



The Problem of Constitutional Questions in the Practice of Judicial Power in Indonesia

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ABSTRACT

The constitutional question mechanism has been implemented in various countries with established constitutional justice systems. However, Indonesia's constitutional system has not yet incorporated this mechanism into the authority of the Constitutional Court. Consequently, judges in the general, religious, military, and administrative courts do not have the authority to refer constitutional questions to the Constitutional Court when they encounter doubts regarding the constitutionality of a legal norm that must be applied in a concrete case. This study aims to analyze the problems surrounding the constitutional question in the practice of judicial power in Indonesia, identify the factors underlying the non-implementation of this mechanism, and formulate an ideal concept for its institutionalization within Indonesia's constitutional justice system. This study employs normative legal research using statutory, conceptual, case, and comparative approaches. Legal materials were obtained through library research, including legislation, Constitutional Court decisions, books, and relevant scientific journals, and were subsequently analyzed qualitatively using legal interpretation methods.

The results show that the non-implementation of the constitutional question mechanism is primarily attributable to the limitations of Article 24C of the 1945 Constitution of the Republic of Indonesia and the Constitutional Court Law, which currently regulate judicial review based on applications submitted by parties possessing legal standing. This condition creates a gap in the mechanism through which judges can obtain constitutional assessment before applying a legal norm in a concrete case, potentially weakening the protection of citizens' constitutional rights and creating legal uncertainty. In addition, the absence of procedural regulations governing the constitutional question mechanism and the lack of an established functional relationship between the Supreme Court and the Constitutional Court constitute significant obstacles to its implementation. This study concludes that the institutionalization of the constitutional question can be achieved through amendments to the Constitutional Court Law by incorporating it as part of the constitutional review mechanism already exercised by the Constitutional Court, without requiring an amendment to the 1945 Constitution of the Republic of Indonesia. The institutionalization of this mechanism is expected to strengthen constitutional supremacy, enhance legal certainty, promote consistency in judicial decisions, and provide more effective protection of citizens' constitutional rights.

INTRODUCTION

Indonesia is a constitutional state, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which establishes the Constitution as the highest legal norm and the fundamental basis for all state administration. The consequence of the *rule of law* principle is that all actions of state administrators must be based on the Constitution while upholding the principles of the supremacy of law, legal certainty, justice, and the protection of human rights. Within the framework of a modern constitutional state, the Constitution does not merely function as a political document but also serves as a legal instrument governing the distribution of power, relations among state institutions, and the protection of citizens' constitutional rights. Therefore, all state organs, including judicial institutions, have an obligation to ensure that every governmental action and the implementation of laws and regulations do not contradict the 1945 Constitution of the Republic of Indonesia. This concept is consistent with the theory of constitutional supremacy, which places the Constitution as the highest law (*the supreme law of the land*), requiring all laws and regulations to comply with constitutional norms (Asshiddiqie, 2006).

As an institution exercising judicial power under Article 24 of the 1945 Constitution of the Republic of Indonesia, the Supreme Court, together with the judicial bodies under its authority, and the Constitutional Court play an essential role in upholding law and justice based on the Constitution. The establishment of the Constitutional Court was one of the results of the constitutional amendments following the 1998 Reform Era, which aimed to strengthen the system of *checks and balances*, prevent abuse of power, and ensure that all legislative products remain consistent with the Constitution. The Constitutional Court is authorized to review laws against the 1945 Constitution of the Republic of Indonesia, resolve disputes concerning the authority of state institutions, decide on the dissolution of political parties, resolve disputes over general election results, and issue decisions concerning the DPR's opinion regarding alleged violations committed by the President and/or Vice President. These authorities demonstrate that the Constitutional Court functions as the *guardian of the constitution* and the *protector of constitutional rights*, with the responsibility to safeguard the implementation of the Constitution within Indonesia's constitutional system.

Nevertheless, the practice of judicial power in Indonesia continues to face various challenges, particularly when judges in the general, religious, military, and administrative courts encounter doubts concerning the constitutionality of a legal norm that must be applied in a concrete case. In such circumstances, judges face a difficult position. On the one hand, they are bound by the principle of legality, which requires them to apply laws and regulations that remain legally valid. On the other hand, judges are also required to uphold the Constitution and protect the constitutional rights of justice seekers. The Indonesian legal system currently does not provide a mechanism that allows judges to request the Constitutional Court to assess the constitutionality of a legal norm before that norm is applied in a judicial decision. Consequently, violations of citizens' constitutional rights may still occur because judges are required to apply legally binding norms even when there are reasonable grounds to suspect that such norms are inconsistent with the Constitution. This situation demonstrates the continuing gap between the principle of constitutional supremacy and the practical implementation of judicial power in Indonesia.

One mechanism that has developed in various countries with constitutional review systems is the *constitutional question*. This mechanism allows a judge who is examining a case to refer a question to the Constitutional Court when there is doubt regarding the conformity of a statutory norm with the Constitution before that norm is applied in deciding the case. Through this mechanism, judges are not forced to apply norms suspected of being unconstitutional, while citizens' constitutional rights can receive more effective protection (Collins & Faiz, 2019). In several countries that adopt centralized systems of constitutional review, including Germany, Austria, Italy, and South Korea, the *constitutional question* has become an important mechanism for maintaining consistency in the implementation of constitutional norms. Through this mechanism, ordinary courts may suspend proceedings and refer the relevant constitutional issue to the Constitutional Court for a determination of the constitutionality of the norm serving as the legal basis for resolving the case. Accordingly, judicial decisions are not based solely on formal legality but also obtain constitutional legitimacy, thereby providing more optimal protection of citizens' rights.

Conceptually, the *constitutional question* differs from the *judicial review* mechanism currently applicable in Indonesia. Under the system for reviewing laws against the 1945 Constitution of the Republic of Indonesia, a petition for judicial review may only be submitted by a party possessing legal standing and claiming that their constitutional rights have been harmed by the enactment of a particular law. In contrast, a *constitutional question* originates from a judge's doubts regarding the constitutionality of a norm that will be applied in a concrete case (*concrete review*). Thus, the initiative for constitutional review originates from the court rather than from the parties to the proceedings. This model is considered capable of strengthening synergy between the Constitutional Court and the Supreme Court in maintaining consistency in constitutional implementation while preventing judicial decisions from being based on norms that may subsequently be declared unconstitutional.

In Indonesia, the authority to submit a *constitutional question* has not yet been explicitly regulated, either in the 1945 Constitution of the Republic of Indonesia or in Law Number 24 of 2003 concerning the Constitutional Court, as subsequently amended several times. As a result, judges can only apply legal norms that remain valid or wait for a judicial review petition to be submitted by a party fulfilling the requirements of *legal standing*. The absence of such a mechanism demonstrates that Indonesia's constitutional review system remains oriented toward a passive review mechanism (*passive review*), meaning that the protection of citizens' constitutional rights cannot yet be fully implemented preventively during ongoing judicial proceedings. This condition has encouraged the development of academic ideas concerning the importance of institutionalizing the *constitutional question* as part of efforts to strengthen Indonesia's constitutional justice system.

The absence of a *constitutional question* mechanism creates various problems in the practice of judicial power. Judges may face a dilemma when choosing between applying laws that remain legally valid despite suspected unconstitutionality or setting aside such norms without a clear legal basis for doing so. This dilemma concerns not only legal certainty but also the ability of judges to realize substantive justice and protect citizens' constitutional rights. If judges continue to apply norms suspected of being inconsistent with the Constitution, the resulting decisions may potentially violate the constitutional rights of the parties. Conversely, if judges disregard statutory norms without clear constitutional authority, such action may be considered contrary to the principle of legality and the principle of separation and distribution of powers within Indonesia's constitutional system.

This situation may also result in inconsistencies in the application of law across different judicial environments. Judges dealing with similar legal issues may provide different legal considerations concerning the same norms because there is no formal mechanism for obtaining a constitutional interpretation from the Constitutional Court before a case is decided. The consequences are not limited to reduced legal certainty but may also result in disparities in judicial decisions, which can undermine public confidence in the judiciary. Furthermore, citizens' constitutional rights may only receive protection after the Constitutional Court issues a decision through the judicial review mechanism, even though constitutional harm may already have occurred when a case was decided on the basis of a norm that was subsequently declared unconstitutional.

Furthermore, the current statutory review mechanism is passive because the Constitutional Court can only examine petitions submitted by specific parties and cannot act solely on the basis of a judge's doubts arising while examining a concrete case. Several studies indicate that institutionalizing the *constitutional question* is an alternative mechanism for strengthening the Constitutional Court's function as guardian of the Constitution without necessarily amending the 1945 Constitution of the Republic of Indonesia. Such institutionalization could instead be pursued through improvements to the Constitutional Court Law and the procedural framework for judicial review. Accordingly, the mechanism is expected to harmonize the principles of legal certainty, justice, and constitutional supremacy while strengthening the protection of citizens' constitutional rights in the practice of judicial power in Indonesia.

From the perspective of the theory of constitutional supremacy, the Constitution must serve as the primary guideline throughout the law enforcement process. The theory of *constitutional supremacy* places the Constitution as the highest law binding upon all state organs, including judicial institutions (Kelsen, 1945). Meanwhile, the theory of *judicial review* explains that constitutional review of legislation is an important instrument for ensuring that every legislative product remains consistent with the Constitution (Stone Sweet, 2000). In line with this perspective, the theory of constitutional rights protection emphasizes that the state is obliged to provide effective legal mechanisms through which every citizen can obtain guarantees for the rights protected by the Constitution. Therefore, institutionalizing the *constitutional question* can be viewed as an extension of the constitutional review function already exercised by the Constitutional Court, intended to strengthen the protection of constitutional rights while improving the quality of judicial decisions.

Previous studies have demonstrated the urgency of implementing the *constitutional question* within Indonesia's constitutional system. Collins and Faiz (2019) stated that such a mechanism is necessary to provide more effective protection of citizens' constitutional rights. Novlarang, Saraswati, and ALW (2019) confirmed that the *constitutional question* could serve as a preventive instrument to prevent the application of norms that conflict with the 1945 Constitution of the Republic of Indonesia. Meanwhile, Chalid and Yaqin (2019) argued that institutionalizing the *constitutional question* could be achieved through an expansion of the Constitutional Court's authority without altering its fundamental function as guardian of the Constitution. Nevertheless, to date, this mechanism has not received explicit normative regulation and therefore remains a subject of debate in both academic discourse and judicial practice.

Based on the foregoing discussion, this research aims to analyze the problems surrounding the *constitutional question* in the practice of judicial power in Indonesia, identify the factors that have prevented the implementation of this mechanism, and formulate an appropriate framework for strengthening the constitutional justice system through the institutionalization of the *constitutional question*. This effort is intended to strengthen the protection of citizens' constitutional rights and legal certainty within the Indonesian judicial system. The research is expected to contribute theoretically to the development of constitutional law and provide recommendations for lawmakers in reforming the procedural law of the Constitutional Court.

The research problems addressed in this study are how the *constitutional question* is problematic in the practice of judicial power in Indonesia, what factors have caused the *constitutional question* mechanism not yet to be implemented within the Indonesian judicial system, and how an ideal concept for institutionalizing the *constitutional question* can be developed within Indonesia's judicial power system to strengthen the protection of citizens' constitutional rights.

RESEARCH METHOD

This study employs normative legal research, which examines law as a normative system. Normative legal research aims to identify legal rules, legal principles, and legal doctrines that can be used to address the legal issues serving as the object of the research (Marzuki, 2017). In line with this view, Soekanto and Mamudji (2015) state that normative legal research is conducted through the examination of library materials or secondary data consisting of primary, secondary, and tertiary legal materials. This normative legal research method was selected because the issue examined in this study concerns a regulatory gap (*normative gap*) regarding the *constitutional question* mechanism within the Indonesian judicial system. Therefore, the analysis focuses on constitutional norms, statutory regulations, legal doctrines, and relevant decisions of the Constitutional Court.

The research approaches employed in this study include the statutory approach, conceptual approach, case approach, and comparative approach. The statutory approach is conducted by examining all relevant laws and regulations related to the legal issue under investigation, particularly the 1945 Constitution of the Republic of

Indonesia, Law Number 24 of 2003 concerning the Constitutional Court and its subsequent amendments, and Law Number 48 of 2009 concerning Judicial Power (Marzuki, 2017). The conceptual approach is used to examine theories concerning constitutional supremacy, *judicial review*, *constitutional review*, and *constitutional question* based on the views of constitutional law scholars. Furthermore, the case approach is employed by analyzing relevant Constitutional Court decisions concerning judicial review. The comparative approach is used to compare the practice of *constitutional question* in several countries, including Germany, Austria, Italy, and South Korea, with the aim of identifying an appropriate model that may be implemented within the Indonesian constitutional system.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, laws concerning the Constitutional Court and Judicial Power, as well as relevant Constitutional Court decisions related to the issue of *constitutional question*. Secondary legal materials consist of books, scientific articles, academic journals, research findings, and scholarly opinions concerning constitutional law and the procedural law of the Constitutional Court. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references used to clarify and interpret legal concepts. The collection of legal materials is conducted through library research by identifying, inventorying, and reviewing various sources relevant to the object of the research (Soekanto & Mamudji, 2015; Marzuki, 2017).

The legal materials are analyzed qualitatively using legal interpretation and juridical argumentation methods. The analysis begins with an inventory of all relevant legal materials, followed by their classification according to the legal issues under examination. The relevant legal norms are then interpreted using grammatical, systematic, historical, and teleological interpretation methods. Subsequently, the study analyzes the relationship between constitutional norms, legal doctrines, and judicial practices in order to formulate legal arguments concerning the urgency of institutionalizing the *constitutional question* within Indonesia's judicial system. The results of the analysis are presented descriptively and analytically to formulate conceptual recommendations for strengthening the authority of the Constitutional Court, increasing the protection of citizens' constitutional rights, and reinforcing constitutional supremacy (Johnny Ibrahim, 2013; Marzuki, 2017).

RESULTS AND DISCUSSION

The research findings indicate that Indonesia's constitutional system currently does not accommodate the *constitutional question* mechanism as part of the authority of the Constitutional Court. Based on Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the authority of the Constitutional Court includes reviewing laws against the Constitution, resolving disputes concerning the authority of state institutions, deciding on the dissolution of political parties, resolving disputes over general election results, and issuing decisions concerning the DPR's opinion regarding alleged violations committed by the President and/or Vice President. These provisions do not provide a legal basis for judges in the general, religious, military, or administrative courts to refer constitutional questions to the Constitutional Court when they encounter doubts concerning the constitutionality of a legal norm that must be applied in a concrete case (Collins & Faiz, 2019). Consequently, a legal *vacuum* exists within Indonesia's constitutional review system, which affects the optimal protection of citizens' constitutional rights.

In judicial practice, judges frequently encounter situations in which legal norms that remain formally valid are suspected of being inconsistent with the 1945 Constitution of the Republic of Indonesia. Based on the principle of legality, judges remain obligated to apply such norms as long as they have not been declared unconstitutional by the Constitutional Court. At the same time, however, judges have a constitutional obligation to uphold justice and protect citizens' constitutional rights. This situation creates a juridical dilemma because judges do not have a mechanism through which they can request a constitutional interpretation before rendering a decision. Hamidi and Lutfi (2010) state that such a condition may potentially result in injustice because a judicial decision may be based on a legal norm that is subsequently declared unconstitutional by the Constitutional Court.

Furthermore, Collins and Faiz (2019) explain that the *constitutional question* constitutes a form of concrete constitutional review, namely a review of the constitutionality of legislation arising from a concrete case being examined by a judge. Unlike the *judicial review* mechanism in Indonesia, which can only be initiated by a party possessing *legal standing*, the *constitutional question* mechanism allows judges to request the Constitutional Court to assess the constitutionality of a legal norm before that norm is applied in a judicial decision. Therefore, this mechanism can provide more effective preventive protection for citizens' constitutional rights while strengthening constitutional supremacy in the law enforcement process.

Factors Causing the Non-Implementation of the *Constitutional Question*

The findings indicate that the primary factor hindering the implementation of the *constitutional question* mechanism in Indonesia is the absence of an explicit constitutional and statutory basis regulating such authority. Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia authorizes the Constitutional Court to review laws against the Constitution, resolve disputes concerning the constitutional authority of state institutions, decide on the dissolution of political parties, adjudicate disputes over general election results, and issue decisions

concerning the House of Representatives' opinion regarding the alleged violation of law by the President and/or Vice President. These constitutional provisions do not authorize judges of ordinary courts to refer constitutional questions to the Constitutional Court when they encounter doubts concerning the constitutionality of statutory provisions applicable to pending cases. Consequently, judges remain legally bound to apply statutes that are formally valid until they are declared unconstitutional by the Constitutional Court, even when substantial constitutional concerns exist regarding those provisions (Chalid & Yaqin, 2019). This situation creates a legal vacuum that limits preventive constitutional protection for citizens during judicial proceedings.

In addition to this constitutional limitation, the normative framework governing constitutional review in Indonesia remains predominantly passive. Under the existing legal system, judicial review may only be initiated through an application submitted by parties possessing *legal standing*. The Constitutional Court therefore cannot examine the constitutionality of legislation solely because a trial judge questions its compatibility with the Constitution. Collins and Faiz (2019) argue that this model differs fundamentally from the *constitutional question* mechanism adopted in several constitutional democracies, where judges are empowered to refer constitutional doubts directly to the constitutional court. As a consequence, constitutional protection in Indonesia is largely reactive rather than preventive, because constitutional review generally occurs only after a party files a petition rather than during the adjudication of a concrete case. This limitation increases the possibility that courts may render decisions based on statutory provisions that are subsequently declared unconstitutional, thereby undermining legal certainty and the effective protection of constitutional rights (Collins & Faiz, 2019).

Another significant obstacle is the institutional structure of Indonesia's judicial system. The Indonesian judiciary maintains a distinction between the Supreme Court (*Mahkamah Agung*) as the court of justice, which is responsible for adjudicating concrete disputes, and the Constitutional Court (*Mahkamah Konstitusi*) as the court of law, which is responsible for constitutional adjudication. This institutional separation does not provide a formal mechanism through which judges of ordinary courts may suspend proceedings and request constitutional interpretation from the Constitutional Court when constitutional doubts arise. Chalid and Yaqin (2019) emphasize that the absence of a judicial referral mechanism prevents effective coordination between the two judicial institutions and weakens constitutional control over statutory norms applied in concrete cases. In contrast, constitutional courts in Germany, Austria, Italy, and several other countries maintain a cooperative relationship with ordinary courts through the *constitutional question* procedure, enabling judges to seek constitutional clarification before delivering their judgments.

Comparative constitutional practice demonstrates that the *constitutional question* mechanism has become an integral component of centralized constitutional review systems. In countries such as Germany, Austria, Italy, and South Korea, ordinary court judges are authorized or, in certain circumstances, required to refer constitutional issues to the constitutional court whenever the constitutionality of a statutory provision is decisive to the resolution of a pending case. During this referral process, judicial proceedings may be temporarily suspended (*stay of proceedings*) until the constitutional court renders its decision. Such a mechanism enhances constitutional supremacy, promotes uniform constitutional interpretation, prevents inconsistent judicial decisions, and provides stronger protection for constitutional rights by preventing the application of unconstitutional legislation in concrete cases (Collins & Faiz, 2019).

The absence of a comprehensive procedural framework also constitutes a major impediment to the implementation of the *constitutional question* mechanism. Indonesian legislation currently contains no specific procedural rules governing the requirements for submitting constitutional questions, the qualifications of referring judges, time limits for constitutional adjudication, the suspension of judicial proceedings (*stay of proceedings*), or the legal consequences of Constitutional Court decisions rendered through such referrals. Without these procedural safeguards, the implementation of the *constitutional question* mechanism could create uncertainty regarding judicial competence, procedural efficiency, and the binding effect of constitutional rulings. Collins and Faiz (2019) emphasize that the successful adoption of the *constitutional question* mechanism requires not only substantive legal recognition but also comprehensive procedural regulations to ensure legal certainty and efficient judicial administration.

Finally, legal policy considerations have also contributed to the non-implementation of the *constitutional question* mechanism in Indonesia. Since the establishment of the Constitutional Court in 2003, constitutional reform has primarily focused on strengthening the existing judicial review mechanism rather than introducing new forms of constitutional adjudication. Although numerous academic studies have advocated the adoption of the *constitutional question* as a means of strengthening constitutional protection, the proposal has not yet become part of Indonesia's legislative reform agenda. Several scholars argue that the mechanism could be introduced through amendments to the Constitutional Court Law rather than through a constitutional amendment, since the *constitutional question* essentially represents an extension of constitutional review rather than an entirely new constitutional power (Chalid & Yaqin, 2019; Collins & Faiz, 2019). Consequently, revising the Constitutional Court Law and establishing a comprehensive procedural framework may be considered feasible legal strategies for incorporating the *constitutional question* into Indonesia's constitutional adjudication system.

Ideal Concept for the Institutionalization of the *Constitutional Question*

Based on the analysis, the institutionalization of the *constitutional question* represents one alternative for reforming the constitutional justice system in Indonesia. This mechanism would allow a judge who is examining a case to temporarily suspend the proceedings when there is a substantial concern regarding the unconstitutionality of a legal norm and subsequently refer the constitutional question to the Constitutional Court. After the Constitutional Court determines the constitutionality of the relevant norm, the referring judge would resume the examination of the case by taking the Constitutional Court's decision into consideration. This model has been implemented in several countries that adopt centralized constitutional review systems and has demonstrated its potential to strengthen the protection of citizens' constitutional rights (Chalid & Yaqin, 2019).

Chalid and Yaqin (2019) argue that the institutionalization of the *constitutional question* does not necessarily require an amendment to the 1945 Constitution of the Republic of Indonesia. Instead, the mechanism could be accommodated through amendments to the Constitutional Court Law by expressly recognizing the *constitutional question* as part of the constitutional review mechanism already exercised by the Constitutional Court. In this way, the authority of the Constitutional Court would remain within the framework of reviewing laws against the Constitution, while its exercise would be expanded through a referral mechanism initiated by judges who are examining concrete cases.

The institutionalization of the *constitutional question* is expected to provide several important benefits, including increasing legal certainty, preventing judicial decisions from being based on unconstitutional norms, strengthening the functional relationship between the Supreme Court and the Constitutional Court, and providing more effective protection of citizens' constitutional rights. Therefore, this mechanism deserves serious consideration as part of the reform of Constitutional Court procedural law to strengthen constitutional supremacy and establish a judicial system that is more responsive to the protection of constitutional rights (Hamidi & Lutfi, 2010; Collins & Faiz, 2019).

CONCLUSION

Based on the findings of this study, it can be concluded that the constitutional question mechanism has not yet become part of the judicial power system in Indonesia. The authority of the Constitutional Court, as regulated under Article 24C of the 1945 Constitution of the Republic of Indonesia, primarily covers judicial review of laws through applications submitted by parties possessing legal standing. Consequently, judges in the general, religious, military, and administrative courts do not have the authority to refer constitutional questions to the Constitutional Court when they encounter doubts regarding the constitutionality of a legal norm that must be applied in a concrete case. This condition creates a gap in the mechanism for protecting constitutional rights, potentially reducing the effectiveness of constitutional rights protection, creating legal uncertainty, and placing judges in a dilemma between applying laws that remain in force and upholding constitutional supremacy.

This study also shows that the non-implementation of the constitutional question mechanism is influenced by three main factors: limitations in the constitutional regulation of the Constitutional Court's authority, the absence of procedural rules governing the submission of constitutional questions by judges, and the lack of an effective functional coordination mechanism between the Supreme Court and the Constitutional Court in addressing constitutional issues arising in concrete cases. Various academic studies indicate that the constitutional question mechanism can be incorporated as an extension of the Constitutional Court's existing constitutional review authority without altering its fundamental function as the guardian of the constitution. Instead, it would strengthen the protection of citizens' constitutional rights through preventive mechanisms.

Therefore, this study recommends reforming the procedural law of the Constitutional Court by establishing a constitutional question mechanism that authorizes judges to refer constitutional questions to the Constitutional Court before rendering decisions in concrete cases. The institutionalization of this mechanism is expected to strengthen constitutional supremacy, enhance legal certainty, promote consistency in judicial decisions, and optimize the protection of citizens' constitutional rights in the exercise of judicial power in Indonesia. Thus, this study contributes to the development of Indonesian constitutional law, particularly in efforts to improve the constitutional justice system so that it becomes more comprehensive and responsive to the need for protecting constitutional rights and strengthening the principles of a democratic rule-of-law state.

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