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Analysis of the constitutional court's decision on the age limit of presidential and vice-presidential candidates in the perspective of Rechtstaat

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Abstract

Purpose: This study aims to analyze the Constitutional Court Decision Number 90/PUU-XXI/2023 on the age limit for presidential and vice-presidential candidates from the perspective of *Rechtsstaat* and the principle of *Trias Politica*, emphasizing the rule of law and the balance of power in a democratic legal state..

Research methodology: The research employs a normative legal approach using a conceptual and statutory approach. It analyzes constitutional provisions, legal theories, and judicial decisions to evaluate the decision's alignment with the principles of the rule of law and separation of powers.

Results: The findings reveal that the Constitutional Court's partial granting of the petition on the age requirement reflects potential political influence, thereby raising questions regarding judicial neutrality and deviation from *Trias Politica*. The Court's justification as an "open legal policy" illustrates a blurred line between judicial interpretation and legislative authority, which undermines the *Rechtsstaat* ideal that demands strict legal consistency and institutional balance.

Conclusions: The decision highlights a deviation from the principles of a legal state (*Rechtsstaat*) and *Trias Politica*, as the judiciary may have overstepped its role, thereby affecting public trust and the integrity of the rule of law.

Limitations: This study is limited to doctrinal analysis and does not include empirical assessment of political impacts or public perception.

Contribution: The research contributes to scholarly discourse on the intersection of law and politics in Indonesia, offering a critical evaluation of judicial behavior within the framework of constitutional democracy.

Keywords: *Constitutional Court Decision, Concept of Rechtsstaat, Trias Politica*

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1. Introduction

The idea of the rule of law was developed by philosophers in Ancient Greece. Plato, early on in "the Republic, " argued that it is possible to realize the ideal state to achieve goodness, which is based on goodness. For this reason, power must be held by a person who knows the good, namely, a philosopher (the philosopher-king). However, in his books " The Statesmen" and " The Law," Plato states that what can be realized is a form of the second best that places the rule of law. The government can, by law, prevent the decline of its power. The purpose of the state is to achieve the best life possible, which can be achieved by the rule of law (Nikhio, Amalia, & Irawan, 2023). Law is a form of collective wisdom of citizens; therefore, the role of citizens is required for its formation (Usman, 2023).

Therefore, as a state concept, the rule of law is not new to the discussion of how the state is run and managed in China. In the 19th century, the idea of limiting government power through the creation of a constitution, both written and unwritten, was known to be contained in what was called a constitution. The Constitution contains the limits of government power and guarantees the political rights of the people, as well as the principle of checks and balances between existing powers. Constitutionalism is a constitutional limitation on state power. Constitutionalism then gave rise to the concept of rechstaat (from Continental European jurists) or the rule of law (from Anglo-Saxon jurists), which is translated as the rule of law in Indonesia. A state with a limited role is often dubbed a nachtwachterstaat (night watchman state) (Butar-Butar & Turisno, 2022). Indonesia, a country born in the 20th century, adopted the concept of the rule of law in accordance with the principles of constitutionalism. This can be seen from the consensus of the Indonesian people since the 1945 Constitution, when the Indonesian state was established. The state of law rechtsstaat and the rule of law are terms that, although seemingly simple, have a relatively long history of thought. The emergence of the idea of the rule of law was a reaction to arbitrariness in the past.

This agreement is what transforms into a common ideal, which is also commonly called the philosophy of the state or staatsidee (state ideals), which functions as a philosophische grondslag and common platform or kalimatun sawa among fellow citizens in the context of state life (Budi, 2022). It has been explained that the idea of the rule of law is not just to emphasize the difference between Machtstaat and Rechtstaat, but most importantly, the concept of a state that is no longer run by power but must be organized based on law. According to Kliemt (2024), the classical distinction between these two legal regimes is always a conventional problem that connects law, freedom, and the rule of law, as stated by the classical problem, because the assertion of separation between law and power is sometimes difficult. Power is required to enforce this law. The concept of the Rechtstaat or State of Law is often identified with the Rule of Law. However, there are clear differences between these two concepts. The term State of Law" consists of two syllables, state and law, which, if interpreted separately, would have different meanings. A state is usually assumed to be a diplomatic form of a real entity (society) that has laws to maintain order, while law is always understood as a product of a state that aims to maintain legal order (Rechtorder) (Adrie, 2021). At the beginning of the emergence of the discussion of the rule of law, the concept was still only intended to be limited to efforts or struggles to oppose the king's power, which was so absolute. This means that the horizon of understanding the rule of law at that time was still limited to efforts to control the movement of the king's enormous power. At that time, the power of a country always rested on the king, so it was very vulnerable to giving birth to arbitrariness.

This is based on the Constitutional Court Decision Number 90/PUU-XXI/2023 concerning the age limit of candidates for the President and Vice President. The title above refers to the Constitutional Court Decision on the provisions of Article 169 letter q of Law Number 7 Year 2017 concerning General Elections. The article reads that the requirement to be a presidential or vice-presidential candidate is at least 40 (40 years old), where there is a concurrent opinion (different opinion) and dissenting opinion (different reasons), so that there is a polemic in the community because the Constitutional Court has decided nine lawsuits. Of the 9 lawsuits submitted to the Constitutional Court and have been decided by the Constitutional Court and one lawsuit has been granted, which has become a Polemic in the Community, which has become a public conversation, namely Decision Number 90 / PUU-XXI / 2023, where the Constitutional Court partially granted the Lawsuit of the Applicant on behalf of Almas Tsaqibbirru Re A as a Surakarta university student where there were 8 (eight) lawsuits, the Court argued that it was an Open Legal Policy, namely an open Legal Policy for lawmakers. The Constitutional Court positions Construction as Independ Electrical Rikaz as a negative-n Marsel MarsRI Martirosyan as a

Based on the background description above, the author is interested in writing a title on "Analysis of the Constitutional Court Decision on the age limit of the presidential and vice presidential candidates from the perspective of Rechtsstaat."

1.1 Problem Formulation

1) How is the Constitutional Court Decision Number 90/PUU-XXI/2023 concerning the Age Limit for Nomination as Candidates for President and Vice President viewed from the Perspective of Rechtsstaat?
2) Is there a deviation from the concept of Trias Politica in the Constitutional Court Decision Number: 90/PUU-XXI/2023 from the perspective of Rechtsstaat?

1.2 Research Objectives

1) To find out the Constitutional Court Decision Number: 90/PUU-XXI/2023 concerning the Age Limit for Nomination as Candidates for President and Vice President seen from the Perspective of Rechtsstaat
2) To find out whether there is a deviation from the concept of Trias Politica in Constitutional Court Decision Number: 90/PUU-XXI/2023 seen from the perspective of Rechtsstaat

2. Literature review

2.1 The concept of Rechtstaat

The term rechtsstaat, as discussed earlier, is used as the concept of the rule of law in Continental European countries. However, there are other opinions that equate the use of the concept of rechtsstaat with the rule of law, including that of W. Friedmann. In his opinion, W. Friedman stated that rechtsstaat refers to the limitation of state power by the law. However, in general, the term rechtsstaat is used by a group of Continental European countries. This is clarified by the difference in the concept of state law proposed by Frederick Julius Stahl (rechtsstaat) and A.V. Dicey (rule of law), as described earlier in this paper. Rechtsstaat was originally a night-watchman state (nachtwachterstaat), in which the state was only a guarantor of order and defense of security. A new state acts when the order and security are disturbed. However, the term rechtsstaat is then used as a formal legal state concept (Sunnqvist, 2022).

According to Muabezi (2017), the formal rule of law has four elements: the protection of human rights, separation or division of powers, the existence of a government based on regulations (wetmatigheid van bestuur), and the existence of a free judiciary. The formal rule of law then changed again into a material rule of law, in which the state's duties in organizing public interest broadened. Finally, in the next development, the concept of rechtsstaat is used as a welfare state (Verzorgingstaat).

The term "Rechtsstaats" in Germany was coined at the dawn of German constitutionalism in the early 19th Century. Staatsrecht is a law relating to the administration of the state and its government and the relationship between individuals and public power (Syahputra, 2023). [insert figure] In contrast, in Indonesia, Rechtsstaat is not interpreted directly as a state of law, but the term rechtsstaat is understood as a state based on law, as stated in the explanation of the 1945 Constitution. Therefore, the concept of Indonesian rechtsstaat cannot be categorized directly into the Continental European concept of rechtsstaat or identified with the Anglo-Saxon concept of the rule of law, before first understanding what the elements are and how the purpose of the state is based on law. There are seven elements in the concept of the rule of law: four in the concept of rechtsstaat and three in the concept of the rule of law. According to Kurnia and Hakim (2024), six of the seven elements have been fulfilled by the Indonesian state as requirements for a state of law. However, these elements were modified in accordance with the ideals of Pancasila State Law. This is specific to the Indonesian state of law compared to other concepts of the state of law. Thus, rechtsstaat is a state based on law in accordance with the ideals of Pancasila; in other words, it is not included in the European Continental or Anglo-Saxon concepts. The meaning of rechtsstaat in the Indonesian state must be in accordance with the state's purpose (Asmarudin et al., 2024).

The concept of the rule of law has been considered since the time of the Ancient Greeks, until several doctrines of the rule of law emerged in the conception of "rechsstaats" in Germany, "etat de droit" in France, "rule of law" both in England and in America, "estado de derecho" in Spain, and "stato di diritto" in Italy. Costa states that the term and concept of the rule of law eventually became very popular, both in the development of scientific literature and in legal and political journals. In some of

these countries, the term "rule of law" is an idea that is proposed for a number of purposes, depending on the interests to be realized by each country, which, of course, differs from one country to another. The meaning of the term "rule of law" cannot be separated from its long history because it is strongly influenced by the historical and conceptual specificities of the underlying national tradition. In other words, the idea of the "rule of law" has marked the entire historical span of a notion that cannot be separated from the national culture where the idea is located and actually used. It relates to law and politics and carries a plurality of intrinsic meanings; hence, its importance and ideological value (Zumbansen, 2018).

The emergence of several terms and conceptions is due to different backgrounds and thoughts, as well as the separation between the rule of law as a political structure and as a legal organization. The rule of law should only be constructed as a whole and as a complete legal building; in this case, it has a political structure. The rule of law with this political structure ultimately makes politics an important determinant of the content of the state of law (Buyse, Fortin, Leyh, & Fraser, 2021).

2.2 The concept of Trias Politica

John Locke was a Greek philosopher (1632-1704). He wrote a book titled Two Treatises on Civil Government in 1690. It was written to criticize Stuart kings for their absolute power. This also justifies the 1688 revolution, which was eventually won by the British Parliament (Syamsudin, 2018). Suparto (2016) argued that the division of power should consist of three powers, namely executive, legislative, and federative (foreign relations); the Judiciary is sufficient in the ranks of the Executive Institution only because, in principle, it also implements the law.

The second concept of Trias Politika was proposed a few years later by Montesquieu in 1748, when his thoughts were still influenced by those of John Locke. He stated that the separation between the executive and legislative functions regulates matters relating to interstate law, while judicial power is related to matters relating to civil law. A country's independence is guaranteed if state power is held not only by one ruler but also by three separate bodies of power (Ruhenda, Heldi, Mustapa, & Septiadi, 2020). If executive and legislative powers are united in one person or institution, there will be no independence (Gusmansyah, 2017). The thing that makes the difference between the thought of Trias Politika proposed by John Locke and Montesquieu can be seen from the way the separation of powers of the Judiciary, where according to John Locke that the task of deciding the case of a legal problem is part of the duties of the Executive Institution because it includes the function of implementing the Act. However, according to Nasution (2020), judicial power must be an independent institution that cannot be intervened by anyone, including the executive and legislative branches of the government.

Besides John Locke, the view of Trias Politika was also put forward by Montesquieu. His views tend to be followed by the Indonesian state, where Montesquieu divides power into three important parts: Executive, Legislative and Judiciary. Montesquieu believed that the judiciary should not be united with the executive because it would cause havoc. If it is run by the same person, then there is no more freedom at that time because it will give birth to a sad thing where the powerful person runs public decisions at the same time and also tries to commit crimes and individual problems (Gusmansyah, 2019). The application of Montesquieu's concept in Indonesia can be seen in the separation of judicial power into separate institutions. However, there is a modification of the concept that the executive (president) can propose draft laws to the House of Representatives, which Montesquieu does not recommend. In addition to a new institution, the Examinative Institution (BPK) is a new division of power in the Trias Politika concept, implemented by the Indonesian government (Basniwati, 2015).

3. Research methods

The author employs normative legal research, commonly referred to as doctrinal or library research. This form of research primarily focuses on the examination of legal norms, principles, and doctrines as found in statutory regulations, court decisions, legal theory, and scholarly opinions. Normative legal research does not rely on empirical field data. Instead, it utilizes secondary data derived from legal literature, case law, legislation, and other authoritative legal documents (Harianto, 2025). The objective

of this method is to analyze, interpret, and systematize positive law, providing a theoretical foundation for understanding legal concepts and offering solutions to legal issues based on established norms. It often involves a critical evaluation of the coherence and consistency of existing legal rules and seeks to construct legal arguments that are logically sound and grounded in authoritative legal sources. In this context, normative legal research serves as an essential approach for examining how the law is applied, rather than how it is practiced in real life (Simanjuntak, 2025).

4. Result and discussion

4.1 Constitutional Court Decision Number: 90/PUU-XXI/2023

The Constitutional Court is a judicial institution in Indonesia. The Constitutional Court is a high state institution in the constitutional system that holds judicial power, along with the Supreme Court. Constitutions in a broader sense are not only about the regulation of existing provisions but also about extra-legal aspects, including sociological and political aspects. The state has executive subjects in its government, called state institutions. The implementation of the constitution is left to state institutions with duties and authority (Safitri & Wibowo, 2023).

The Constitutional Court is one of the state institutions that exercises independent judicial power to organize courts to uphold the law and justice. Judges of the Constitutional Court. The maximum number of Constitutional Court judges is nine, with a system of three people proposed by the DPR, three proposed by the President, and three proposed by the Supreme Court, with the determination of the President.

The Constitutional Court of RI has 4 (four) authorities and 1 (one) obligation, as stipulated in the 1945 Constitution.

1. The Constitutional Court has the authority to hear cases at first and last instances, and its decisions are final.
2. Testing laws against the 1945 Constitution of the Republic of Indonesia.
3. Ruling on Disputes over the authority of state institutions whose authority is granted by the 1945 Constitution of the Republic of Indonesia
4. Deciding on the dissolution of political parties, and Deciding on disputes about the results of general elections
5. The Constitutional Court's position is that the replacement of the division of the power system with the separation of powers has resulted in fundamental changes to the format of state institutions after the amendment of the 1945 Constitution.
6. The presence of the Constitutional Court in Indonesia is a manifestation of the Indonesian state increasingly realizing the importance of protecting the constitutional rights of citizens. This is reflected in the Constitutional Court, which always seeks to strengthen its role as the guardian of the Constitution and protector of citizens' constitutional rights. The Constitutional Court has registered 1,966 cases and issued 1,266 decisions regarding law review cases. A higher number of applications submitted to the Constitutional Court has an impact on various kinds of unresolved constitutional events that have been answered by the Constitutional Court through its decisions. The Constitutional Court's decision as a 'deadlock breaker' of state administration is, of course, not always supported by the community. The pros and cons always complement the decisions issued by the Constitutional Court in South Korea. The Constitutional Court cannot necessarily accept a high number of applications submitted to it. This is due to the occurrence of several cases that violate the constitutional rights of citizens but cannot be handled by the Constitutional Court because it lacks the authority to do so. Even though the number of applications submitted to the Constitutional Court are Constitutional Complaints and Constitutional Question applications, the number shows the urgency of the need for the Constitutional Court to handle these applications.

The decision of the Constitutional Court Number 90/PUU-XXI concerning the age limit for presidential and vice-presidential candidates is at least 40 (forty) years old with the addition of the phrase or holding an elected position from the election/regional election.

1. The decision of the Constitutional Court became polemic and controversial after it was decided by

the Constitutional Court Judges, where there were nine requests submitted to the Constitutional Court regarding the age limit for presidential and vice-presidential candidates and where there were 8 (eight) requests that were rejected and could not be accepted because the Court was of the opinion that it was an Open Legal Policy, namely an open legal policy for lawmakers. In Decision number 90/PUU-XXI, where the application was filed by a Surakarta University Student on behalf of Almas Tsaqibbirru Re A, the Constitutional Court partially granted the application, with an additional phrase in the decision that caused controversy in the community. The Applicant was also a fan of Solo Mayor Gibran Rakabuming Raka, who was nominated as a Vice Presidential candidate.

2. Concurring Opinion and Dissenting Opinion
   Against the decision of the Court aquo, there are concurring opinions from 2 (two) Constitutional Judges, namely Constitutional Judge Enny Nurbaningsih and Constitutional Judge Daniel Yusmic P. Foekh, and there are also dissenting opinions from 4 (four) Constitutional Judges, namely Constitutional Judge Wahiduddin Adams, Constitutional Judge Saldi Isra, Constitutional Judge Arief Hidayat, and Constitutional Judge Suhartoyo who stated as follows:

Considering that the Petitioner in his petition requests the Court that the norm of Article 169 letter q of Law 7/2017 which states, "at least 40 (forty) years old" is contrary to the 1945 Constitution and has no binding legal force conditionally as long as it is not interpreted to be or experienced as a Regional Head both at the Provincial and Regency / City levels" The writing of the Petitioner's petition is not as complete as what the Petitioner wrote in his initial petition which stated "at least 40 (forty) years old or experienced as a Regional Head both at the Provincial and Regency / City levels". In the revision of the petition, the Petitioner did not include the phrase "at least 40 (forty) years old", but only the Petitioner wrote using the punctuation symbol, which reads as if there is a quote phrase that does not need to be written again by the Petitioner but is only sufficiently written using the symbol in this regard, In this regard, the petition can be understood if it is associated with the reasons for the petition (posita) because the intention is "at least 40 (forty) years old or experienced as a Regional Head at both the Provincial and Regency / City levels." The partially granted decision states that all elected officials, including regional head elections, can be nominated as candidates for the President and Vice President by a political party or coalition of political parties participating in the general election, against the aquo Decision, I, have different reasons (concurring opinion).

Considering that the norm of Article 169 letter q of Law 7/2017 has actually definitively regulated the age limit of candidates for President and Vice President, namely "at least 40 (forty) years old." With regard to the issue of age, the Court in its various decisions so far has been of the opinion that the 1945 Constitution does not determine a certain age limit to occupy all positions; therefore, such matters are an open legal policy of the legislators to determine the age limit policy in accordance with developmental demands or needs. This is also in accordance with the intent of Article 6, paragraph (2) of the 1945 Constitution, which states, "The requirements to become President and Vice President.

4.2 Deviations from the Trias Politica

At the level of implementation, the Unitary State of the Republic of Indonesia implicitly applies the division of powers in accordance with the Trias Politika Theory espoused by Montesquieu, in which there is a division of powers based on state functions: legislative, executive, and judicial, into state institutions in Indonesia based on the Pancasila. However, apart from the three powers of state institutions, in the Unitary State of the Republic of Indonesia, there are still constitutive, examinative, and monetary powers. Therefore, it can be said that the application of the concept of trias politika in the government system of the Republic of Indonesia, based on the 1945 Constitution of the Republic of Indonesia, before the amendment of its implementation, is not absolute. For ease of understanding, the authors can be described as follows.

The Legislative (DPR), President (Executive), and Supreme Court (Judicial) fall into the realm of Trias Politika Theory (Montesquieu), DPA (Consultative), and BPK (Examinative) (Syamsuddin, 2018). Meanwhile, state institutions or agencies in the government system of the Republic of Indonesia, based on the 1945 Constitution of the Republic of Indonesia after the amendment, are the MPR, DPR, DPD,

President, BPK, Supreme Court, and Constitutional Court. To understand this, the following description is provided: MPR, DPR, and DPD (Legislative), President (Executive), MA, and MK (Judicial) are included in the realm of Montesquieu's Trias Politika}, and BPK (Examinative). Implicitly, both before and after the amendment of the Constitution of the Republic of Indonesia in 1945, the concept of Trias Politika Montesquieu was applied in the government system of the Republic of Indonesia, but the implementation of the Trias Politika concept was not absolute (absolute). This is because the concept of Trias Politika Montesquieu states that the division of power is only based on the Legislative, Executive and Judicial functions of the state. In Indonesia, apart from the three institutions of power, it is still divided, as explained above. At the level of the nation and state of Indonesia, the application of the Trias Politika Theory is still relevant and has been used in various laws and regulations of the Republic of Indonesia (Isnaeni, 2021). The state as an organization in society is distinguished from other organizations because it has the privilege of using its physical strength.

Based on the explanation above, the Constitutional Court has deviated from the Trias Politica Concept, where there is no check in balance on Decision Number 90 / PUU-XXI / 2023 concerning the nomination limit for President and Vice President, at the beginning of which the Court postulates that lawsuit Number 90 / PUU-XXI / 2023 is an Open Legal Policy, namely an open legal policy for lawmakers, namely the Legislature and the Executive.

5. Conclusion

The Constitutional Court's decision regarding the age limit for presidential and vice-presidential candidates must be positioned within the fundamental legal principles of *Rechtsstaat* and *Trias Politica*. From a *Rechtsstaat* perspective, the rule of law mandates that every citizen be treated equally before the law and that any legal provision—especially those related to political rights—must be free from discrimination and arbitrary restrictions. Therefore, the imposition of age requirements must not contradict the principles of equality and fairness enshrined in the Constitution. Such a decision must be grounded in objective legal reasoning and serve a legitimate constitutional purpose rather than political expediency. Furthermore, when evaluated from the principle of *Trias Politica*, the Constitutional Court must respect the division of powers by ensuring that its interpretation of the law does not encroach upon the legislative authority of the parliament. Any expansion or reinterpretation of age limits beyond what is explicitly mandated by the Constitution must be approached with judicial restraint to avoid institutional overreach. In essence, the Constitutional Court's role is not merely to decide what the law is but to ensure that its decisions are in harmony with the constitutional mandate to protect human rights, uphold democratic values, and maintain institutional checks and balances. Therefore, the determination of age limits for presidential and vice-presidential candidates must reflect Indonesia's commitment to a constitutional democracy governed by the rule of law and must not undermine the legal principles of equality, justice, and the separation of powers.

Implication

The Constitutional Court Decision Number 90/PUU-XXI/2023 regarding the age limit for presidential and vice-presidential candidates has significant implications for institutional integrity, public trust, and the continuity of the rule of law in Indonesia. First, the ruling raises concerns regarding the neutrality and independence of the judiciary, particularly when legal decisions appear to align with specific political interests. As the public begins to associate constitutional judicial processes with political agendas, trust in the judiciary may erode, undermining its democratic legitimacy. Second, from the perspective of *Trias Politica*, the Court's justification using the notion of "open legal policy" suggests an encroachment upon the legislative domain, thus disrupting the intended separation of powers and institutional checks and balances. Third, the decision opens the door to legal uncertainty, as the absence of clear parameters distinguishing judicial interpretation from the creation of new norms can politicize future legislative processes. Fourth, this case highlights the urgent need for reform and clarification of the Constitutional Court's interpretive boundaries, especially regarding legal provisions that directly influence electoral competition and constitutional rights. Finally, from a democratic standpoint, the ruling risks being perceived as favoring particular political actors, which could threaten the principles

of justice, equality before the law, and fair political access for all citizens.

Limitations and Suggestions

This study is limited by its reliance on a normative legal research approach that focuses primarily on doctrinal analysis and legal interpretation. As such, it does not include empirical data, such as public opinion surveys or case studies, which could provide additional insight into the societal impact of the Constitutional Court's decision. The absence of field-based data means that the analysis is confined to evaluating legal norms, constitutional provisions, and theoretical constructs without measuring how these legal developments are perceived or experienced in practice. Furthermore, this study focuses specifically on Constitutional Court Decision Number 90/PUU-XXI/2023 and does not assess the broader pattern of judicial behavior in similar electoral or political cases. While this narrow focus is necessary for depth, it may limit the generalizability of the findings to other contexts or future court rulings. Finally, the study does not incorporate comparative perspectives with other constitutional systems, which could offer valuable benchmarks or alternative interpretations of judicial roles in democratic governance. These limitations present opportunities for future research that combines normative and empirical approaches to provide a more comprehensive understanding of judicial influence in constitutional democracy.

Further research is necessary to deepen understanding and expand scholarly contributions to this topic. First, future studies should employ empirical methods to explore public perceptions and trust in the Constitutional Court following controversial decisions. Public opinion surveys and in-depth interviews would provide a stronger sociological basis for evaluating the legal and political implications of such decisions. Second, a comparative study between Indonesia and other constitutional democracies, such as Germany, India, and South Korea, could identify best practices in managing candidate eligibility and the judiciary's role in political systems. Third, a normative legal analysis is needed to construct a clear theoretical framework delineating the limits of judicial discretion, particularly in cases involving open legal policy, which are vulnerable to political manipulation. Fourth, research on judicial ethics and potential conflicts of interest in the Constitutional Court's decision-making is crucial to ensure transparency and accountability in constitutional adjudication. Finally, longitudinal studies examining the post-amendment development of the 1945 Constitution would provide valuable insights into the evolving role of the Constitutional Court as both the guardian of the Constitution and the protector of institutional balance within Indonesia's legal-political framework.

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