

The Role of Constitutional Law in the Development of A Democratic System of Government and Social Justice in Indonesia

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ABSTRACT

This study aims to analyze the role of constitutional law in building a democratic system of government and realizing social justice in Indonesia. This study uses a descriptive qualitative approach with a literature study method as a data collection technique. The data obtained are analyzed through three stages, namely data reduction, data presentation, and drawing conclusions. The focus of this study is to understand how the constitution as the basic law of the state functions to guarantee the principles of democracy and ensure the creation of equitable welfare for the entire community. The results of the study indicate that constitutional law has a crucial role in forming a democratic system of government through the principles of popular sovereignty, separation of powers, supremacy of law, and protection of human rights. The checks and balances mechanism regulated in the constitution is an important instrument in preventing abuse of power and ensuring accountability in state governance. In addition, social justice as a constitutional mandate is realized through policies that are inclusive and oriented towards the welfare of the community, especially for vulnerable groups. However, there are still challenges in the implementation of constitutional law, such as weak law enforcement, social inequality, and corrupt practices that hinder the achievement of substantial democracy and equitable social justice. Thus, efforts to improve through institutional reform, increased transparency, and public participation in policy making are important steps in strengthening the role of constitutional law in Indonesia.

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1. INTRODUCTION

Constitutional law plays a very important role in every country, particularly in shaping and upholding a democratic system of government and in promoting social justice. In Indonesia,

constitutional law serves as the foundation that regulates various aspects of national and state life. As the highest legal framework, the constitution functions to guide the operation of government so that it aligns with democratic principles, respects human rights, and ensures a fair distribution of welfare for all Indonesian people.

Since Indonesia gained independence, its constitution has undergone several amendments aimed at improving the system of government to make it more democratic and aligned with the values of social justice. These changes reflect the evolving socio-political dynamics of Indonesia. Constitutional law plays a guiding role in regulating the relationship between the state and its citizens, ensuring a more inclusive system and providing space for active public participation in political decision-making processes (Mone, 2021).

A democratic system of government, as regulated by constitutional law, grants citizens the right to vote in selecting their leaders. The democratic principles embedded in the Indonesian Constitution ensure that government decisions reflect not only the will of the authorities but also the aspirations of the people. This is expected to foster a government that is more transparent, accountable, and responsive to the needs and aspirations of society.

However, although Indonesia has adopted a democratic system of governance, significant challenges remain in its implementation, particularly in the context of social justice. The social inequalities still experienced by many Indonesians indicate that, despite progress in democratization, social justice has not been fully realized. The Indonesian Constitution mandates that the state must be present to create social welfare for all its citizens; however, in practice, social and economic disparities continue to pose major challenges.

The objective of this study is to further explore the role of constitutional law in developing an effective democratic system of governance and in achieving equitable social justice in Indonesia. This research aims to provide a deeper understanding of the challenges faced in the implementation of constitutional law and how these challenges contribute to the realization of a more just and prosperous Indonesian state.

2. METHOD

In this study, the method employed is a descriptive qualitative approach. This approach is chosen because it aims to understand and describe phenomena related to the role of constitutional law in the development of a democratic system of governance and social justice in Indonesia. A descriptive qualitative method allows researchers to analyze concepts, principles, and the implementation of constitutional law by examining various relevant sources. Thus, this study not only reveals existing facts but also provides a deeper understanding of the dynamics of constitutional law within the Indonesian system of governance.

The data collection technique used in this study is a literature review. A literature review is a method used to collect data and information from various written sources, such as books, academic journals, laws and regulations, official documents, and previous studies related to constitutional law, democracy, and social justice. This technique enables the researcher to gain a comprehensive understanding of both the theory and practice of constitutional law in Indonesia, as well as its implementation within the system of governance.

In the data analysis process, this study employs data reduction as the initial step. Data reduction is carried out by selecting, filtering, and summarizing the information obtained from the literature review so that only data relevant to the research focus are used. This process aims to eliminate insignificant information in order to ensure that the analysis remains focused and in-depth. The reduced data are then systematically organized to facilitate the processes of presentation and interpretation.

Following data reduction, the next step is data presentation. The selected and summarized data are arranged in a clear and systematic narrative to provide a more structured understanding. In this study, data are presented in a descriptive form, where information obtained from various literature

sources is organized and interpreted to demonstrate how constitutional law plays a role in building a democratic system of governance and achieving social justice in Indonesia.

The final step in the data analysis technique is drawing conclusions. Conclusions are derived through the interpretation of the presented data, enabling the study to address the formulated research problems. These conclusions provide an overview of the effectiveness of constitutional law in creating a democratic and socially just system of governance, as well as identifying challenges and offering recommendations for improving its implementation in Indonesia.

3. FINDINGS AND DISCUSSION

The Role of Constitutional Law in the Development of a Democratic System of Government in Indonesia

Constitutional law plays a highly fundamental role in building a democratic system of governance in Indonesia. As the supreme law, the constitution serves as the foundation for the administration of the state based on democratic principles, guarantees the rights of citizens, and regulates the relationship between the government and the people. The existence of the constitution provides legal certainty in the practice of democracy, ensuring that power is not exercised arbitrarily and establishing fair mechanisms in the governance process. The principle of popular sovereignty, as enshrined in the constitution, becomes a central pillar of the democratic system of governance, whereby citizens have the right to actively participate in political decision-making through free and fair electoral processes (Kusuma et al., 2024).

The constitution provides a legal framework for the administration of government, including the separation of powers among the executive, legislative, and judicial branches. This division of power is intended to prevent the dominance of any single institution and to create an effective system of checks and balances. Each branch has clearly defined roles and limits of authority to avoid the abuse of power. The 1945 Constitution of Indonesia affirms that Indonesia adheres to the principle of constitutional democracy, in which the government is accountable to the people and exercises its authority in accordance with the prevailing laws. A healthy democracy can only be realized if the constitution is consistently upheld without interference from political interests that may undermine the welfare of the people.

The guarantee of human rights is a crucial aspect of constitutional law that supports a democratic system of governance. The constitution ensures that every citizen has the freedom to express opinions, to associate, and to participate in political activities without threats or intimidation. Freedom of the press, as guaranteed by the constitution, also serves as an essential instrument in maintaining government transparency and providing social control over policies enacted by the government. A well-functioning democracy requires an environment in which citizens can freely access information, have the freedom to criticize government policies, and engage in constructive public discourse (Muhlashin, 2021).

Free, fair, and periodic elections represent a concrete manifestation of the role of constitutional law in maintaining a democratic system of governance. The constitution regulates the electoral mechanism as a means for the people to directly choose their leaders and representatives. A transparent and integrity-driven electoral process reflects the principle of popular sovereignty, which serves as the foundation of a democratic system. The existence of electoral management bodies such as the General Elections Commission (KPU) and the Election Supervisory Body (Bawaslu), established based on constitutional provisions, ensures that elections are conducted in a professional and independent manner. A robust electoral system enhances the legitimacy of the elected government and strengthens public trust in democracy.

Law enforcement and the supremacy of the constitution are determining factors in the success of a democratic system of governance. Any violations of democratic principles as stipulated in the constitution must be addressed through legal mechanisms to preserve justice and political stability. The Constitutional Court, as the institution authorized to interpret the constitution, plays a crucial role in

ensuring that laws and policies enacted by the government do not contradict democratic principles. This institution also functions as the guardian of citizens' constitutional rights, particularly in resolving electoral disputes and reviewing legislation that may hinder democratic processes. The constitution provides clear legal instruments for resolving political and governmental conflicts fairly, without reliance on power-based interventions that could undermine the democratic system (Muqsitha & Wibowo, 2023).

The sustainability of a democratic system of governance largely depends on the extent to which constitutional law is implemented consistently and effectively. The process of constitutional reform carried out over the past decades indicates that democracy in Indonesia continues to evolve toward a more open and participatory system. The challenges encountered in the implementation of democracy must be addressed through legal mechanisms established in the constitution in order to prevent political and social instability. Strong democratic institutions, the protection of citizens' rights, and transparency in the governance process must be continuously upheld to ensure that democracy is not merely a normative concept, but is genuinely experienced in its benefits by all Indonesian people.

Democratic Principles in the Indonesian Constitution and Their Implementation

The democratic principles embodied in the Indonesian Constitution reflect the state's commitment to building a system of governance grounded in popular sovereignty, the protection of human rights, and the separation of powers. The constitution affirms that sovereignty resides in the hands of the people and is exercised in accordance with the law, as stipulated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This principle ensures that the people play a central role in determining the direction of governance through electoral mechanisms that are direct, general, free, secret, honest, and fair. Elections serve as a means for the people to democratically choose their leaders and representatives, both at the executive and legislative levels. The electoral system regulated by the constitution aims to ensure political representation that reflects the diversity of society and to prevent the concentration of power in the hands of certain groups (Siahaan, 2016).

Another fundamental principle of democracy is the protection of human rights as guaranteed by the constitution. Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia regulate various fundamental rights that must be respected, protected, and fulfilled by the state, including freedom of expression, freedom of association, and the right to equal treatment before the law. The implementation of this principle in governmental practice is reflected in the establishment of various state institutions tasked with overseeing the protection of these rights, such as the National Commission on Human Rights (Komnas HAM), the Ombudsman, and the Constitutional Court, which has the authority to review regulations that may potentially violate citizens' constitutional rights. Freedom of the press, as part of human rights, also constitutes an essential element in democratic practice, where the media plays a role in disseminating information transparently and exercising social control over government policies.

The separation of powers is another democratic principle regulated by the constitution to prevent the abuse of authority by any single entity. The 1945 Constitution affirms that state power is divided into three main branches—executive, legislative, and judicial—each with clearly defined roles and limits of authority. The President, as the head of the executive branch, is responsible for the administration of government, while the House of Representatives (DPR) performs its primary functions in legislation, oversight, and budgeting. The Supreme Court and the Constitutional Court serve as judicial institutions tasked with upholding the law and ensuring that policies and regulations remain aligned with democratic principles. The system of checks and balances is implemented to prevent any single institution from exercising absolute power and to ensure that public policies genuinely reflect the aspirations of the people (Simbolon et al., 2023).

Decentralization and regional autonomy are also democratic principles enshrined in the constitution and play a significant role in Indonesia's system of governance. Article 18 of the 1945 Constitution of the Republic of Indonesia grants authority to regional governments to regulate and manage public affairs in accordance with the characteristics and needs of their respective regions. This

principle aims to bring government closer to the people and to ensure that policies are more responsive to local conditions. The implementation of regional autonomy provides opportunities for communities to participate in decision-making at the local level, both through the direct election of regional leaders and through involvement in various consultative forums. This system also enables policy innovation that is more responsive to public needs without having to rely solely on the central government.

Another democratic principle that forms the foundation of the Indonesian Constitution is deliberation to reach consensus as a method of decision-making. Article 1, paragraph (3) of the 1945 Constitution affirms that Indonesia is a state based on the rule of law grounded in democracy, where the policy-making process must fairly consider the interests of all parties. This principle is reflected in various legislative processes and public policies that involve representatives of the people as well as different elements of society in the formulation of laws and strategic policies. Mechanisms such as public hearings in the House of Representatives (DPR), public consultations, and regional deliberative forums serve as important means to ensure that decisions truly reflect the needs of the people. The implementation of this principle in governance practice emphasizes that democracy in Indonesia is not solely based on electoral systems, but also on active public participation in various aspects of state administration.

Constitutional Law in Ensuring Social Justice in Indonesia

Constitutional law plays a fundamental role in ensuring the realization of social justice in Indonesia through various provisions set forth in the 1945 Constitution of the Republic of Indonesia. The principle of social justice, as one of the core values of Pancasila, is emphasized in Articles 27 to 34, which regulate citizens' rights related to welfare, equality, and legal protection. The state is obliged to ensure that every individual has equal opportunities to access resources in areas such as the economy, education, healthcare, and employment. Constitutional legal mechanisms ensure that the distribution of welfare is not concentrated among certain groups, but is instead distributed equitably across all regions of Indonesia. This principle is implemented through affirmative policies, such as subsidies for vulnerable groups, social security programs, and regulations that limit economic monopolies in order to prevent widening social inequality (Triningsih & Agustine, 2020).

The 1945 Constitution of the Republic of Indonesia also affirms that every citizen has the right to fair treatment before the law without discrimination. Article 28D, paragraph (1) states that every person has the right to recognition, guarantees, protection, and legal certainty that is just, as well as equal treatment before the law. This provision serves as the foundation of the Indonesian legal system in upholding social justice by ensuring that every individual, regardless of social, economic, or political background, receives equal rights in judicial processes. This principle is implemented through the existence of institutions such as the Constitutional Court, the Supreme Court, and the Judicial Commission, which are tasked with ensuring that policies and legal decisions do not contradict the constitution and do not harm certain groups within society. A transparent and accountable judicial system is one of the key means of preventing disparities in the application of law that may hinder the realization of social justice (Azharie, 2023).

The state bears responsibility for formulating policies oriented toward the equitable distribution of welfare, as mandated in Articles 33 and 34 of the 1945 Constitution of the Republic of Indonesia. Article 33, paragraph (3) stipulates that the land, waters, and natural resources contained therein are controlled by the state and shall be utilized for the greatest prosperity of the people. This provision grants the state the authority to manage natural resources fairly and to prevent their control by a limited group that could exacerbate social inequality. Wealth redistribution policies, such as progressive taxation and equity-based development programs, represent concrete implementations of this principle. Article 34 further affirms that the poor and neglected children shall be cared for by the state, serving as the foundation for various social assistance programs, such as the Family Hope Program (PKH), Non-Cash Food Assistance (BPNT), and the National Health Insurance (JKN) (Syahriar et al., 2024).

The principle of social justice as regulated in constitutional law is also reflected in the state's efforts to ensure equal access to education and healthcare for all citizens. Article 31 of the 1945 Constitution of the Republic of Indonesia mandates that every citizen has the right to education and that the government is obligated to finance it. Policies such as the 12-year compulsory education program, scholarships for underprivileged students, and the provision of quality public schools represent concrete steps toward achieving equitable access to education. In the health sector, Article 34, paragraph (3) stipulates that the state is responsible for providing adequate healthcare facilities for the public. The implementation of this provision is evident in the National Health Insurance (JKN) program, managed by BPJS Kesehatan, which aims to provide equal access to healthcare services for all citizens, including low-income communities. These measures are intended to eliminate economic barriers that may prevent individuals from accessing essential services that constitute their constitutional rights.

The implementation of constitutional law in creating social justice does not depend solely on regulations established by the government, but also on the effectiveness of their execution in practice. Robust oversight mechanisms involving state institutions, civil society, and a free press are essential elements in ensuring that the principles of social justice are carried out without deviation. Public participation in policy-making processes through deliberation, public consultation, and judicial review mechanisms in the Constitutional Court represents a form of societal involvement in safeguarding the alignment of policies with constitutional principles. Impartial law enforcement oriented toward public welfare will ensure that the values of social justice enshrined in the constitution are truly realized in the life of the nation.

Challenges in the Implementation of Constitutional Law to Achieve Democratic Governance and Social Justice

The implementation of constitutional law in realizing democratic governance and social justice in Indonesia faces significant challenges, particularly in the aspect of law enforcement, which has not yet been carried out in a fully fair and transparent manner. Legal practices that are expected to uphold the principle of equality before the law are still often marked by cases of judicial inequality. Corruption within various state institutions, including the judicial sector, remains a primary factor hindering the effectiveness of constitutional law in ensuring justice for all citizens. The abuse of authority by law enforcement officials, coupled with the weak independence of judicial institutions, further exacerbates this condition, leading to the emergence of negative public perceptions toward the existing legal system.

Social and economic inequality also constitutes a significant challenge in the implementation of the principle of social justice as mandated by the constitution. Unequal access to education, healthcare services, and employment opportunities indicates that existing policies have not fully reflected the constitutional mandate to ensure the welfare of all citizens. An economic structure that remains dominated by certain groups contributes to disparities that are difficult to address solely through formal regulations. Affirmative policies aimed at empowering marginalized groups often do not function optimally due to slow bureaucratic processes and overlapping policies between central and regional governments (Triadi & Rangoraja, 2024).

The abuse of power within the system of governance constitutes another factor that hinders the realization of democracy and social justice. Although the constitution has established mechanisms of checks and balances, there remains a tendency toward the concentration of power that results in imbalances in decision-making processes. The practice of political oligarchy and the influence of particular interest groups often come at the expense of the broader public interest. Elections, which are intended to serve as a democratic means of selecting competent leaders, are frequently marred by vote-buying and the manipulation of information, thereby weakening the quality of democracy. Furthermore, the lack of political education among the public leads to limited understanding of citizens' rights and responsibilities, causing democracy to function merely in a procedural sense without substantive meaning.

Limited public participation in policy formulation and oversight of governance constitutes a serious challenge in the implementation of constitutional law. Although the constitution guarantees the public's right to participate in political processes and public policymaking, in practice, access to information and participatory spaces is often restricted. Freedom of the press and freedom of expression, which are guaranteed by the constitution, are at times threatened by regulations that limit criticism of the government. Public complaint mechanisms regarding policies that do not serve the interests of the people often fail to receive adequate responses, leading to a decline in public trust in the system of governance. The weakness of independent oversight mechanisms further results in difficulties in effectively addressing violations of democratic principles and social justice (Usman, 2020).

Efforts to Improve the Implementation of Constitutional Law

Improving the quality of law enforcement is a primary step that must be taken to ensure that constitutional law can be implemented more effectively in achieving social justice and a democratic system of governance in Indonesia. Judicial system reform, which includes strengthening the independence of the judiciary, enhancing transparency in legal processes, and eliminating corrupt practices within the judicial sector, must be prioritized. Oversight mechanisms for law enforcement officials need to be reinforced to prevent the abuse of authority that could harm the public. Fair and impartial law enforcement that does not favor particular groups will increase public trust in the legal system and ensure social justice for all citizens (Ismail et al., 2023).

Public empowerment in the process of public policymaking must be enhanced so that the democratic principles enshrined in the constitution can be implemented in a tangible manner. Active public participation in policy formulation can be realized through greater transparency of information, increased access to public discussion forums, and the strengthening of civil society institutions that play a role in monitoring government policies. The government must provide broader space for citizens to express their aspirations and criticisms of policies that are perceived as not serving the public interest. A politically aware society will be better equipped to safeguard democracy and ensure that policies adopted are aligned with the principle of social justice as mandated by the constitution (Triningsih et al., 2022).

The strengthening of the system of checks and balances in governance must be continuously pursued to prevent the abuse of power by the executive, legislative, and judicial branches. Oversight mechanisms over government policies need to be improved by ensuring that state institutions responsible for supervision possess strong independence and are not influenced by particular political interests. The legislative body must carry out its functions optimally in overseeing government policies, rather than merely serving as an instrument of political party interests. The media and the public must also be granted the freedom to criticize policies that are considered inconsistent with the values of democracy and social justice, so that transparency in governance can be properly maintained (Maulidi, 2017).

Improving the quality of political and legal education for the public is a crucial aspect of strengthening the implementation of constitutional law. Public awareness of rights and obligations as citizens must be continuously enhanced through more effective and systematic civic education programs. High-quality political education will encourage citizens to participate more actively in the democratic system and to better understand and safeguard constitutional principles related to social justice. The dissemination of information regarding constitutional rights must be carried out extensively, particularly in regions where the level of understanding of the legal and political system remains low (Yani, 2018).

Bureaucratic reform and improvements in the public service system must be continuously pursued to ensure that policies genuinely benefit all citizens. Simplifying complex regulations and eliminating illegal levies in public services will create a more transparent and accountable system. The government needs to develop digitalized public service systems so that citizens can more easily access their rights without facing complicated administrative barriers. The implementation of more inclusive

policies that prioritize vulnerable groups must become a primary focus in realizing genuine social justice (Maulana, 2019).

4. CONCLUSION

Constitutional law plays a fundamental role in building a democratic system of governance and in realizing social justice in Indonesia. As the primary foundation of state administration, the constitution ensures that the principles of popular sovereignty, separation of powers, the rule of law, and human rights can be effectively implemented in governmental practice. Strong implementation of constitutional law will establish a system of checks and balances capable of preventing the abuse of power and ensuring transparency and accountability in governance. Furthermore, social justice as one of the main objectives of the constitution must be realized through inclusive policies, equitable access to resources, and the protection of vulnerable groups. Although Indonesia continues to face various challenges such as corruption, social inequality, and weak law enforcement, efforts to improve these conditions are ongoing through institutional reform, the strengthening of public participation, and the enhancement of political and legal education. Only through the effective and consistent implementation of constitutional law can a democratic system of governance that upholds social justice truly be achieved in Indonesia.

To strengthen the role of constitutional law in the development of a democratic and socially just system of governance in Indonesia, sustained and concrete measures are required. The government must accelerate legal and institutional reforms to ensure the supremacy of law and to more effectively enforce the principle of checks and balances. In addition, public participation in legislative processes and policymaking needs to be expanded through greater transparency and improved access to information. Political and legal education must also be strengthened so that citizens become more aware of their rights and obligations within a democratic system. Efforts to combat corruption must be intensified by reinforcing the independence of oversight and law enforcement institutions.

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