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The Transformation of Constitutional Ethics in Constitutional Court Decisions as a Foundation for Strengthening Law Enforcement and Maintaining the Independence of Judicial Institutions

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Abstract: Constitutional ethics is a fundamental dimension determining the quality of law enforcement in Indonesia, especially in the Constitutional Court's rulings (MK). According to Article 24C of the Republic of Indonesia's 1945 Constitution, the Constitutional Court is an entity with constitutional authority. As such, it must make sure that its rulings uphold moral principles in addition to formally interpreting the law, justice, and integrity. Constitutional ethics serves as a normative and moral guideline for constitutional judges to prevent them from being trapped by political bias or pragmatic interests. In practice, several important Constitutional Court decisions, such as those concerning the presidential threshold, election disputes, and the judicial review of the Job Creation Law, which was later replaced by Law Number 6 of 2023, demonstrate that the principles of constitutional ethics often serve as the basis for upholding substantive justice. Challenges remain when political intervention and potential bias by judges can undermine public trust in the Constitutional Court's decisions. Therefore, the integrity and consistency of constitutional ethics must continue to be internalized through oversight mechanisms, transparency, and accountability for decisions. This study seeks to emphasize that strengthening constitutional ethics is not merely a normative necessity, but also an essential tool for maintaining the integrity of the Constitutional Court as its protector and for bolstering the system of checks and balances. It is anticipated that the study's conclusions would advance scholarly research and offer useful suggestions for the advancement of constitutional justice in Indonesia.

Keyword: Constitutional Ethics, Constitutional Court, Constitutional Court Decisions, Justice, Judicial Independence.

INTRODUCTION

The Constitutional Court holds a crucial position in the Indonesian constitutional system (Syahputra & Subaidi, 2021). Its existence is intended to ensure that the constitution remains the supreme law, respected by all state institutions and society (Muhtar, Maranjaya,

Arfiani, & Rahim, 2023). The Constitutional Court's primary function is to ensure that no laws contradict the 1945 Constitution, thereby upholding the principle of constitutional supremacy (Anggreni, Fuadi, Fitriyani, & Al-Kautsar, 2024). This supremacy is the foundation for a just, democratic, and constitutional state that guarantees the protection of human rights (Siagian, 2025). The executive and legislative branches run a serious risk of deviating from the constitution in the absence of the Constitutional Court's authority.

Constitutional ethics occupy a central position as a moral and legal guideline that should be reflected in every Constitutional Court decision (Kansil & Nadilatasya, 2024). These ethics are not merely written rules but also reflect the values of honesty, fairness, and adherence to the spirit of the constitution (Fadlail, 2024). Constitutional judges must adhere to these ethics so that their decisions have strong moral legitimacy in the eyes of the public. Decisions based on constitutional ethics can strengthen public trust in the judiciary (Roring, 2025). This trust is invaluable because it serves as the foundation for upholding justice and the legitimacy of the legal system.

The independence of the judiciary poses a significant challenge amidst the dynamics of national politics and law. Constitutional judges often face strategic political issues, such as elections, the formation of important laws, and disputes over authority between state institutions (Judijanto, et al., 2025). This situation demands that judges strictly maintain their integrity to avoid being influenced by practical political interests. When independence is compromised, public trust in the judiciary will decline drastically. This situation could weaken the Constitutional Court's position as the last bastion of constitutional protection.

The main piece of legislation confirming the Constitutional Court's existence and jurisdiction is the 1945 Constitution. While Article 24C expressly gives the Constitutional Court the power to examine laws that violate the 1945 Constitution, Article 24 governs the idea of an independent judiciary (Wulandari et al., 2023). The Constitutional Court's authority to enforce constitutional justice is fully recognized by the Constitution. Consistent rulings grounded in the law and constitutional ethics are necessary to uphold this legitimacy (Tarigan, 2024). The application of ethics is a crucial element to ensure decisions are not merely legal but also morally meaningful.

Judicial independence is emphasized in Law Number 48 of 2009 Governing Judicial Power. The regulation emphasizes that judges must be free from interference from any party, whether the executive, legislative, or other external forces (Kaeng, 2022). This principle aims to ensure that decisions are truly based on the law and the judge's conscience, not the result of political compromise. The independence guaranteed by law provides constitutional judges with the space to carry out their duties without fear (Rayfindratama, 2023). This protection of judicial independence ultimately strengthens public trust in justice.

The third amendment to the Constitutional Court Law, through Law Number 7 of 2020, clarifies the authority and institutional mechanisms of the Constitutional Court. This law regulates the requirements, procedures for appointment, and terms of office for constitutional judges. These regulations were created to strengthen the institutional quality of the Constitutional Court, so that every decision reflects the values of professionalism, integrity, and justice (Tokan, 2025). Clear rules regarding term limits also provide legal certainty, reduce the potential for conflicts of interest, and strengthen the legitimacy of judges. All of this is closely related to the importance of constitutional ethics as a guideline for judges in exercising their authority (Sinaga, 2020).

The concept of checks and balances is frequently linked to the connection between the Constitutional Court and the Supreme Court (MA) (Siregar, 2023). Law No. 3 of 2009 pertaining to the Supreme Court, Law No. 14 of 1985, and Law No. 5 of 2004 together, demonstrates that these two institutions have distinct yet complementary functions. The MA oversees the general judiciary, while the MK safeguards the upholding of the constitution

(Mahfud, 2015). This distinction of function ensures that the judicial system is not centralized in a single institution, thereby reducing the risk of abuse of power. These checks and balances serve as an instrument for maintaining a healthy democracy.

The theory of constitutional ethics serves as a philosophical foundation that affirms that the constitution is not merely a set of legal rules, but also moral values that must be upheld (Widiyaningrum, et al., 2025). This ethics requires judges to interpret the law not merely textually but also substantively, with an eye to justice. These moral values include honesty, openness, and integrity, which guide judges in deciding cases (Tobu, 2024). Without ethics, the law has the potential to be devoid of human values. Decisions based on constitutional ethics will provide more holistic justice for society.

The theory of the rule of law (*rechtsstaat*) and the rule of law emphasizes the importance of the supremacy of law in regulating national life (Ismoyo, 2025). All government activities must be grounded in the law, not just in authority, according to the rule of law. As the protector of the constitution, the Constitutional Court helps make sure that laws and rules adhere to the fundamentals of the rule of law (Nurbaeti, 2025). The application of this theory prevents arbitrary actions by those in power and protects the rights of citizens. Constitutional ethics strengthens the application of the rule of law theory by providing a moral basis for every decision.

The independence of the judiciary is also explained through a theory that asserts that judges must not be under pressure from any party. This theory positions judges as free, neutral, and impartial actors, so that every decision is based on legal and ethical considerations. Independence is an absolute requirement for the judiciary to exercise its control over state power (Jintang, 2023). Constitutional judges who uphold their independence will be more courageous in upholding justice even when faced with political interests. Constitutional ethics provides a moral foundation so that this independence is not merely a formality but is actually realized.

The Code of Ethics and Guidelines for Judicial Conduct (KEPPH) serves as a normative instrument to maintain judicial integrity. The KEPPH sets boundaries for behavior that must be adhered to by every judge, including constitutional judges, to prevent abuse of authority. Principles such as fairness, integrity, professionalism, and responsibility are clearly stated as standards of conduct (Gusman & Pratama, 2021). Enforcing the KEPPH not only protects the honor of the judicial profession but also strengthens public trust in the judiciary. The integration of KEPPH with constitutional ethics makes constitutional judges more robust in maintaining the dignity of the judiciary.

METHOD

Normative legal research using a statutory and conceptual approach was the research methodology employed in this work. The 1945 Constitution of the Republic of Indonesia, Law Number 24 of 2003 concerning the Constitutional Court as amended by Law Number 7 of 2020, and Constitutional Court rulings pertaining to judicial review and disputes over the authority of state institutions are just a few of the pertinent legal documents that are examined and reviewed in order to implement the statutory and conceptual approach. This method seeks to ascertain how legal standards govern the part that constitutional ethics play in constitutional judges' decision-making. Meanwhile, a conceptual approach is used by referring to the doctrines, theories, and thoughts of experts in constitutional law and legal philosophy, who place constitutional ethics as the moral foundation for constitutional judicial practice. Through this approach, the research not only examines the law in regulatory texts but also explores the values, principles, and underlying principles of the formation of these legal norms. By combining both approaches, In addition to offering a critical analysis of the difficulties in putting constitutional ethics into practice in order to preserve the integrity and

legitimacy of Indonesia's constitutional court institutions, this research is anticipated to present a thorough picture of the relationship between constitutional ethics and the practice of decisions made by the Constitutional Court.

RESULTS AND DISCUSSION

Transformation of Constitutional Ethics in Constitutional Court Decisions

Constitutional ethics is the moral foundation that underpins the upholding of constitutionalism in Indonesia. This ethic demands that every decision issued by the Constitutional Court refer not only to formal legal aspects, but also to the values of justice, propriety, and the public interest. This principle aligns with the goals of the rule of law, as stated in the Preamble to the 1945 Constitution's fourth paragraph, which calls for achieving social justice and safeguarding the entire country and territory of Indonesia. Constitutional ethics serves as a kind of spirit that gives meaning to every legal text, so that the law does not stop at mere legality but also touches on public morality. The existence of this ethics keeps the constitution alive and relevant to societal developments.

The position of constitutional ethics in Indonesian positive law can be traced to the provisions of the 1945 Constitution and organic laws. According to the 1945 Constitution's Article 24, paragraph (1), the judiciary has the autonomy to administer justice and enforce the rule of law. This definition shows that the judiciary's role extends beyond only upholding the wording of the law to include upholding justice as a moral principle. Every decision made by the Constitutional Court must be consistent with the moral principles outlined in Article 24C of the 1945 Constitution, which gives the court the power to review laws that violate the document. Law No. 48 of 2009 about Judicial Power, which highlights that judges must investigate, adhere to, and comprehend the legal principles and feeling of justice that exist in society, supports this.

Constitutional Court decisions are the primary arena for the application of constitutional ethics because they are generally binding (*erga omnes*) and final. Decisions made must reflect the values of honesty, legal certainty, and justice to prevent the public from losing trust in the judiciary. The Constitutional Court bears a heavier moral responsibility than ordinary courts because each of its decisions determines the direction of national law. Decisions that do not reflect constitutional ethics have the potential to create legal chaos and delegitimize the constitution. A clear ethical stance in Constitutional Court decisions is essential to maintaining the stability of the state system.

Analysis of Constitutional Court decisions shows a tendency to use constitutional ethics as a basis for deciding cases. For example, in a judicial review case related to the presidential threshold, the Constitutional Court upheld the presidential nomination threshold, arguing for the sake of government effectiveness. The ruling is not only a matter of legality, but also ethical considerations regarding how the government system can function stably. Although this ruling has drawn criticism, it can be seen that considerations of substantive justice are a key foundation. Constitutional ethics serve as a balancing element between legal texts and the practical needs of democracy.

Election disputes are another concrete example where constitutional ethics are seriously tested. The Constitutional Court, in many election dispute cases, is required to uphold honesty and justice as the basis for government legitimacy. The 1945 Constitution's Article 22E, paragraph (1), mandates that elections must be held in a direct, open, free, confidential, honest, and equitable manner. In resolving election disputes, the Constitutional Court must ensure that these principles are not violated. A ruling that favors truth and justice demonstrates the concrete application of constitutional ethics, as elections are a means of popular sovereignty whose integrity must be maintained.

Judicial reviews of controversial laws also demonstrate how constitutional ethics are a crucial instrument. The Constitutional Court's Decision No. 91/PUU-XVIII/2020 about Law No. 11 of 2020 concerning Job Creation, which was subsequently modified by Law No. 6 of 2023, is a notable case. In its decision, the Constitutional Court underlined how crucial public involvement is to the creation of legislation. This consideration clearly reflects the ethical values of the constitution, which prioritize honesty and openness in the legislative process. The Constitutional Court's courage in declaring the Job Creation Law conditionally unconstitutional demonstrates that constitutional ethics can function as a corrective mechanism for legislators.

Constitutional ethics plays a crucial role in maintaining the consistency of the Constitutional Court's decisions. This consistency means that the Constitutional Court's decisions must have a clear basis based on the principle of constitutional justice. If decisions frequently change without a solid basis, the public will perceive the Constitutional Court as not upholding strong ethical principles. This consistency serves as a benchmark for the independence of constitutional judges and demonstrates the extent to which constitutional ethics serve as a foundation. Adhering to universal moral values enables the Constitutional Court to stand firmly above all political interests.

The idea of checks and balances amongst state institutions is also directly tied to the Constitutional Court's decision-making consistency. The 1945 Constitution's Article 24C gives the Constitutional Court the power to examine legislation in order to stop the President and the House of Representatives (DPR) from passing unconstitutional regulations. The application of constitutional ethics in decisions serves as a check on excessive power. These checks and balances can only function if the Constitutional Court maintains its moral integrity, so that decisions do not appear to serve particular political interests. This ethical steadfastness ensures the Constitutional Court remains the guardian of constitutional democracy.

Political bias in Constitutional Court decisions poses a serious threat to the institution's dignity. When judges are suspected of siding with particular interests, the public will doubt the integrity of their decisions. Constitutional ethics serve as a safeguard to prevent judges from becoming ensnared in the political tug-of-war. Article 24, paragraph (1) of the 1945 Constitution stipulates that the judiciary must be independent, so there is no reason for judges to bow to political pressure. The neutrality of decisions is a clear reflection of judges' commitment to constitutional ethics.

The transformation of constitutional ethics in Constitutional Court decisions demonstrates that law cannot be separated from moral values. As the guardian of the constitution, the Constitutional Court must place ethics as an integral part of legal considerations. Constitutional articles provide the normative framework, while ethics provide substantive direction to ensure that decisions truly deliver justice. If constitutional ethics continues to be strengthened in practice, the Constitutional Court will increasingly be trusted as the final bastion of constitutional justice. The Constitutional Court's history demonstrates that constitutional ethics is not merely a normative ideal, but a practical necessity for maintaining the authority of the law.

Constitutional Ethics as the Foundation for Law Enforcement and Judicial Independence

Constitutional ethics provide a solid moral foundation for every Constitutional Court decision, which the Indonesian legal system may utilize as a guide. According to Article 24C paragraph (1) of the 1945 Constitution and Article 10 paragraph (1) of Law No. 24 of 2003 in conjunction with Law No. 7 of 2020, decisions made by the Constitutional Court are final and binding on all parties (*erga omnes*). This characteristic makes Constitutional Court

decisions not only resolve cases but also serve as a new source of law that guides the development of the national legal system. When constitutional ethics serve as a foundation, Constitutional Court decisions are able to provide legal certainty based on substantive justice, not merely formal compliance. This demonstrates that constitutional ethics strengthens the legitimacy of decisions in the eyes of the public.

The role of Constitutional Court decisions in strengthening national law can be seen in their ability to overturn legal norms that are open to interpretation or create uncertainty. One example is the Constitutional Court's decision to overturn several provisions in the Criminal Code and the Election Law deemed contrary to the principles of justice and human rights. When legal norms are unclear or open to abuse, the Constitutional Court is present to provide an interpretation that aligns with the constitution and moral values. This mechanism emphasizes the function of constitutional ethics as a filter to ensure that national law aligns with the ideals of justice. The presence of ethics makes the law more aligned with the interests of the people, rather than mere power.

The principle of due process of law is a crucial meeting point between constitutional ethics and law enforcement. This principle demands that every judicial process uphold fair, open procedures and respect for human rights. Constitutional Court decisions based on constitutional ethics serve to ensure that laws and regulations do not violate these rights. This is in accordance with the 1945 Constitution's Article 28D, paragraph (1), which states that everyone is entitled to recognition, guarantees, protection, and certainty under a just law. The integration of constitutional ethics with due process of law demonstrates that justice should not be sacrificed for legal formalities.

Article 24 of the 1945 Constitution guarantees the judiciary's independence, finds its moral foundation through constitutional ethics. Judicial independence is not merely guaranteed through the rule of law; it must also be upheld by the ethical commitment of constitutional judges. This ethic ensures that judges are truly free from political interference, public pressure, or personal interests. Without constitutional ethics, the constitutional guarantee of judicial independence will remain merely a slogan. Judicial independence can only be maintained if judges adhere to constitutional ethics as the primary principle in deciding cases.

Political intervention poses a actual threat to the independence of judicial institutions, particularly the Constitutional Court, which frequently deals with strategic cases. Constitutional ethics serves as a bulwark against the influence of political forces, either directly or indirectly. Decision-making mechanisms must be directed toward the interests of justice, not the interests of particular groups. When judges adhere to ethical values, they can resist all forms of political pressure. This moral steadfastness ensures that the Constitutional Court's decisions remain authoritative even when faced with powerful interests.

Criticism of the Constitutional Court's decisions in election disputes demonstrates the importance of constitutional ethics as a guiding principle. Election disputes are often fraught with political interests, making the Constitutional Court's decisions a focus of public scrutiny. When decisions are perceived as not reflecting justice or favoring a particular party, public trust in the Constitutional Court declines. Constitutional ethics demand that every decision in election disputes strictly uphold the principles of honesty and justice as mandated by Article 22E paragraph (1) of the 1945 Constitution. Ignoring ethics will create a crisis of legitimacy that will be difficult to resolve.

A key challenge in implementing constitutional ethics is the bias of judges, which is often questioned by the public. Independence, which should be absolute, is sometimes questioned due to judges' personal closeness or political affiliation with certain parties. This issue demonstrates that constitutional ethics do not always align with judicial practice. When judges fail to maintain neutrality, the integrity of the Constitutional Court is questioned. This

failure demonstrates the gap between the ideals of constitutional ethics and the reality of law enforcement.

Political pressure on the Constitutional Court also weakens the implementation of constitutional ethics. The institution is often forced to navigate harsh power dynamics, particularly when deciding cases with broad political implications. Such pressure has the potential to influence judges' deliberations, even though independence is formally guaranteed by the constitution. The situation demonstrates the fragility of the application of constitutional ethics if it is not supported by the judges' personal integrity. Political challenges require judges to possess moral courage consistent with their oath of office.

The misalignment between constitutional ethics and practical political interests also often creates dilemmas in the Constitutional Court's decisions. Judges must navigate the tension between the ideals of justice and the realities of power. In such circumstances, Constitutional Court decisions are potentially compromised for the sake of short-term political stability. This misalignment demonstrates that constitutional ethics still faces serious obstacles in its implementation. The success of ethics as a foundation for law enforcement depends on the extent to which judges are willing to prioritize constitutional interests over political interests.

Strengthening constitutional ethics requires a clear and sustainable strategy. Enforcement of the code of ethics for constitutional judges must be carried out consistently through internal and external oversight mechanisms. Institutional reform is needed to ensure that every judge adheres to high standards of integrity. Harmonizing Constitutional Court decisions with the principles of the Pancasila rule of law is a crucial step to ensure that decisions are not only legally valid but also in accordance with the values of justice inherent in society. Constitutional ethics will ultimately serve as the moral foundation that maintains the authority of the judiciary and public trust.

CONCLUSION

Since Article 24C of the 1945 Constitution of the Republic of Indonesia affirms the values of justice, honesty, and legal certainty and gives the Constitutional Court the power to review laws that violate the constitution, constitutional ethics can be seen as the main pillar supporting the integrity of decisions made by the Constitutional Court. Constitutional Court rulings grounded in constitutional ethics can be used to protect the judiciary's independence while bolstering law enforcement, preventing it from being trapped by fleeting political interests. The integrity of these decisions not only impacts public trust in the judiciary but also ensures that constitutional supremacy remains upheld as the highest foundation of the national legal system. Nevertheless, significant challenges remain, particularly the potential for political intervention and judicial bias, which can erode ethical values in legal deliberations. Therefore, the Constitutional Court's position as the final bulwark of the constitution must be consistently strengthened both substantively and institutionally.

The emphasis should be on internalizing constitutional ethics in every judicial process at the Constitutional Court, ensuring that constitutional judges consistently adhere to the principles of constitutional morality when making decisions. The oversight mechanism for constitutional judges needs to be strengthened through positive legal instruments, such as Law Number 7 of 2020 concerning the Constitutional Court, which regulates the code of ethics and conduct for constitutional judges, to ensure their effective operation. This strengthening must be accompanied by encouragement of public openness and accountability for decisions, as transparency will eliminate opportunities for abuse of authority and foster public trust in the legal products produced by the Constitutional Court. The more ethical, transparent, and accountable a decision is, the greater the Constitutional Court's role in

ensuring the supremacy of the constitution and the principle of checks and balances between state institutions.

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