



Judicial Activism Of The Constitutional Court In Rulings On The Review Of Laws

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ABSTRACT

Judicial activism exercised by the Constitutional Court of Indonesia has become a prominent and contested phenomenon in the development of Indonesian constitutional law. This form of judicial behavior arises when the Court, in performing its authority to review statutes against the 1945 Constitution of the Republic of Indonesia, goes beyond annulling legal provisions and adopts progressive constitutional interpretations that effectively generate new normative frameworks. Such practices have sparked scholarly debate regarding the limits of judicial authority within the constitutional system based on the separation of powers. On one hand, judicial activism is regarded as a legitimate constitutional mechanism to safeguard human rights and citizens' constitutional entitlements, particularly in situations where the legislature fails to adequately address demands for justice. On the other hand, excessive judicial intervention is criticized for potentially exceeding the Court's role as a negative legislator and for creating imbalances in the relationship among state institutions. This study aims to examine the concept of judicial activism within Indonesia's constitutional framework, analyze the constitutional basis of the Constitutional Court's authority in judicial review, and explore how judicial activism is reflected in several landmark and progressive Constitutional Court decisions. The research employs a normative legal method using statutory, conceptual, and case-based approaches. The data are obtained through an extensive review of legislation, legal doctrines, and relevant national legal journals. The findings indicate that judicial activism practiced by the Constitutional Court plays a crucial role in strengthening constitutional supremacy and enhancing the protection of citizens' constitutional rights. Nevertheless, such judicial activism must be exercised with due restraint and proportionality in order to prevent judicial overreach that could undermine the principle of checks and balances in a democratic state governed by the rule of law.

INTRODUCTION

The post-reform era of Indonesia's constitutional system has been characterized by the establishment of various new state institutions aimed at strengthening the principles of the rule of law and constitutional democracy. Among these institutions, the Constitutional Court of Indonesia (Mahkamah Konstitusi/MK) occupies a particularly strategic position within the constitutional framework. The Court was designed to function as the guardian of the constitution, ensuring that legislation and state practices conform to the values, norms, and principles enshrined in the 1945 Constitution of the Republic of Indonesia. In this regard, the authority to conduct judicial review of statutes serves as the Court's primary instrument for upholding constitutional supremacy and safeguarding citizens' constitutional rights.

Since commencing its operations in 2003, the Constitutional Court has issued hundreds of judicial review decisions that have not only affected the validity of statutory norms but have also influenced public policy directions and the broader dynamics of national legal politics. In practice, the Court has not consistently

limited its role to invalidating unconstitutional provisions. Instead, it has frequently adopted progressive and constructive constitutional interpretations. This tendency is commonly described as judicial activism, referring to the proactive role of constitutional judges in interpreting the constitution in order to address substantive justice and the protection of fundamental rights (Rozaq et al., 2024).

Judicial activism exercised by the Constitutional Court has become a controversial subject in Indonesian constitutional law discourse. On the one hand, judicial activism is viewed as a necessary response to legislative deficiencies and political stagnation. Many statutes enacted by the legislature are considered insufficiently responsive to evolving social, economic, and political conditions, thereby posing risks to the constitutional rights of citizens. In such circumstances, the Court is often expected to assume a more assertive role through progressive constitutional interpretation to ensure the realization of substantive justice (Nasrudin & Nursari, 2025).

On the other hand, judicial activism raises concerns regarding potential disruptions to the balance of power among state institutions. Criticism arises when Constitutional Court decisions are perceived not merely as interpretative acts but as the creation of new legal norms, a function traditionally reserved for the legislature. This phenomenon is often described as judicial overreach, namely judicial conduct that exceeds constitutionally prescribed limits (Firman, 2024). These concerns intensify when Court rulings result in significant policy changes without undergoing democratic legislative processes.

From the perspective of the separation of powers doctrine, judicial activism presents an inherent dilemma. Classical separation of powers theory assigns the judiciary the role of law interpretation rather than lawmaking. However, within modern constitutional states that embrace constitutionalism, judicial functions are no longer purely passive. Constitutional judges are increasingly required to interpret constitutional provisions dynamically in order to respond to societal developments and protect fundamental rights (Iftitah et al., 2023). Consequently, the boundary between legal interpretation and normative creation often becomes blurred in judicial review practice.

The debate surrounding judicial activism of the Constitutional Court is also inseparable from the open-textured nature of the 1945 Constitution. The Indonesian Constitution contains numerous broadly framed and abstract provisions that require judicial interpretation for concrete application. This structural characteristic provides the Court with considerable interpretative space. In this context, judicial activism is frequently regarded as a logical consequence of an open constitutional design rather than solely as an institutional overstepping of authority (Hasanah & Kharisma, 2022).

A number of Constitutional Court decisions demonstrate a strong inclination toward judicial activism, particularly in cases involving constitutional rights and public interests. Landmark rulings on the legal status of children born outside of marriage, the recognition of customary forests, electoral systems, and term limits for public officials illustrate how the Court employs progressive interpretative approaches. These decisions have not merely annulled statutory provisions but have also shaped new trajectories in national legal policy (Akmal & Arlianti, 2022).

From a human rights perspective, judicial activism undertaken by the Constitutional Court is often evaluated positively. Judicial activism enables the Court to correct legislative products that are discriminatory, repressive, or inconsistent with principles of justice. In certain instances, the Court is perceived as the final institutional safeguard for citizens confronting state policies that threaten constitutional rights (Ar-Razy & Rosidin, 2025). Accordingly, judicial activism cannot be simplistically categorized as either entirely legitimate or inherently problematic.

Nevertheless, judicial activism demands a high degree of caution and responsibility from constitutional judges. Unrestrained activism may generate legal uncertainty, particularly when Court decisions are not followed by corresponding legislative reforms. Moreover, excessive judicial intervention risks undermining the Court's institutional legitimacy, as it may be perceived as encroaching upon policy domains that should be determined through democratic mechanisms.

Within the context of national legal politics, judicial activism of the Constitutional Court is also shaped by inter-institutional dynamics. When the legislative and executive branches are perceived as ineffective in fulfilling their constitutional responsibilities, the Court tends to assume a more prominent role in filling legal gaps. This indicates that judicial activism is often situational and context-dependent, influenced by political conditions and the quality of legislative outputs.

Scholarly studies on judicial activism of the Constitutional Court suggest that this phenomenon cannot be detached from the core objectives of constitutionalism, namely the limitation of power and the protection of citizens' rights. Judicial activism becomes problematic when it ceases to be constitution-oriented and instead reflects the subjective preferences of judges. Therefore, assessments of judicial activism should focus not only on the outcomes of decisions but also on the interpretative methods and legal reasoning employed by the Court.

Based on the foregoing discussion, judicial activism of the Constitutional Court emerges as a complex phenomenon with significant legal, political, and social implications. While judicial activism can function as a crucial instrument for enforcing constitutional norms and achieving substantive justice, it also has the potential

to generate tension within the separation of powers framework. Consequently, a comprehensive and systematic examination of judicial activism in constitutional review decisions remains highly relevant.

This research focuses on analyzing judicial activism of the Constitutional Court in judicial review cases by examining its theoretical foundations, the constitutional basis of the Court's authority, and the manifestation of judicial activism in strategic decisions. Through a normative legal approach and analysis of national legal literature, this study seeks to contribute academically to understanding the ideal balance between an active constitutional judiciary and the principle of power limitation in a democratic state governed by the rule of law.

RESEARCH METHODOLOGY

This study adopts a normative legal research design, which examines law as a system of norms and principles operating within the framework of positive law. Normative legal research emphasizes the analysis of legislation, legal doctrines, fundamental legal principles, and judicial decisions relevant to the subject under investigation (Rizkia & Fardiansyah, 2023). In this research, the normative approach is employed to analyze the concept of judicial activism of the Constitutional Court and its implementation in judicial review decisions concerning the 1945 Constitution of the Republic of Indonesia.

To achieve the research objectives, several analytical approaches are applied. First, the statutory approach is utilized to examine constitutional and legislative provisions governing the authority of the Constitutional Court. This includes an analysis of Article 24C of the 1945 Constitution, Law Number 24 of 2003 on the Constitutional Court and its subsequent amendments, as well as other statutory instruments related to judicial power. This approach aims to identify the legal boundaries of the Court's authority in conducting judicial review.

Second, a conceptual approach is employed to explore key legal concepts and theories relevant to the study, including judicial activism, judicial restraint, separation of powers, and constitutionalism. This approach involves a critical examination of scholarly opinions found in accredited national law journals and academic literature, with the purpose of constructing a coherent conceptual framework for understanding judicial activism within the Constitutional Court's jurisprudence.

Third, the case approach is applied through the analysis of selected Constitutional Court decisions that exemplify judicial activism in judicial review cases. These decisions are purposively selected based on their relevance to issues of constitutional rights protection and norm creation through constitutional interpretation, including cases related to civil rights, electoral systems, and natural resource governance.

The legal materials used in this research are categorized into primary, secondary, and tertiary sources. Primary legal materials consist of the 1945 Constitution, statutes regulating the Constitutional Court, and Constitutional Court decisions that have obtained final and binding legal force. Secondary legal materials include accredited national law journals, constitutional law textbooks, previous research findings, and scholarly articles addressing judicial activism and constitutionalism. Tertiary legal materials comprise legal dictionaries and legal encyclopedias, which are utilized to clarify specific legal terms and concepts.

Data collection is conducted through library research by systematically reviewing legal literature in both printed and electronic formats. The collected legal materials are subsequently analyzed using qualitative analysis techniques, involving systematic, logical, and coherent interpretation of legal norms and judicial reasoning. The analysis is carried out deductively, beginning with general theories and concepts of judicial activism and subsequently examining their application in the Constitutional Court's judicial review practices.

Through this methodological framework, the study is expected to provide a comprehensive understanding of the limits and implications of judicial activism exercised by the Constitutional Court within Indonesia's constitutional system.

DISCUSSION

The Concept of Judicial Activism within Indonesia's Constitutional System

Judicial activism generally refers to a judicial tendency to interpret laws and constitutional provisions in a progressive manner, moving beyond a purely textual reading and taking into account underlying values, objectives, and the broader social implications of judicial decisions. In practice, judicial activism is reflected in the willingness of courts particularly the Constitutional Court to address legal gaps, broaden the meaning of legal norms, and protect citizens' constitutional rights when existing legislation is considered inadequate. This approach has evolved alongside demands for substantive justice, which cannot always be achieved through rigid and formalistic application of legal rules (Yuliana, 2020).

Within Indonesia's constitutional framework, judicial activism gained significant momentum in the post-reform era, especially following the establishment of the Constitutional Court as the guardian of the constitution. Constitutional reforms transformed the role of judicial power from a passive law-applier into a central actor in safeguarding constitutional supremacy and democratic principles. Accordingly, the Constitutional Court was designed not only as a body authorized to review statutes but also as an institution responsible for protecting constitutional rights against potential abuses of power by the legislature (Pertiwi,

2019).

The emergence of judicial activism in Indonesia is closely linked to the open-textured and normative character of the 1945 Constitution. Many constitutional provisions are formulated in broad and abstract terms, requiring judicial interpretation to enable their concrete application. This structural characteristic provides the Constitutional Court with considerable interpretative discretion to align constitutional norms with social developments and societal needs. In this context, judicial activism is often understood as a logical consequence of an open constitutional design rather than as an inherent form of judicial overstepping.

A fundamental distinction between judicial activism and judicial restraint lies in the manner in which judges exercise their authority. Judicial restraint emphasizes self-limitation, urging judges to adhere closely to the textual boundaries of statutes and the constitution while leaving legal reform primarily to the legislature. In contrast, judicial activism encourages a more assertive judicial role in interpreting the law to promote substantive justice and the protection of human rights. In the Indonesian context, the Constitutional Court has tended to adopt a more activist approach, particularly in cases directly affecting constitutional rights and matters of public interest (Yuliana, 2020).

The development of judicial activism within the Constitutional Court is also shaped by the dynamics of national legal politics. Deficiencies in legislative quality, overlapping regulations, and the tendency of lawmakers to disregard public aspirations have prompted the Court to assume a more active role in judicial review. Under such conditions, judicial activism is often perceived as a corrective mechanism to legislative failure and as a means of maintaining institutional balance among branches of government (Pertiwi, 2019).

Furthermore, increasing public expectations toward the Constitutional Court have reinforced tendencies toward judicial activism. The Court is frequently viewed by the public as the final avenue for obtaining constitutional justice, particularly when political and legislative channels fail to provide effective remedies. These societal expectations indirectly contribute to the Court's social legitimacy in issuing progressive and far-reaching decisions. Nevertheless, such legitimacy simultaneously demands heightened judicial responsibility to ensure that judicial activism remains firmly grounded within constitutional limits.

The Authority of the Constitutional Court in Judicial Review of Statutes

The authority of the Constitutional Court to review statutes against the 1945 Constitution of the Republic of Indonesia constitutes an explicit constitutional mandate as stipulated in Article 24C paragraph (1) of the Constitution. This provision affirms that the Court has the competence to adjudicate, at the first and final instance, cases concerning the constitutionality of statutes, with decisions that are final and binding. Normatively, this authority positions the Constitutional Court as a judicial institution entrusted with safeguarding constitutional supremacy and ensuring that legislative products conform to constitutional values and principles.

Within classical constitutional law theory, judicial review is traditionally associated with the concept of the judiciary as a negative legislator. Under this view, courts are authorized only to invalidate statutory norms that contradict the constitution, without engaging in the creation of new legal rules. In practice, however, the Indonesian Constitutional Court has frequently gone beyond merely declaring statutory provisions unconstitutional. The Court often formulates constitutional interpretations that either broaden or restrict the meaning of existing norms, and in certain cases, such interpretations effectively generate new normative standards not expressly provided for in the statute.

This phenomenon is evident in various judicial review decisions in which the Court inserts additional phrases, declares provisions to be conditionally constitutional, or postpones the application of statutory norms by imposing specific deadlines for legislative amendment. Such practices indicate that the Constitutional Court no longer functions solely as a negative legislator but also acts as an active constitutional interpreter that shapes legal meaning in accordance with constitutional principles (Luthfi, 2021).

The expansion of interpretative authority exercised by the Constitutional Court is often justified by the view that judicial review serves not only to annul unconstitutional norms but also to ensure that the legal system provides effective protection for citizens' constitutional rights. From this perspective, invalidating a norm without offering a constitutional alternative may result in legal vacuums and uncertainty. Consequently, through progressive interpretation, the Court seeks to maintain legal continuity while simultaneously promoting substantive justice (Luthfi, 2021).

Nevertheless, this expanded exercise of authority has generated significant debate within Indonesian constitutional law discourse. Critics argue that by formulating new norms through judicial review decisions, the Constitutional Court exceeds the limits of authority granted by the 1945 Constitution. This criticism is grounded in the principle of separation of powers, which assigns lawmaking functions exclusively to the legislature. Excessive judicial involvement in normative construction raises concerns about the transfer of legislative authority from elected representatives to constitutional judges.

Furthermore, the expansion of the Court's authority has implications for inter-institutional relations among state organs. Constitutional Court decisions that are self-executing and directly alter legal practices often place the legislature in a reactive position. This dynamic may give rise to institutional tensions between

the Court and the House of Representatives, particularly when judicial decisions diverge from the legislature's political and legal policy agenda. Over time, such tensions risk undermining the stability of the checks and balances mechanism within the constitutional system (Huda, 2019).

Conversely, proponents of the Court's expansive interpretative approach contend that progressive constitutional interpretation is a logical consequence of an open and dynamic constitutional framework. The 1945 Constitution sets forth fundamental norms that require further elaboration to address concrete societal issues. In situations where the legislature fails to respond promptly to evolving legal needs, the Constitutional Court is viewed as possessing constitutional legitimacy to fill legal gaps through constitutional interpretation oriented toward human rights protection and substantive justice (Pertiwi, 2019).

Illustrative Constitutional Court Decisions Demonstrating Judicial Activism

The practice of judicial activism by the Constitutional Court can be clearly observed in a number of judicial review decisions that go beyond merely invalidating statutory provisions and instead reshape constitutional interpretation and national legal policy. These rulings illustrate how the Court exercises its authority in a progressive manner to promote substantive justice and protect citizens' constitutional rights, even though such decisions frequently provoke debate concerning the proper limits of judicial power.

One of the most frequently cited decisions in discussions of judicial activism is Constitutional Court Decision No. 46/PUU-VIII/2010 concerning the legal status of children born outside of marriage. In this case, the Court reinterpreted provisions of the Marriage Law by expanding the scope of civil legal relations between a child born outside marriage and his or her biological father, provided that such a relationship can be proven through scientific and technological means. This interpretation fundamentally altered Indonesia's family law framework, which had previously relied on a highly formalistic approach. Through this ruling, the Court prioritized the protection of children's rights and principles of justice as the primary basis for constitutional interpretation, even though the resulting legal norm was not explicitly formulated in statutory law. Consequently, this decision is widely regarded as a clear manifestation of judicial activism, as the Court not only nullified restrictive norms but also effectively created new legal standards through progressive constitutional interpretation (Rahayu, 2022).

Another prominent example is Constitutional Court Decision No. 35/PUU-X/2012 concerning the legal status of customary forests. In this case, the Court held that customary forests do not constitute part of state forests but instead fall within the legal domain of indigenous peoples. This ruling significantly transformed the legal paradigm governing natural resource management and the recognition of indigenous rights in Indonesia. By adopting an expansive interpretation of Article 18B of the 1945 Constitution, the Court affirmed constitutional recognition and protection of the traditional rights of indigenous communities. The Court's judicial activism in this decision is evident in its willingness to correct long-standing legislative policies that had placed indigenous peoples in a subordinate position. Although the ruling carried substantial implications for national forestry policy, it is generally viewed as a progressive step toward ecological and social justice (Rahayu, 2022).

Judicial activism is also reflected in Constitutional Court Decision No. 14/PUU-XI/2013 concerning the electoral system. In this decision, the Court emphasized that the legislative election system must provide greater space for voter sovereignty through mechanisms that enable direct voter choice. The ruling effectively altered the electoral system design previously established by the legislature. The Court reasoned that electoral arrangements must embody the principle of popular sovereignty as mandated by the 1945 Constitution. In this context, the Court did not merely assess the constitutionality of statutory norms but also played a decisive role in shaping the direction of Indonesia's electoral democracy.

As noted by Rahayu (2022), these decisions share a common thread in their reliance on substantive justice as the core foundation for constitutional interpretation. The Constitutional Court consistently places values of justice, human rights protection, and public interest above strict formal legal certainty. This interpretative approach enables the Court to extend broader constitutional protection to vulnerable groups, including children, indigenous communities, and voters as holders of popular sovereignty.

Critiques of Judicial Activism by the Constitutional Court

Although judicial activism exercised by the Constitutional Court is often praised as a crucial mechanism for protecting constitutional rights and advancing substantive justice, it has also attracted substantial academic and institutional criticism. The principal concern centers on the Court's tendency to exceed its judicial mandate, particularly when judicial review decisions do not merely invalidate statutory provisions but instead establish new, generally binding legal norms. This phenomenon is frequently described as an excess of judicial activism, which risks blurring the constitutional boundary between judicial and legislative functions (Huda, 2019).

From the standpoint of the separation of powers doctrine, the authority to enact legal norms fundamentally belongs to the legislature as the institutional embodiment of popular sovereignty. When the Constitutional Court formulates new norms or effectively determines legal policy directions through its rulings,

concerns arise regarding a potential shift of power from elected representatives to constitutional judges. Such a development is perceived as potentially weakening the system of checks and balances that underpins a democratic state governed by the rule of law, as judicial authority may become disproportionately dominant relative to other branches of government (Huda, 2019).

Sebastian (2020) argues that excessive judicial activism may lead to the erosion of the political legitimacy of the legislature. Constitutional Court decisions that are highly progressive and far-reaching often constrain the policy-making space that should remain within the legislature's domain. As a result, the legislative process ideally a forum for democratic deliberation and representation risks being supplanted by judicial determinations that do not originate from electoral mandates. Over time, this dynamic may generate institutional tension between the Constitutional Court and the legislative branch.

In addition to legitimacy concerns, judicial activism is also criticized for its potential impact on legal certainty. Constitutional Court decisions that introduce new normative standards are not always promptly followed by statutory amendments or implementing regulations. This lack of synchronization between judicial rulings and the broader legislative framework may create confusion in legal implementation, particularly for law enforcement officials and the public. Legal uncertainty becomes more pronounced when Court decisions are conditional in nature or require further interpretative guidance in practice (Sebastian, 2020).

Another line of criticism highlights the risk of judicial subjectivity inherent in activist adjudication. When constitutional interpretation relies heavily on judges' personal values or perspectives, there is a possibility that judicial decisions may reflect ideological preferences rather than being firmly grounded in the text and spirit of the constitution. Such subjectivity may undermine the objectivity and consistency of Constitutional Court jurisprudence and, in turn, diminish public confidence in constitutional adjudication.

Nevertheless, some scholars acknowledge that critiques of judicial activism cannot be separated from the broader context of legislative quality and national legal-political dynamics. Judicial activism often emerges as a response to the failure of the legislature to enact fair, responsive, and rights-oriented regulations. Within this context, judicial activism is sometimes regarded as a temporary corrective mechanism intended to ensure the effective functioning of the constitution, particularly when other branches of government fall short in fulfilling their constitutional responsibilities.

CONCLUSION

Judicial activism exercised by the Constitutional Court represents a significant phenomenon in the post-reform development of Indonesian constitutional law. Through its authority to review statutes against the 1945 Constitution of the Republic of Indonesia, the Constitutional Court has not merely functioned as an institution assessing the constitutionality of legal norms, but has also assumed an active role as a constitutional interpreter seeking to realize substantive justice and protect citizens' constitutional rights. This form of judicial activism has emerged in response to the open-textured nature of the Constitution, complex social dynamics, and the limitations of legislative products in addressing societal demands for justice.

The practice of judicial activism is clearly reflected in a number of landmark Constitutional Court decisions that expand the meaning of legal norms and shape new directions in national legal policy. These rulings demonstrate that the Court has not confined itself to the role of a negative legislator, but has increasingly acted as a positive interpreter by adopting progressive constitutional interpretations to ensure the effective protection of constitutional rights, particularly for vulnerable groups. In this respect, judicial activism has made a meaningful contribution to strengthening constitutional supremacy and the foundations of constitutional democracy in Indonesia.

Nevertheless, judicial activism has also generated substantial criticism, particularly regarding the risk of excessive judicial intervention that may blur the principle of separation of powers and undermine the legitimacy of the legislative branch. Unrestrained judicial activism may lead to legal uncertainty and institutional tension among state organs if it is not accompanied by robust legal reasoning and respect for constitutional limits of authority.

Accordingly, judicial activism by the Constitutional Court must be exercised with proportionality and a high degree of judicial responsibility. Maintaining a balance between the protection of constitutional rights and adherence to the principle of checks and balances is essential to ensure that the Court continues to function effectively as the guardian of the constitution within a democratic state governed by the rule of law. When applied within these parameters, judicial activism can serve as a constructive corrective mechanism without compromising the legitimacy and stability of Indonesia's constitutional system.

REFERENCES

- Akmal, D. U., & Arlianti, D. L. (2022). Dinamika Perlindungan Hak Konstitusional Warga Negara Dalam Implementasi Pengujian Undang-Undang di Mahkamah Konstitusi. *Mulawarman Law Review*, 7(1), 49-70.
- Ar-Razy, R. S. M., & Rosidin, U. (2025). Asas-asas Hukum Acara Mahkamah Konstitusi dan Implikasinya terhadap Kewenangan Uji Materi Undang-Undang. *Jurnal Hukum Legalita*, 7(1), 68-78.
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- Asshiddiqie, J. (2019). Peran Mahkamah Konstitusi dalam Penegakan Konstitusionalisme di Indonesia. *Jurnal Konstitusi*, 16(2), 213–235.
- Firman, F. (2024). Aktivisme Yudisial dalam Putusan Mahkamah Konstitusi Nomor 29/PUU-IX/2011 Ditinjau dari Perspektif Hukum Progresif. *Indonesian Journal of Innovation Multidisipliner Research*, 2(4), 318–329.
- Hasanah, G. N., & Kharisma, D. B. (2022). Eksistensi Judicial Activism Dalam Praktik Konstitusi Oleh Mahkamah Konstitusi. *Sovereignty*, 1(4), 734–744.
- Huda, N. (2019). Aktivisme Hakim Mahkamah Konstitusi dan Batasan Kekuasaan Kehakiman. *Jurnal Hukum IUS QUIA IUSTUM*, 26(3), 425–445.
- Ifitah, A., Purwoto, A., Manullang, H., Solapari, N., Esther, J., Saragih, G. M., ... & Hidayat, D. N. (2023). *Pengantar Ilmu Hukum*. Sada Kurnia Pustaka.
- Luthfi, M. (2021). Penafsiran Konstitusi dan Implikasi Judicial Activism Mahkamah Konstitusi. *Jurnal Hukum dan Peradilan*, 10(1), 1–20.
- Nasrudin, N., & Nursari, N. (2025). *Pengantar Ilmu Hukum (Membedah Logika Dan Etika Keadilan)*.
- Pertiwi, D. A. (2019). Judicial Activism Mahkamah Konstitusi dalam Perspektif Demokrasi Konstitusional. *Jurnal Yudisial*, 12(2), 145–163.
- Rahayu, E. (2022). Putusan Progresif Mahkamah Konstitusi dan Perlindungan Hak Konstitusional Warga Negara. *Jurnal Wawasan Hukum*, 46(1), 67–86.
- Rizkia, N. D., & Fardiansyah, H. (2023). *Metode Penelitian Hukum (Normatif dan Empiris)*. Penerbit Widina.
- Rozaq, M. A., Batara, S. D., & Jaya, M. R. (2024). Urgensi Check and Balance oleh Mahkamah Konstitusi melalui Judicial Activism dalam Praktik Demokrasi di Indonesia. *UNES Law Review*, 6(3), 8796–8805.
- Sebastian, L. (2020). Judicial Overreach dalam Praktik Pengujian Undang-Undang oleh Mahkamah Konstitusi. *Jurnal Rechtsvinding*, 9(3), 401–420.
- Soekanto, S., & Mamudji, S. (2018). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers.
- Yuliana, R. (2020). Konsep Judicial Activism dalam Sistem Ketatanegaraan Indonesia. *Jurnal Hukum Responsif*, 8(1), 23–39.