no. 1 (April 2017): 146952.

⁹⁸ Aikaterini Christina Koula, "Strengthening the Rule of Law: The Necessity of Protecting Human Rights Defenders from Criminalisation," *Human Rights Law Review* 26, no. 1 (2026): 39.

pathway to contest such abuses and secure appropriate relief. Ultimately, this reform goes beyond mere legal engineering, it embodies a deeper commitment to human dignity, justice, and the constitutional obligation to uphold basic rights.⁹⁹

Finally, this urgency also carries global significance. In a time when human rights and democratic standards serve as key benchmarks in international relations, the lack of an effective rights protection mechanism risks weakening Indonesia's reputation and position on the global stage. Numerous modern democracies have implemented systems similar to constitutional complaints, treating them as the gold standard for safeguarding rights. By introducing such a mechanism, Indonesia would not only meet its constitutional duties to its citizens but also show its commitment to being part of the international community that values and upholds human rights. Implementing a hybrid multi-level constitutional complaint model in Indonesia is highly urgent. This urgency stems not just from the theoretical need to complete the legal framework but also from the real-world challenges many citizens face when their constitutional rights are violated. Currently, if someone's rights are harmed by a flawed court ruling or an arbitrary government policy, options for pursuing constitutional justice remain severely limited. Existing avenues, such as filing cases with the State Administrative Court or requesting judicial review at the Constitutional Court, do not adequately address all types of rights violations. Introducing a constitutional complaint mechanism would close this gap and act as a vital pillar in protecting democracy.

2.3.5. Model Prospects for Implementing the Model

The prospects for implementing this model, despite existing challenges, are far from impossible. From a legal perspective, the ongoing debate surrounding the fifth amendment to the 1945 Constitution presents a timely opportunity to introduce this new authority for the Constitutional Court. Academics and legal professionals have already shown strong support for the idea, which

⁹⁹ Edy Suasono, Priyo Saptomo, and Tri Dian Aprilsesa, "Constitutional Complaints as Extraordinary Legal Remedies Against Violations of Citizens' Constitutional Rights," *Pranata Hukum [Legal Institution]* 18, no. 2 (July 2023).

can serve as a solid intellectual foundation to influence policymakers.¹⁰⁰ Successful implementation of this model demands more than just reforming the Constitutional Court's jurisdiction; it also calls for coordinated action from other state institutions, including the Supreme Court and administrative courts (PTUN). These bodies would play a key role in the early stages by screening complaints before they reach the Constitutional Court. Such a multi-tiered system would help manage the volume of cases more efficiently and establish a unified structure for delivering constitutional justice across Indonesia.¹⁰¹

From an institutional standpoint, both the Constitutional Court and the Supreme Court have shown significant development in recent decades.¹⁰² With proper planning, efforts to strengthen institutional capacity, and the adoption of technological tools, challenges related to an overwhelming judicial workload can be effectively addressed.¹⁰³ The proposed multi-level model is specifically designed to address this issue, ensuring that only significant constitutional issues are escalated to the Constitutional Court.¹⁰⁴ However, the greatest prospect and, simultaneously, the most significant challenge lies in the political domain. Implementing this model requires strong political will from both the President and the House of Representatives (DPR).¹⁰⁵ Raising awareness among political elites that strengthening the protection of citizens' rights is not a threat but an investment in long-term stability is crucial.¹⁰⁶ Advocacy efforts by civil society organizations, the media, and pro-democracy groups can create public pressure that pushes politicians to make this issue a priority.¹⁰⁷ If successfully implemented, the constitutional complaint mechanism will not only transform Indonesia's

¹⁰⁰ Simon Butt and Tim Lindsey, "Economic Reform and the Constitutional Court," *Bulletin of Indonesian Economic Studies* 48, no. 2 (2012): 239–61.

¹⁰¹ Sixto González-Villora et al., "Hybridizing Pedagogical Models: A Systematic Review," *European Physical Education Review* 25, no. 4 (2019): 1056–74.

¹⁰² Mahkamah Konstitusi Republik Indonesia [Constitutional Court of the Republic of Indonesia], *Putusan No. 006/PUU-III/2005* [Decision No. 006/PUU-III/2005].

¹⁰³ Mahkamah Konstitusi Republik Indonesia [Constitutional Court of the Republic of Indonesia], *Putusan No. 138/PUU-VII/2009* [Decision No. 138/PUU-VII/2009].

¹⁰⁴ Tim Lindsey, "The Indonesian Constitutional Court: Democratization and Judicialization," in *Constitutional Courts in Asia*, ed. Albert H. Y. Chen (Cambridge: Cambridge University Press, 2018), 233–56.

¹⁰⁵ Awanisa, Yusdianto, and Khoiriah, "Position of Constitutional Complaint," 61–78.

¹⁰⁶ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 34–45.

¹⁰⁷ Harold Crouch, *Political Reform in Indonesia after Soeharto* (Singapore: ISEAS, 2010), 112–30.

human rights protection system but also strengthen the country's position in the international community as a modern, democratic state grounded in the rule of law.¹⁰⁸ The urgency and potential of implementing this model ultimately hinge on the collective decision of the Indonesian people. Will the nation persist with the current system, where rights protection remains incomplete, or will it have the courage to take a decisive step toward establishing a legal framework that truly positions the Constitution as the highest law and acknowledges citizens as sovereign individuals whose rights must be respected and safeguarded by the state? The path ahead may be long and fraught with challenges, but the ultimate objective, achieving constitutional justice for everyone, is unquestionably worth the effort.¹⁰⁹

III. CONCLUSION

3.1. Closing

The lack of a constitutional complaint mechanism in Indonesia highlights a structural gap in safeguarding constitutional rights, especially when violations stem from specific actions taken by the state. Although experiences from other countries underscore its value, introducing such a mechanism in Indonesia encounters significant legal and institutional hurdles. These include the Constitutional Court's narrow powers as defined in Article 24C, possible conflicts with the Supreme Court's authority, and the danger of overwhelming the judiciary with excessive cases. To address this, a Hybrid Multi-Level Constitutional Complaint Model offers a practical path forward, but it must be implemented through careful legal reform. This process should begin with amending the constitution to establish a solid legal foundation, followed by laws that detail how the mechanism will function, covering procedures, eligibility requirements, and the roles of various institutions, particularly the Supreme Court's role in screening cases. At the same

¹⁰⁸ Ginsburg, *Judicial Review in New Democracies*, 24–30.

¹⁰⁹ Herlambang P. Wiratraman, "Constitutional Struggles and the Court in Indonesia's Turn to Authoritarian Politics," *Federal Law Review* 50, no. 3 (2022): 314–30.

time, institutions need to be strengthened to handle the new system efficiently without disrupting the overall coherence of the judiciary. Rather than seeing this change as just an expansion of legal norms, it should be approached as a well-planned and realistic institutional framework designed to improve the protection of constitutional rights within Indonesia's current legal structure.

3.2. Recommendation

Indonesia should prioritize the adoption of a Hybrid Multi-Level Constitutional Complaint Model as part of its constitutional reform agenda. To make this happen, the country needs to take several concrete steps. First, it must amend the constitution to expand the Constitutional Court's authority, so it can handle constitutional complaints. Second, supporting laws should be drafted to include clear procedures, admissibility criteria, and enforcement mechanisms. Third, both the Constitutional Court and the Supreme Court require stronger institutional capacity through adequate resources, staff training, and modern technology. Fourth, a strict multi-level filtering mechanism should be implemented to avoid overwhelming the courts while still guaranteeing access to justice. Fifth, there must be strong political will, with cooperation and agreement among the executive, legislative, and judicial branches. Lastly, civil society should play an active role by promoting public awareness and participation, creating grassroots pressure for meaningful reform.

DECLARATION

During the preparation of this manuscript, ChatGPT, DeepL, and Grammarly were used solely to support translation and language refinement. The manuscript's substantive content was originally developed by the authors. The authors retain full responsibility for the manuscript's originality, accuracy, and scientific integrity.

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