



ISSN Print 2615-5648
ISSN Online 2615-174X

Editorial Office: Faculty of Sharia, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia, Jalan Jend. A. Yani No. 40 A Purwokerto Jawa Tengah 531226 Indonesia
Phone: +62281-635624 Fax: +62281- 636653
E-mail: volksgeist@uinsaizu.ac.id
Website: <http://ejournal.uinsaizu.ac.id/index.php/volksgeist>

Ambiguity and Contestation in Legal Standing Restrictions: Rethinking Public Interest and Constitutional Rights in Indonesia

Article

Author

Firdaus Arifin^{*1}, Ihsanul Maarif¹,
Robi Assadul Bahri², Cece
Suryana³, Mohd Zakhiri Md. Nor⁴.

¹ Faculty of Law, Universitas
Pasundan Bandung, Indonesia

² Sekolah Tinggi Hukum
Galunggung Tasikmalaya,
Indonesia

³ Sekolah Tinggi Hukum Pasundan
Sukabumi, Indonesia

⁴ School of Law, Universiti Utara
Malaysia, Malaysia

Corresponding Author:

* Firdaus Arifin, Email: firdaus.arifin@unpas.ac.id

Data:

Received: Feb 21, 2025;

Accepted: Sep 21, 2025

Published: Oct 03, 2025

DOI:

10.24090/volksgeist.v8i2.13192

Abstract

In Indonesia, the rules governing that can bring a legal case to the Constitutional Court often unclear and unevenly applied. This creates challenges for individuals and communities trying to protect their constitutional rights. In this article, we take a critical look at these obstacles by examining the Court's past decisions. We show how the current legal framework overlooks issues of collective harm and structural inequalities, particularly affecting marginalized groups. To better understand these issues, we compare Indonesia's approach to those of India, South Africa, and the United States, seeking out more inclusive models of judicial decision-making. Our findings show that Indonesia's focus on specific interpretations of direct and personal harm limits the judiciary's ability to meet its constitutional responsibilities. The paper draws on insights from other countries as well as Indonesia's own legal traditions, such as *adat* (customary law) and *musyawarah* (deliberation), to propose a more inclusive and culturally sensitive approach to legal standing. We recommend several specific reforms, including rethinking existing laws, creating clearer judicial guidelines, and providing targeted judicial training for judges to improve access to constitutional justice for everyone.

Keywords: *Constitutional law; Inclusivity; Judicial Review; Legal Standing; Substantive Justice.*

©2025; This is an Open Access Research distributed under the term of the Creative Commons Attribution Licencee (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original works is properly cited.

INTRODUCTION

Judicial review is a vital process for maintaining the supremacy of the constitution and ensuring that laws align with its principles. In a democracy, this function is crucial—it acts a key check on the actions of the legislative and executive branches, using the constitution as the ultimate reference point. Judicial review is not just a means of controlling government power; it is also a

way to protect citizens' constitutional rights from violations that arise from laws that conflict with the constitution.¹

In many modern legal systems, judicial review is essential for upholding constitutional supremacy and safeguarding citizens' rights. In Indonesia, the Constitutional Court serves as the protector of the constitution, holding the authority to review the legality of laws as outlined in Article 24C, paragraph (1) of the 1945 Constitution. Through this process, individuals, groups, and organizations have the right to request that the Court review legal norms they believe contradict the constitution. However, practical challenges emerge, particularly regarding who is allowed to file these petitions, which directly affects the efficacy of the judicial review system. If the criteria for legal standing are too broad, there is a risk of misuse by parties without genuine legal interests, which can undermine the stability and effectiveness of the judicial system.²

In Indonesia, navigating the role of judicial review within both the Constitutional Court and the Supreme Court poses unique challenges, especially when it comes to aligning decisions and defending the rights of citizens who feel disadvantaged by specific laws.³ While judicial review is often seen as a means of fostering judicial activism, it remains essential for upholding constitutional supremacy by ensuring robust oversight of state actions.⁴ Therefore, this study aims to delve deeper into how the qualification restrictions for legal standing in judicial review petitions can balance public interest with safeguarding of constitutional rights, thereby contributing to the development of Indonesia's legal system.

According to Article 51, paragraph (1) of Law No. 24 of 2003 on the Constitutional Court, only those who have suffered a loss of constitutional rights or authority can file a judicial review petition. Nevertheless, the Constitutional Court has, in various rulings, adopted a broad interpretation of legal standing—as seen in Decision No. 006/PUU-III/2005, which granted standing to environmental organizations even without direct harm. This broad interpretation raises concerns about ensuring that only those with genuine legal interests can access the judicial review system. In contrast, countries like the United States have more requirements for legal standing. Petitioners must demonstrate a real injury connected to the law being challenged, along with reasonable expectation that a court decision would address that harm. This more measured approach provides an alternative model for establishing clear boundaries around legal standing and helps prevent potential misuse of judicial review.

Legal standing is a crucial aspect of the judicial review process as it determines who is permitted to challenge the constitutionality of laws. In the context of constitutional law, the concept of legal standing reflects how accessible the judicial system is for individuals or groups, ensuring that only those with a legitimate legal interest have the right to bring a case. Different jurisdictions consider legal standing a guardrail that balances judicial efficiency with the protection of constitutional

¹ Ali Hassan, "Judicial Review in Public Law: Balancing Democracy and Constitutional Rights," preprint, Open Science Framework, May 25, 2023, <https://doi.org/10.31219/osf.io/4jbx5>.

² Mexsasai Indra et al., "Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia: Kekuatan Putusan Mahkamah Konstitusi Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945 Di Indonesia," *Jurnal Konstitusi* 20, no. 2 (2023): 279–99, <https://doi.org/10.31078/jk2026>.

³ Airlangga Gama Shakti et al., "The Integration of Judicial Review in Indonesia," *Syiah Kuala Law Journal* 6, no. 3 (2023): 212–27, <https://doi.org/10.24815/sklj.v6i3.26940>.

⁴ Abida Yasin and Ali Haider Chattha, "Doctrine Of Judicial Review: Constitutional Study Of American Legal System," *Pakistan Journal of Social Research* 04, no. 01 (March 31, 2022): 657–63, <https://doi.org/10.52567/pjsr.v4i1.932>.

rights.⁵ In Indonesia, the requirements for legal standing when pursuing judicial review at the Constitutional Court have sparked significant academic and legal debate, particularly regarding their scope and criteria. Legal standing should not be viewed merely as a procedural hurdle; it also plays a vital role in ensuring that constitutional rights are not just theoretical but can be effectively enforced through legal channels.⁶ Thus, this study seeks to further examine the importance of legal standing as both a substantive and procedural filter in judicial review, exploring how its regulation can be fine-tuned to maximize the protection of constitutional rights.

In today's legal landscape, striking a balance between public interest and the protection of constitutional rights is fundamental to justice and constitutional supremacy. Public interest is often used to justify certain regulations or limits, but it must always with the imperative of protecting human rights and individual freedoms. This concept is fluid, evolving alongside the social, political, and economic changes within a country.⁷ On the other hand, constitutional rights provide individuals with a strong foundation to safeguard their freedoms from excessive state intervention. In practice, constitutional courts often wrestle with the challenge of balancing these two concerns, especially during judicial review where individual rights may clash with collective needs.⁸ Therefore, this study aims to investigate how a harmonious relationship between public interest and constitutional rights can be achieved through forward-thinking legal interpretations and the implementation of equitable policies.

The question of legal standing in judicial review petitions before the Indonesian Constitutional Court has become a vital issue in the evolution of constitutional law. As the institution responsible for defending the constitution, the Court often faces challenges about who qualifies to file a judicial review petition. Legal standing is not just a technicality; it directly impacts public access to justice and the safeguarding of constitutional rights. While the Constitutional Court has established certain doctrines to clarify legal standing requirements, these criteria often lead to different interpretations. This inconsistency poses significant hurdles in applying them fairly.⁹ Public expectations have risen, calling for the Constitutional Court to act as an inclusive guardian of democracy, especially when it comes to protecting the rights of minorities and vulnerable groups. Therefore, it is crucial to revisit and refine the legal standing framework to better embody the values of substantive and constitutional justice.

⁵ Putra Perdana Ahmad Saifulloh et al., "Legal Standing to the Corruption Eradication Commission as a Applicant for the Dissolution of a Political Party at the Constitutional Court: Legal Standing Komisi Pemberantasan Korupsi Sebagai Pemohon Pembubaran Partai Politik Di Mahkamah Konstitusi," *Jurnal Konstitusi* 20, no. 2 (2023): 318–39, <https://doi.org/10.31078/jk2028>.

⁶ Rasji Rasji et al., "Juridical Review of the Authority of the Constitutional Court in Settlement of General Election Disputes," *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 1 (2023): 499–503, <https://doi.org/10.57235/qistina.v2i1.528>.

⁷ Lyudmila Fokina et al., "Human Rights and Freedoms: Ensuring a Balance of Public Interests," *WISDOM* 26, no. 2 (2023): 198–211, <https://doi.org/10.24234/wisdom.v26i2.989>.

⁸ Moldova State University and Domnita Vizdoaga, "Individual Freedom from the Perspective of Detention and the Principle of Proportionality," *The Journal of the National Institute of Justice*, no. 2(61) (July 2022): 9–14, [https://doi.org/10.52277/1857-2405.2022.2\(61\).01](https://doi.org/10.52277/1857-2405.2022.2(61).01).

⁹ Muhammad Fauzan and Tiara Alfarissa, "Legal Conceptualism Of Foreign Citizens As Applicants For The Right To Material Examination," *UNTAG Law Review* 7, no. 1 (June 20, 2023): 44, <https://doi.org/10.56444/ulrev.v7i1.3437>. indigenous peoples, and civil legal entities. This makes foreign nationals do not have the right to apply for judicial review rights. From this, the researcher raises two problem formulations, namely 1

Restricting legal standing in judicial review petitions has become one of Indonesia's most contentious legal issues. The unclear criteria for legal standing often lead to uncertainty, obstructing access to justice for individuals or groups who believe they have been wronged by laws viewed as unconstitutional.¹⁰ While the restrictions aim to prevent abuse of rights and uphold judicial efficiency, they can inadvertently limit the protections available to individual rights and minority groups disproportionately affected by public policies. A key challenge lies in finding a balance between defending individual rights and addressing broader public interests. This issue has gained urgency as the Constitutional Court takes on a greater role as the protector of the constitution and democracy in Indonesia. Thus, it is essential to conduct a deeper examination of how restrictions on legal standing can align with principles of substantive justice while ensuring inclusivity and accessibility in the judicial system.

Legal standing qualifications often become the primary reason for rejecting cases in judicial review, even when the underlying issues could significantly affect constitutional rights. A notable example is judicial reviews concerning natural resource management laws, where petitions from indigenous communities were dismissed due to lack of sufficient legal standing. Such rejections underscore the difficulties in creating fair legal standing criteria, particularly for minority groups frequently impacted by discriminatory public policies.¹¹ Moreover, the ambiguity around legal standing can obstruct access to, further widening the gaps in legal protection for vulnerable communities. A closer at the Constitutional Court's rulings reveals that while restrictions on legal standing are meant to discourage misuse of legal process, they often undermine substantive justice—the very principle that should guide constitutional adjudication. It is essential to reassess how the Constitutional Court determines legal standing qualifications, aiming for a more inclusive and responsive legal framework that serves society's broader interests.

The limitation on legal standing in the judicial review process raises a fundamental question: do the current criteria truly reflect the principles of substantive justice and uphold constitutional integrity? As a mechanism designed to protect constitutional rights, legal standing should ensure fair access for individuals or groups who believe they have been harmed by a law. Yet, numerous rulings from the Constitutional Court indicate that these restrictive qualifications often block access to justice, particularly for vulnerable and marginalized groups.¹² At the same time, such restrictions are necessary to prevent the misuse of legal avenues and maintain the efficiency of the judicial system. This dilemma highlights the need for a legal framework that strikes a balance between protecting individual rights and serving the public interest. Therefore, examining how current legal standing restrictions align with substantive justice is not merely a procedural concern; it is a fundamental issue for the development of a robust constitutional legal system in Indonesia.

This study aims to deeply explore the restrictions on legal standing qualifications in judicial review petitions in Indonesia, focusing specifically on how these restrictions impact substantive

¹⁰ Makhyatul Fikriya et al., "Perbandingan Legal Standing Pengajuan Judicial Review Untuk Warga Negara Asing Di Negara Indonesia Dan Negara Jerman," *Themis : Jurnal Ilmu Hukum* 1, no. 1 (2023): 1–5, <https://doi.org/10.70437/themis.v1i1.139>.

¹¹ Adam Ilyas and Dicky Eko Prasetyo, "Problematisasi Peraturan Mahkamah Konstitusi Dan Implikasinya," *Jurnal Konstitusi* 19, no. 4 (2022): 794–818, <https://doi.org/10.31078/jk1943>.so it is not known where it is located, or which institution has the right to conduct a judicial review of it. Therefore, this study will examine three things, namely: (i

¹² Zaka Firma Aditya, "Does the Judiciary Support Legal Certainty? An Indonesian Perspective," *Frontiers in Law* 2 (April 2023): 15–23, <https://doi.org/10.6000/2817-2302.2023.02.03>.

justice and the protection of constitutional rights. In modern legal systems, limitations on legal standing are often seen as necessary measures to maintain efficiency and prevent the misuse of court processes. However, overly strict restrictions can create barriers to accessing justice, particularly for vulnerable groups who are adversely affected by discriminatory public policies.¹³ By applying a normative approach and analyzing rulings from the Constitutional Court, this study will investigate how these restrictions can strike a balance between protecting individual rights and serving the broader public interest. Additionally, the research will propose legal reforms to enhance Indonesia's constitutional judicial system, making it more inclusive, fair, and responsive to societal needs.

While there has been significant research on the judicial review mechanism and its role in upholding constitutional supremacy, specific studies focusing on legal standing restrictions within Indonesia's legal context are scarce. Much of the existing literature tends to concentrate on the general functioning and effectiveness of judicial review without examining how legal standing criteria affect public access to substantive justice.¹⁴ Furthermore, comparative studies on legal standing regulations in other countries have not been sufficiently explored to provide a well-rounded perspective on the issue. This gap in research underscores the necessity for a study that not only discusses the normative framework of legal standing but also evaluates its consequences for protecting constitutional rights and serving the public interest. Therefore, this study aims to fill this gap by offering critical insights and constructive recommendations for advancing constitutional law in Indonesia.

This research offers a fresh perspective on the analysis of legal standing restrictions in judicial review cases, highlighting how these criteria can be adjusted to achieve a balance between safeguarding individual constitutional rights and promoting the public interest. In this context, legal standing is viewed not just as a procedural hurdle, but as a substantial and philosophical tool for expanding access to justice and fostering inclusivity in the constitutional judiciary system. This multidimensional approach enriches the literature on constitutional law by providing critical analyses and normative solutions that have not been extensively explored before. Moreover, this study strongly argues for the need to reform legal standing regulations, particularly to address systemic issues that may hinder the protection of constitutional rights. As such, this research is not only academically significant but also has practical implications for policymakers and judicial institutions in Indonesia, paving the way for a more just, adaptable, and resilient legal system.

RESEARCH METHODS

This research uses a normative legal approach that blends doctrinal analysis with comparative insights to critically examine how legal standing is defined and applied within Indonesia's constitutional framework. Doctrinal analysis helps to systematically interpret statutory provisions and judicial reasoning, especially the decisions made by the Constitutional Court. This process allows us to identify patterns of inconsistency and ambiguity in how legal standing is understood. As noted by Smits (2015), doctrinal scholarship plays a crucial role in identifying and justifying

¹³ Cici Adelia, Utang Rosidin, and Elan Jaelani, "Hak Warga Negara Melalui Pengaduan Konstitusional (Constitutional Complaint) Dalam Perspektif Hukum Tata Negara Republik Indonesia," *VARIA HUKUM* 5, no. 1 (January 26, 2023): 21–34, <https://doi.org/10.15575/vh.v5i1.26822>.

¹⁴ Adelia et al., "HAK WARGA NEGARA MELALUI PENGADUAN KONSTITUSIONAL (CONSTITUTIONAL COMPLAINT) DALAM PERSPEKTIF HUKUM TATA NEGARA REPUBLIK INDONESIA."

legal norms within a system. It provides a solid foundation upon which comparative or empirical insights can be effectively built. The incorporating a comparative perspective, this research enhances the doctrinal critique by placing Indonesia's legal standing doctrine alongside models from other countries, such as India's Public Interest Litigation, South Africa's collective harm approach, and the United States' injury-in-fact standard. These jurisdictions were deliberately chosen because they offer contrasting yet relevant perspectives on access to constitutional justice. While this methodological design allows for a critical evaluation on the legal framework, it does not have its limitations. Specifically, it does not capture the real-life experiences of individuals who are denied legal standing. This gap highlights the importance of conducting future socio-legal or empirical studies to explore the real-world impacts of exclusionary standing rules on those affected.

ANALYSIS AND DISCUSSION

The Theory of Legal Standing in Judicial Review

Legal standing is a cornerstone of constitutional law, especially in the arena of judicial review, where it serves as the first step in deciding who has the right to challenge a law that may violate the constitution. Essentially, legal standing reflects the relationship between the petitioner and the legal norm in question, highlighting the degree to which the petitioner has experienced a direct, specific, and tangible injury due to that law.¹⁵ In Indonesia, the rules surrounding legal standing are outlined in the Constitutional Court Law and interpreted through court rulings that recognize concepts like "specific constitutional harm." However, the implementation of these concepts is often inconsistent, leading to uncertainty for those who believe they have been negatively impacted.

Globally, legal standing differs significantly. For instance, the United States follows a strict model, requiring actual and direct harm from the law, while India adopts a more inclusive stance, especially in cases involving public interest through Public Interest Litigation (PIL).¹⁶ In Indonesia, legal standing should not just serve as an administrative hurdle; it should also work to ensure substantive justice, particularly for groups that are structurally vulnerable to negative impacts from specific laws. Thus, applying this theory means striking a balance between maintaining judicial efficiency and ensuring access to justice for all.

Substantive justice emphasizes the importance of fulfilling fundamental rights and acknowledging justice that extends beyond mere procedural boundaries. In constitutional law, the goal of substantive justice is to guarantee that every individual or group, especially those who are vulnerable, can fully exercise their constitutional rights without facing discrimination or systemic barriers. Legal standing plays a crucial role in upholding this principle by granting fair access to those affected by unconstitutional laws. However, in Indonesia, the criteria for legal standing are often narrowly defined and rigid. This restricts the ability of vulnerable groups, such as indigenous and minority communities, to file judicial review petitions.¹⁷

¹⁵ Dian Agung Wicaksono, "Dynamics of Granting Legal Standing to the Indigenous Community in Constitutional Review of Law: Dinamika Pemberian Kedudukan Hukum Pemohon Bagi Masyarakat Hukum Adat Dalam Pengujian Undang-Undang," *Jurnal Konstitusi* 20, no. 3 (2023): 494–513, <https://doi.org/10.31078/jk2037>.

¹⁶ Xiao Mao, "Public-Interest Litigation before the International Court of Justice: Comment on *The Gambia v. Myanmar Case*," *Chinese Journal of International Law* 21, no. 3 (2022): 589–609, <https://doi.org/10.1093/chinesejil/jmac025>.

¹⁷ Rudy Rudy et al., "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia," *Hasanuddin Law Review* 8, no. 3 (2023): 299, <https://doi.org/10.20956/halrev.v8i3.4229>.

In line with substantive justice, legal standing should serve as a tool to enhance access to justice rather than just a way to determine case eligibility. An inclusive approach to legal standing, similar to what we see in India through PIL, has proven effective in broadening the protection of constitutional rights and improving public policy.¹⁸ Therefore, applying substantive justice principles to legal standing calls for normative reforms that allow courts to adopt a more flexible approach when accepting cases, especially those involving collective interests or human rights protections.

Empirical evidence shows that the Indonesian Constitutional Court often displays ambiguity when applying legal standing criteria, significantly impacting access to justice for those seeking judicial review. In several instances, the Court has rejected petitions for legislative review on the grounds that the petitioners did not meet the legal standing requirements, even when the cases involved potential violations of constitutional rights.¹⁹ A notable example occurred when indigenous communities attempted to challenge laws related to natural resource management. The Constitutional Court ruled that they could not prove direct, specific, and actual harm from the law in question, denying them the chance to have their grievances heard.²⁰

This ambiguity surrounding legal standing criteria not only leads to uncertainty but also risks systematically denying access to justice for groups disproportionately affected by public policies. In practice, the Court tends to adopt a strict approach to legal standing, often overlooking the social and structural barriers that prevent certain groups from fulfilling formal requirements. This approach contrasts sharply with more flexible practices in other countries, like India, where courts permit cases to be brought in the public interest through PIL mechanisms.²¹

Overall, these findings illustrate a pressing need for reform in Indonesia's legal standing criteria. A more inclusive and adaptable approach would allow the Constitutional Court to better fulfill its role as the guardian of substantive justice and the protector of constitutional rights for all segments of society.

Legal standing approaches differ across jurisdictions, reflecting the unique priorities and legal systems of each country. In the United States, for example, the legal standing framework is strictly governed by the case-or-controversy doctrine in Article III of the U.S. Constitution. Petitioners must show that they have suffered a concrete, direct, and personal injury due to the action being challenged. This tight restriction is designed to enhance judicial efficiency and prevent speculative or hypothetical lawsuits.²² In contrast, India offers a much more inclusive model through its Public Interest Litigation (PIL) mechanism, which allows individuals or groups to file lawsuits on behalf of the public interest, even if they are not personally affected by the policy in question. This approach

¹⁸ Yu. Burdeyniy, "Fair Trial and Due Process: European and American Doctrine," *Analytical and Comparative Jurisprudence*, no. 6 (February 2023): 49–52, <https://doi.org/10.24144/2788-6018.2022.06.8>.

¹⁹ Muhammad Mutawalli Mukhlis et al., "Law Reform in Parliamentary Democratization: A Comparative Study of Legislative Terms in Indonesia, Philippines, and the United States of America," *Journal of Law and Legal Reform* 6, no. 3 (2025): 1079–122, <https://doi.org/10.15294/jllr.v6i3.20664>.

²⁰ Dri Utari Christina Rachmawati et al., "Formal Constitutional Review of the Legislative Process: An Obvious Accommodation or an Innovation for Democracy?," *Gdańskie Studia Prawnicze*, no. 4(56)/2022 (December 2022): 42–53, <https://doi.org/10.26881/gsp.2022.4.03>.

²¹ Albertjan Tollenaar and Gijsbert Vonk, "Access to Justice for Vulnerable Workers and Citizens in Public/Private Governance Regimes: Lessons from the Regulatory Welfare State in the Netherlands," *Zeitschrift Für Sozialreform* 66, no. 3 (2020): 317–34, <https://doi.org/10.1515/zsr-2020-0014>.

²² Mark Moller and Lawrence B. Solum, "Corporations and the Original Meaning of 'Citizens' in Article III," *SSRN Electronic Journal*, ahead of print, 2020, <https://doi.org/10.2139/ssrn.3548143>.

not only expands access to justice for vulnerable populations but also fosters oversight of potential human rights violations by the state.²³

In the Indonesian context, the legal standing criteria set forth by the Constitutional Court align more closely with the stringent U.S. model, requiring petitioners to demonstrate direct, specific, and actual harm. However, this rigid approach often fails to acknowledge the social complexities that can affect the ability of vulnerable groups to satisfy these criteria. This contrast with India's inclusive model suggests that employing features from the Indian approach could offer valuable insights for legal reform in Indonesia. Given Indonesia's diverse society and constitutional framework, relying solely on the U.S. model is inadequate. Instead, an adaptive model that incorporates the inclusive qualities of the Indian approach while remaining rooted in Indonesia's unique legal culture would be more effective in balancing judicial efficiency with the protection of constitutional rights. By embracing a more flexible approach, the Constitutional Court can enhance its role as the protector of the constitution, ensuring that judicial efficiency goes hand in hand with safeguarding the rights of all segments of society.

Interpretation of Findings: Uncertainty in the Constitutional Court's Interpretation of Legal Standing

The ambiguity surrounding legal standing criteria in judicial review petitions to the Indonesian Constitutional Court has emerged as a significant barrier to justice for individuals and groups who believe they have been harmed by legislation. Our findings indicate that inconsistent legal standards often lead to uncertainty and discriminatory access to justice, particularly for vulnerable groups communities like indigenous groups and minorities affected by public policies. This lack of clarity stems from the absence of clear parameters to establish a direct link between the harm experienced by petitioners and the laws under review.²⁴

This analysis highlights the urgency of clarifying legal standing criteria, whether through legislative reforms or by providing judges with more structured interpretative guidelines. Ensuring that judicial review serves as both a legal mechanism and a substantive tool for achieving justice for all segments of society is crucial.

Currently, the restrictions on legal standing for judicial review petitions in Indonesia do not fully align with the principles of substantive justice, both in theory and practice. The concept of substantive justice requires that law not only be applied correctly but also actively protect essential constitutional rights and provide equitable access for all, especially for vulnerable groups.²⁵ Unfortunately, the criteria for legal standing established by current legislation and interpreted by the Constitutional Court often remain overly rigid, focusing on the need for direct, specific, and actual harm. This approach fails to consider the structural and social dimensions that may prevent

²³ Prerna Sharma, "Judicial Activism VIS-A-VIS Judicial Overreach: A Comparative Study," *International Journal For Multidisciplinary Research* 5, no. 3 (2023): 3024, <https://doi.org/10.36948/ijfmr.2023.v05i03.3024>.

²⁴ Tri Cahyono and Harjono Harjono, "Studi Tentang Kedudukan Hukum Organisasi Lingkungan Hidup Dalam Gugatan Perwakilan (Legal Standing) Di Indonesia," *Verstek* 11, no. 1 (February 28, 2023): 108, <https://doi.org/10.20961/jv.v11i1.70573>. Yayasan selaku Penggugat tidak memenuhi syarat sebagai organisasi lingkungan yang berhak mengajukan gugatan perwakilan. gugatan Pasal 92 ayat (3)

²⁵ Faisal, Faisal, Sri Rahayu, Derita Prapti Rahayu, Anri Darmawan, and Andri Yanto. "Progressive Consideration of Judges in Deciding Sentencing Under Indonesia New Criminal Code." *Jambe Law Journal* 6, no. 1 (December 2023): 1. <https://doi.org/10.22437/jlj.6.1.85-102>.

groups, such as indigenous communities affected by resource management policies, from meeting these strict criteria.²⁶

In practice, these limitations result in the exclusion of groups with legitimate interests that cannot demonstrate harm within the narrow legal parameters. For instance, many judicial review petitions submitted by civil society groups have been rejected by the Constitutional Court merely for failing to meet legal standing requirements, despite raising issues with important implications for fundamental constitutional rights. This exclusion further diminishes representation for marginalized groups in the legislative process, hindering efforts to fully realize substantive justice.²⁷

This situation underscores the need to reform legal standing regulations so they effectively incorporate the principles of substantive justice into Indonesia's legal system. Expanding the interpretation of legal standing to consider potential impacts on vulnerable groups, alongside Actual harm, would allow judicial review to function as a truly inclusive and equitable mechanism for protecting constitutional rights.

The inconsistency in how legal standing criteria are applied by the Indonesian Constitutional Court is a critical issue obstructing public access to justice. In several rulings, the Court has established varying standards for legal standing, creating confusion for those filing judicial review petitions. One notable case involved indigenous communities challenging aw No. 41 of 1999 on Forestry. The Court rejected the petition, claiming the petitioners could not demonstrate the direct, specific, and actual harm required. Yet, it was clear that the law significantly impacted the constitutional rights of these communities concerning their lands and natural resources.²⁸

Conversely, in cases such as the judicial review of Law No. 20 of 2003 on the National Education System, the Court adopted a more flexible approach, allowing individuals with broader interests in education rights to file petitions, even if they were not directly affected. This inconsistency highlights the lack of uniformity in applying legal standing standards, weakening the principle of substantive justice and making it harder for petitioners to access judicial review.

This analysis emphasizes the urgent need for clearer and more consistent guidelines regarding legal standing criteria in the Constitutional Court. By establishing guidelines, the Court can ensure that the constitutional rights of all individuals and groups—particularly vulnerable communities—are equally protected, and that judicial review truly serves as an effective tool for justice.

The findings of this study reveal that the ambiguity surrounding legal standing in the Indonesian Constitutional Court often acts as a significant barrier to public access to justice through the judicial review process. This is particularly relevant given the contemporary emphasis on inclusivity in legal systems, which stresses the importance of equitable access for all seeking to protect their constitutional rights. Inclusivity requires courts to consider not just the direct harm suffered by

²⁶ Alex Chandra and Supot Rattanapun, "Importance Of Implementation And Enforcement Of Human Rights In Indonesia Now," *Awang Long Law Review* 5, no. 2 (May 31, 2023): 545–49, <https://doi.org/10.56301/awl.v5i2.756>.

²⁷ Elena Novopavlovskaya, "Restriction of Freedom of Movement in the Light of Modern Russian Realities: Legal Regulation and Practice of Constitutional Legal Proceedings," *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia* 2022, no. 3 (2022): 33–40, <https://doi.org/10.35750/2071-8284-2022-3-33-40>.

²⁸ Fatma Ayu Jati Putri and Jasurbek Rustamovich Ehsonov, "The Impact of Land Reform Policies on the Sustainable Management of Natural Resources in Local Communities," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 510–37, <https://doi.org/10.53955/jhcls.v4i2.197>.

petitioners but also the collective or systemic harm that may impact vulnerable groups, such as indigenous communities and social minorities.²⁹

In modern legal systems, inclusivity is recognized as a fundamental aspect of ensuring that all segments of society have equal access to justice. This principle has been embraced by several international jurisdictions, including India, which allows for public interest litigation (PIL)—enabling individuals or groups to file judicial review petitions on behalf of the public interest. In contrast, Indonesia’s legal system, which still adheres to a narrow view of legal standing, often falls short on inclusivity front. Restrictive formal criteria frequently prevent many relevant cases from proceeding, denying wider public interests a voice in the legal system.³⁰

Therefore, this study highlights the urgent need to reform legal standing regulations in Indonesia to better align with the principle of inclusivity within the legal framework. Such reforms are essential to ensure that judicial review operates not just as a mechanism for constitutional oversight but also as an effective tool for safeguarding the rights of vulnerable groups and upholding substantive justice.

Contributions to Legal Theory and Their Impact on Judicial Practice and Legislation

This study makes a notable contribution to the field of constitutional law, especially regarding the rules about who can bring cases to court—a concept known as legal standing. The research sheds light on the confusion surrounding legal standing in Indonesia’s legal system, which not only creates uncertainty but also makes it difficult for vulnerable groups to access justice. For example, in several decisions by the Constitutional Court, such as Case No. 006/PUU-III/2005 and Case No. 27/PUU-V/2007, the Court inconsistently defined who is considered a harmed party. As a result, it often dismissed petitions on procedural grounds, even when there were substantive constitutional issues at stake. The analysis of these rulings shows that the current criteria for legal standing mainly take an administrative approach without adequately considering fairness and inclusivity. This research aims to enrich academic discussions by advocating for reforms in legal standing that align with modern justice value.³¹

Moreover, this study broadens the conversation in legal literature by comparing how different countries approach legal standing. For example, India’s public interest litigation model is highlighted as a source of inspiration, suggesting that it could help create a more progressive framework in Indonesia that responds to social dynamics. Importantly, this research underscores the need to incorporate principles of inclusivity and human rights protection into legal standing regulations. By appointing out gaps in existing literature, the study contributes to advancing constitutional law scholarship, focusing not just on theoretical aspects but also on ensuring justice and protecting constitutional rights.³²

²⁹ Muhammad Deniardi Et Al., “Criminal Law Arrangements In Indonesia Related To Judicial Review,” *Russian Law Journal* 11, no. 3 (April 7, 2023), <https://doi.org/10.52783/rlj.v11i3.1835>.

³⁰ Yousuf A Vawda, “Access To Justice: From Legal Representation To Promotion Of Equality And Social Justice – Addressing The Legal Isolation Of The Poor,” *Obiter* 26, no. 2 (September 13, 2022), <https://doi.org/10.17159/obiter.v26i2.14749>.

³¹ Ahmad Siboy et al., “Judicial Review in Indonesia: A Simplification Model,” *Lex Scientia Law Review* 6, no. 2 (2022): 359–90, <https://doi.org/10.15294/lesrev.v6i2.54848>.

³² “Community Interest and International Legal Order,” *Science of Law Journal* 2, no. 2 (2023), <https://doi.org/10.23977/law.2023.020208>.

Ultimately, this study offers a critical evaluation of the current legal framework and provides both theoretical insights and practical recommendations for crafting a more just and inclusive legal system. Its implications are significant not only for scholars but also for policymakers and legal practitioners looking to improve the constitutional judicial system in Indonesia.

The findings also highlight practical recommendations for the Constitutional Court in establishing more inclusive and consistent standards for legal standing. The existing ambiguities and inconsistencies in how legal standing is applied have long posed barriers to justice, especially for vulnerable groups with legitimate concerns. To combat this issue, the Constitutional Court should embrace a more progressive viewpoint by developing clear, uniform, and inclusive guidelines for legal standing—ones that account for both concrete harm and potential future harm, as well as the broader societal impact of norms.³³

This inclusive approach could be implemented through judicial reinterpretation, allowing civil society groups, NGOs, and individuals to file petitions for judicial review, similar to what is practiced in India with public interest litigation. This change would not only widen access to justice but also enhance the Constitutional Court's role as a vigilant protector of the constitution, responsive to social dynamics and the safeguarding of constitutional rights.

Moreover, applying legal standing criteria is crucial for fostering legal certainty. It will help all petitioners understand exactly what is required to access the judicial review process.³⁴ By adopting these reforms, the Constitutional Court can weave the principle of substantive justice into its judicial practices, ensuring that judicial review is not merely a technical formality but a real tool for protecting the constitutional rights of the wider community. This reform effort will solidify the legitimacy of the Constitutional Court as an inclusive guardian of justice.

The findings of this study are also vital for harmonizing the protection of individual rights with the public interest within Indonesia's legal framework. The current confusion around legal standing in judicial review petitions makes it difficult for individuals and groups to seek justice and undermines collective efforts to uphold constitutional rights. Often, limitations on legal standing restrict access to justice for those affected by discriminatory public policies, exacerbating the imbalance between individual rights and the public good.³⁵

To bridge this gap, reforms should integrate inclusivity principle into legal standing regulations, allowing individuals or groups to pursue judicial review based on broader public interest concerns. The public interest litigation model in India showcases how individual rights can be safeguarded while aligning with the public interest through a more inclusive legal approach. Adopting more flexible standards for legal standing would empower the Constitutional Court to proactively maintain a balance between protecting individual rights and addressing broader policy objectives like environmentalism and human rights advocacy.³⁶

³³ Satria Ranga Putra and Sujatmiko Sujatmiko, "Reviewing Constitutional Court Decision Number 91/PUU-XVIII/2020 Regarding Formal Review of Job Creation Act: A Progressive Law Perspective," *Jurnal Penelitian Hukum De Jure* 22, no. 2 (2022): 229, <https://doi.org/10.30641/dejure.2022.V22.229-242>.

³⁴ Siraj Ul Haq, "Inclusive Justice: Promoting Equity and Healing in Criminal Justice Reform," preprint, Open Science Framework, April 18, 2023, <https://doi.org/10.31219/osf.io/z8q4x>.

³⁵ Stefany Ismantara, "Citizen Lawsuit: Pelindung Hak Konstitusional Dalam Sistem Hukum Indonesia," *JOURNAL EQUITABLE* 8, no. 2 (June 30, 2023): 294–310, <https://doi.org/10.37859/jeq.v8i2.4984>.

³⁶ D. R. Zamkova, "The Government Agencies and Persons Who by Law Have the Right to Go to Court in the Interests of Others or State or Public Interests," *Uzhhorod National University Herald. Series: Law*, no. 67 (January 2022): 84–88, <https://doi.org/10.24144/2307-3322.2021.67.16>.

By enhancing the avenues for protecting individual rights within a framework of public interest, the Constitutional Court can ensure that judicial review functions not only as a safeguard for fundamental rights but also as a driving force for developing equitable policies. This approach will further establish the Constitutional Court’s legitimacy as an institution that can balance societal needs with the principles of substantive justice in a contemporary legal system.

Comparative Study on the Application of Legal Standing Across Different Legal Systems

One of the key recommendations from this study is the need for deeper research into the how local legal culture affects the interpretation of legal standing in judicial review petitions within Indonesia’s Constitutional Court. Local legal culture—shaped by the values, norms, and traditions of a society—plays a crucial role in how laws are understood and applied. When it comes to legal standing, this culture can influence how petitioners view their own constitutional rights and how courts assess claims of harm. For instance, many indigenous communities may have a concept of harm that does not fit neatly into the formal legal definitions, making it challenging for them to meet the required criteria.³⁷

Further studies could delve into how local ideals such as mutual cooperation (*gotong royong*), collective wisdom, and social solidarity could be woven into legal standing regulations to create a more inclusive system. This would help in developing a richer understanding of how the law can adapt to the unique social and cultural context of Indonesia. Additionally, employing a comparative approach to look at how local legal cultures in other countries, such as the community-based models in South Asian countries or mechanisms for protecting indigenous rights in Latin America, could inspire new regulatory frameworks.³⁸

By investigating the connection between local legal culture and the interpretation of legal standing, future research could offer practical recommendations to the Constitutional Court. Crafting guidelines that reflect social and cultural values would make the legal process more accessible and relevant to the people of Indonesia. Below is a comparison table that summarizes different legal standing regulations across several countries:

Table 1 : Comparative Approaches to Legal Standing in Constitutional Adjudication: Indonesia, India, South Africa, and the United States

<i>Aspect</i>	<i>Indonesia</i>	<i>India</i>	<i>South Africa</i>	<i>United States</i>
<i>Legal Standing Approach</i>	Strict criteria: requires proof of direct, specific, and actual harm.	Inclusive approach through Public Interest Litigation (PIL), allowing lawsuits in the public interest.	Flexible: considers collective impact and potential harm to society.	Restrictive: limited to parties who can prove actual harm under the case or controversy doctrine.

³⁷ Abi Sugara, “Analisis Hukum Undang-Undang Nomor 8 Tahun 2011 Pasal 10 Ayat 1 Tentang Putusan Mahkamah Konstitusi Yang Bersifat Final” (Open Science Framework, December 30, 2022), <https://doi.org/10.31219/osf.io/ajdgh>. the decision has no further legal continuation, that’s why the law gives the constitutional court four powers to become one of the institutions that can enforce law and justice in Indonesia and the four powers are: 1

³⁸ Wihelmus Jemarut et al., “Kajian Yuridis Masyarakat Hukum Adat,” *Widya Yuridika* 5, no. 1 (2022): 117, <https://doi.org/10.31328/wy.v5i1.2494>.

<i>Vulnerable Groups</i>	Often faces barriers due to difficulty in proving harm.	Accommodated through PIL to strengthen constitutional rights.	Better access due to an inclusive public interest approach.	Limited access due to strict requirements for direct harm.
<i>Emphasized Principle</i>	Judicial efficiency and prevention of legal process abuse.	Protection of constitutional rights and public interest.	Inclusivity and substantive justice in access to justice.	Efficiency and enforcement of formal legal norms.
<i>Advantages</i>	Prevents speculative or irrelevant lawsuits.	Enhances access to justice for vulnerable groups.	Balances protection of individual rights and the public interest.	Provides legal certainty within the bounds of actual harm.
<i>Weaknesses</i>	Limits access for vulnerable groups, especially indigenous communities and minorities.	Risk of PIL abuse for political or personal ends.	Inclusive approach may lengthen court processes.	Not responsive to the needs of vulnerable groups.

Source: Author’s comparative analysis based on constitutional jurisprudence and doctrinal literature from the four jurisdictions.

This table illustrates how different countries approach legal standing. Indonesia employs a strict model, demanding proof of direct and personal harm, which often limits justice access for vulnerable communities. Conversely, India’s inclusive Public Interest Litigation (PIL) model allows broader access, although it can be prone to misuse. South Africa’s approach is more balanced, accommodating collective harms while keeping judicial structure intact. Meanwhile, The U.S. prioritize legal certainty with restrictive injury-in-fact tests that can exclude systemic claims.

This comparison reveals that more inclusive models (like those in India and South Africa) enable broader access to justice, while restrictive models (like in Indonesia and the U.S.) focus on procedural discipline at the risk of excluding valid claims. Each system reflects deeper values about justice, access, and the judiciary’s role. Reforming legal standing is not just a matter of fixing access; it is about redefining what constitutional protection looks like in practice.

Another important recommendation from this study is the need for broader comparative research on legal standing regulations in countries with similar legal systems, such as those in Southeast Asia, Latin America, and Africa. These regions share common challenges in balancing access to justice and the protection of constitutional rights. Such a study could unveil best practices and innovative solutions that Indonesia might adopt to enhance its legal framework. For instance, the PIL model in India demonstrates a successful way to make the legal system more inclusive by allowing individuals and groups to pursue judicial review, even if they have not suffered harm. The strength of this model lies in its inclusiveness and flexibility, fostering greater participation in constitutional matters; however, it also faces challenges like potential overload.

Additionally, countries like South Africa have embedded inclusivity into their legal standing regulations by considering collective impacts and broader societal harm, standing in contrast to the U.S. system, which limits standing to those to proving actual harm. By examining these different

approaches, Indonesia can better evaluate how to adapt to its unique legal, social, and cultural context.

Such comparative studies not only enrich academic discussions but also serve as practical guidance for policymakers and the Constitutional Court in building a more inclusive and consistent legal standing framework. Strengthening Indonesia's judicial review system to reflect principles of substantive justice is crucial in addressing modern legal challenges.

Empirical research into the experiences of individuals or groups who struggle to meet legal standing criteria for accessing judicial review could further illuminate the real-world effects of these barriers. Gathering insights through case studies or interviews with petitioners rejected by the Constitutional Court could reveal structural, social, and economic obstacles. It might uncover issues like a lack of understanding of legal procedures, challenges in proving harm, or inequalities in access to legal resources.

Furthermore, this study could examine the psychological and social effects of failing to achieve justice, particularly for vulnerable groups, including indigenous communities and small farmers. These empirical findings might help assess whether current legal standing criteria genuinely reflect the ideal of substantive justice and inclusivity in Indonesia's legal system.³⁹

Ultimately, this study has the potential to provide data-driven recommendations for policymakers and the Constitutional Court, paving the way for a more inclusive legal standing framework. By documenting the real-life experiences, this research could become a powerful advocacy tool for promoting legal reforms that better meet society's needs. Not only will this enhance constitutional law literature, but will also introduce empirical perspectives that are often overlooked in academic discussions.

Legal, Social, and Technical Implications of Legal Standing Qualifications in Judicial Review

The inconsistent application of legal standing by the Indonesian Constitutional Court does not just affect legal rules and principles; it has significant social and ethical ramifications, especially concerning access to justice, the legitimacy of institutions, and the overall stability of the national legal system. As the principal tool for reviewing the constitutionality of laws, judicial review should be a fair and accessible mechanism for anyone with genuine legal interests. However, when the criteria for legal standing are inconsistently applied—sometimes allowing too wide access while at other times being overly restrictive—it leads to inequalities in justice. Certain groups may find it easier to navigate the judicial review process, while others face significant hurdles in asserting their constitutional rights.

From a legal standpoint, the vagueness of legal standing criteria underscores a pressing need for regulatory reform. We need clearer and more consistent guidelines that ensure our legal system is not only efficient but also focused on substantive justice. This means providing equal access to all petitioners, especially marginalized groups such as indigenous communities and social minorities.⁴⁰

³⁹ Fanny Dian Sanjaya, "Legal Aid in Indonesia: A Study of Legal Aid with a Transcendental Dimension," *Journal of Transcendental Law* 2, no. 2 (2020): 83–99, <https://doi.org/10.23917/jtl.v2i2.11854>.

⁴⁰ Sandra Leoni Prakasa Yakub Yakub and Qurrata Ayuni, "Legal Standing Provision to The Community on Disputes Over The Results of Regional Elections With A Single Candidate In Constitutional Court," *JASSP* 2, no. 1 (2022): 65–75, <https://doi.org/10.23960/jassp.v2i1.60>.

Looking at this issue from the perspective of institutional legitimacy, inconsistency in how legal standing is applied can erode public trust in the Constitutional Court, which is supposed to be the defender of the constitution. When decisions lack clear, predictable standards, the public might see the Court as inconsistent in its commitment to upholding justice. This perception can diminish the Court's independence and credibility, ultimately hindering its ability to effectively serve as a mechanism of checks and balances within the constitutional framework. Thus, it is vital to establish clearer guidelines for determining legal standing, ensuring that the Constitutional Court continues to be perceived as a reliable guardian of constitutional supremacy.

Furthermore, from an ethical standpoint, varying legal standards for standing can lead to challenges. When legal standing rules are not enforced uniformly, there is a risk that certain groups might exploit the judicial review process for political or economic gain rather than for genuine constitutional issues. Conversely, if the criteria are too strict, individuals or groups who truly need constitutional protection might be sidelined. This highlights the need for a transparent and accountable process to determine whether a judicial review petition is based on legitimate grounds and is aimed at protecting constitutional rights.

On a broader social level, inconsistent application of legal standing can create fragmentation in the legal system, preventing fair to justice. Those with more resources often find it easier to approach judicial review than those without adequate legal representation. Establishing a more systematic and inclusive standard for legal standing can help ensure everyone—regardless of their social or economic situation—has a fair chance to assert their constitutional rights.

Recognizing these social and ethical dimensions, this study argues that reforms in legal standing should prioritize substantive justice rather than simply adhering to formalistic criteria in the judicial review process. By strengthening standards for legal standing to be more transparent, consistent, and accountable, we can enhance not only the effectiveness of judicial review but also the legitimacy of the Constitutional Court as an essential institution dedicated to protecting the constitution and the human rights of citizens.

CONCLUSION

The stringent legal standing doctrine in Indonesia underscores a persistent conflict between procedural formalism and the need for substantive justice. The current criteria—which require proof of direct, personal, and actual harm—fail to consider claims rooted in issues like structural inequality, collective harm, or broader public interest, effectively excluding vulnerable groups from accessing constitutional remedies. This inconsistency in case law further erodes legal certainty and reveals deeper theoretical conflicts within the Court's approach. In contrast, models from other countries like India, South Africa, and the United States demonstrate that more inclusive doctrines can harmonize with judicial integrity, reinforcing the judiciary's role in advancing access to justice. Additionally, Indonesia's diverse legal culture, illustrated by concepts such as *adat* (customary law) and *musyawarah* (deliberation), offers culturally resonant pathways for reform. This study proposes three key recommendations: (1) a reinterpretation of Article 51 to acknowledge systemic and indirect harm; (2) the establishment of broader guidelines for legal standing; and (3) training for judges on inclusive and pluralistic adjudication. Reforming the criteria for legal standing is vital—not just for procedural reasons but also to constitutionally guarantee meaningful access to judicial review in Indonesia's evolving legal landscape.

REFERENCES

- Adelia, Cici, Utang Rosidin, and Elan Jaelani. "HAK WARGANEGARA MELALUI PENGADUAN KONSTITUSIONAL (CONSTITUTIONAL COMPLAINT) DALAM PERSPEKTIF HUKUM TATA NEGARA REPUBLIK INDONESIA." *VARIA HUKUM* 5, no. 1 (2023): 21–34. <https://doi.org/10.15575/vh.v5i1.26822>.
- Aditya, Zaka Firma. "Does the Judiciary Support Legal Certainty? An Indonesian Perspective." *Frontiers in Law* 2 (April 2023): 15–23. <https://doi.org/10.6000/2817-2302.2023.02.03>.
- Burdeyniy, Yu. "Fair Trial and Due Process: European and American Doctrine." *Analytical and Comparative Jurisprudence*, no. 6 (February 2023): 49–52. <https://doi.org/10.24144/2788-6018.2022.06.8>.
- Cahyono, Tri, and Harjono Harjono. "STUDI TENTANG KEDUDUKAN HUKUM ORGANISASI LINGKUNGAN HIDUP DALAM GUGATAN PERWAKILAN (LEGAL STANDING) DI INDONESIA." *Verstek* 11, no. 1 (2023): 108. <https://doi.org/10.20961/jv.v11i1.70573>.
- Chandra, Alex and Supot Rattanapun. "IMPORTANCE OF IMPLEMENTATION AND ENFORCEMENT OF HUMAN RIGHTS IN INDONESIA NOW." *Awang Long Law Review* 5, no. 2 (2023): 545–49. <https://doi.org/10.56301/awl.v5i2.756>.
- "Community Interest and International Legal Order." *Science of Law Journal* 2, no. 2 (2023). <https://doi.org/10.23977/law.2023.020208>.
- Faisal, Faisal, Sri Rahayu, Derita Prapti Rahayu, Anri Darmawan, and Andri Yanto. "Progressive Consideration of Judges in Deciding Sentencing Under Indonesia New Criminal Code." *Jambe Law Journal* 6, no. 1 (December 2023): 1. <https://doi.org/10.22437/jlj.6.1.85-102>.
- Fauzan, Muhammad, and Tiara Alfarissa. "LEGAL CONCEPTUALISM OF FOREIGN CITIZENS AS APPLICANTS FOR THE RIGHT TO MATERIAL EXAMINATION." *UNTAG Law Review* 7, no. 1 (2023): 44. <https://doi.org/10.56444/ulrev.v7i1.3437>.
- Fikriya, Makhyatul, Elan Jaelani, and Utang Rosidin. "Perbandingan Legal Standing Pengajuan Judicial Review Untuk Warga Negara Asing Di Negara Indonesia Dan Negara Jerman." *Themis : Jurnal Ilmu Hukum* 1, no. 1 (2023): 1–5. <https://doi.org/10.70437/themis.v1i1.139>.
- Fokina, Lyudmila, Iurii Putrik, Rimma Livanova, Nataliya Drobysheva, Polina Rostovtseva, and Ekaterina Agamirova. "Human Rights and Freedoms: Ensuring a Balance of Public Interests." *WISDOM* 26, no. 2 (2023): 198–211. <https://doi.org/10.24234/wisdom.v26i2.989>.
- Haq, Siraj Ul. "Inclusive Justice: Promoting Equity and Healing in Criminal Justice Reform." Preprint, Open Science Framework, April 18, 2023. <https://doi.org/10.31219/osf.io/z8q4x>.
- Hassan, Ali. "Judicial Review in Public Law: Balancing Democracy and Constitutional Rights." Preprint, Open Science Framework, May 25, 2023. <https://doi.org/10.31219/osf.io/4jbx5>.
- Ilyas, Adam, and Dicky Eko Prasetyo. "Problematika Peraturan Mahkamah Konstitusi Dan Implikasinya." *Jurnal Konstitusi* 19, no. 4 (2022): 794–818. <https://doi.org/10.31078/jk1943>.
- Indra, Mexsasai, Geofani Milthree Saragih, and Mohamad Hidayat Muhtar. "Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia: Kekuatan Putusan Mahkamah Konstitusi Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945 Di Indonesia." *Jurnal Konstitusi* 20, no. 2 (2023): 279–99. <https://doi.org/10.31078/jk2026>.

- Ismantara, Stefany. "CITIZEN LAWSUIT: PELINDUNG HAK KONSTITUSIONAL DALAM SISTEM HUKUM INDONESIA." *JOURNAL EQUITABLE* 8, no. 2 (2023): 294–310. <https://doi.org/10.37859/jeq.v8i2.4984>.
- Jemarut, Wihelmus, Solikaton Solikaton, and Pahrur Rizal. "Kajian Yuridis Masyarakat Hukum Adat." *Widya Yuridika* 5, no. 1 (2022): 117. <https://doi.org/10.31328/wy.v5i1.2494>.
- Mao, Xiao. "Public-Interest Litigation before the International Court of Justice: Comment on *The Gambia v. Myanmar* Case." *Chinese Journal of International Law* 21, no. 3 (2022): 589–609. <https://doi.org/10.1093/chinesejil/jmac025>.
- Moldova State University, and Domnita Vizdoaga. "Individual Freedom from the Perspective of Detention and the Principle of Proportionality." *The Journal of the National Institute of Justice*, no. 2(61) (July 2022): 9–14. [https://doi.org/10.52277/1857-2405.2022.2\(61\).01](https://doi.org/10.52277/1857-2405.2022.2(61).01).
- Moller, Mark, and Lawrence B. Solum. "Corporations and the Original Meaning of 'Citizens' in Article III." *SSRN Electronic Journal*, ahead of print, 2020. <https://doi.org/10.2139/ssrn.3548143>.
- Muhammad Deniardi Et Al. "CRIMINAL LAW ARRANGEMENTS IN INDONESIA RELATED TO JUDICIAL REVIEW." *Russian Law Journal* 11, no. 3 (2023). <https://doi.org/10.52783/rlj.v11i3.1835>.
- Mukhlis, Muhammad Mutawalli, Hariyanto Hariyanto, Maskun Maskun, Muhammad Saleh Tajuddin, and Andi Tenri Yeyeng. "Law Reform in Parliamentary Democratization: A Comparative Study of Legislative Terms in Indonesia, Philippines, and the United States of America." *Journal of Law and Legal Reform* 6, no. 3 (2025): 1079–122. <https://doi.org/10.15294/jllr.v6i3.20664>.
- Novopavlovskaya, Elena. "Restriction of Freedom of Movement in the Light of Modern Russian Realities: Legal Regulation and Practice of Constitutional Legal Proceedings." *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia* 2022, no. 3 (2022): 33–40. <https://doi.org/10.35750/2071-8284-2022-3-33-40>.
- Putra, Satria Rangga, and Sujatmiko Sujatmiko. "Reviewing Constitutional Court Decision Number 91/PUU-XVIII/2020 Regarding Formal Review of Job Creation Act: A Progressive Law Perspective." *Jurnal Penelitian Hukum De Jure* 22, no. 2 (2022): 229. <https://doi.org/10.30641/dejure.2022.V22.229-242>.
- Putri, Fatma Ayu Jati, and Jasurbek Rustamovich Ehsonov. "The Impact of Land Reform Policies on the Sustainable Management of Natural Resources in Local Communities." *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 510–37. <https://doi.org/10.53955/jhcls.v4i2.197>.
- Rasji, Rasji, Nathalie Cristine Lumban Gaol, and Zahra Alsabilah. "Juridical Review of the Authority of the Constitutional Court in Settlement of General Election Disputes." *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 1 (2023): 499–503. <https://doi.org/10.57235/qistina.v2i1.528>.
- Rudy, Rudy, Rudi Natamiharja, Jalil Alejandro Magaldi Serna, and Ahmad Syofyan. "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia." *Hasanuddin Law Review* 8, no. 3 (2023): 299. <https://doi.org/10.20956/halrev.v8i3.4229>.

- Saifulloh, Putra Perdana Ahmad, Beni Kurnia Illahi, and Sonia Ivana Barus. "Legal Standing to the Corruption Eradication Commission as a Applicant for the Dissolution of a Political Party at the Constitutional Court: Legal Standing Komisi Pemberantasan Korupsi Sebagai Pemohon Pembubaran Partai Politik Di Mahkamah Konstitusi." *Jurnal Konstitusi* 20, no. 2 (2023): 318–39. <https://doi.org/10.31078/jk2028>.
- Sanjaya, Fanny Dian. "Legal Aid in Indonesia: A Study of Legal Aid with a Transcendental Dimension." *Journal of Transcendental Law* 2, no. 2 (2020): 83–99. <https://doi.org/10.23917/jtl.v2i2.11854>.
- Shakti, Airlangga Gama, Maharani Wicahyaning Tyas, and M. Lutfi Rizal Farid. "The Integration of Judicial Review in Indonesia." *Syiah Kuala Law Journal* 6, no. 3 (2023): 212–27. <https://doi.org/10.24815/sklj.v6i3.26940>.
- Sharma, Prerna. "Judicial Activism VIS-A-VIS Judicial Overreach: A Comparative Study." *International Journal For Multidisciplinary Research* 5, no. 3 (2023): 3024. <https://doi.org/10.36948/ijfmr.2023.v05i03.3024>.
- Siboy, Ahmad, Sholahuddin Al-Fatih, Asrul Ibrahim Nur, and Nur Putri Hidayah. "Judicial Review in Indonesia: A Simplification Model." *Lex Scientia Law Review* 6, no. 2 (2022): 359–90. <https://doi.org/10.15294/lesrev.v6i2.54848>.
- Sugara, Abi. "ANALISIS HUKUM UNDANG-UNDANG NOMOR 8 TAHUN 2011 PASAL 10 AYAT 1 TENTANG PUTUSAN MAHKAMAH KONSTITUSI YANG BERSIFAT FINAL." Preprint, Open Science Framework, December 30, 2022. <https://doi.org/10.31219/osf.io/ajdgh>.
- Tollenaar, Albertjan, and Gijsbert Vonk. "Access to Justice for Vulnerable Workers and Citizens in Public/Private Governance Regimes: Lessons from the Regulatory Welfare State in the Netherlands." *Zeitschrift Für Sozialreform* 66, no. 3 (2020): 317–34. <https://doi.org/10.1515/zsr-2020-0014>.
- Utari Christina Rachmawati, Dri, Ekawestri Prajwalita Widiati, and Zendy Wulan Ayu Widhi Prameswari. "Formal Constitutional Review of the Legislative Process: An Obvious Accommodation or an Innovation for Democracy?" *Gdańskie Studia Prawnicze*, no. 4(56)/2022 (December 2022): 42–53. <https://doi.org/10.26881/gsp.2022.4.03>.
- Wicaksono, Dian Agung. "Dynamics of Granting Legal Standing to the Indigenous Community in Constitutional Review of Law: Dinamika Pemberian Kedudukan Hukum Pemohon Bagi Masyarakat Hukum Adat Dalam Pengujian Undang-Undang." *Jurnal Konstitusi* 20, no. 3 (2023): 494–513. <https://doi.org/10.31078/jk2037>.
- Yakub, Sandra Leoni Prakasa Yakub, and Qurrata Ayuni. "Legal Standing Provision to The Community on Disputes Over The Results of Regional Elections With A Single Candidate In Constitutional Court." *JASSP* 2, no. 1 (2022): 65–75. <https://doi.org/10.23960/jassp.v2i1.60>.
- Yasin, Abida, and Ali Haider Chattha. "DOCTRINE OF JUDICIAL REVIEW: CONSTITUTIONAL STUDY OF AMERICAN LEGAL SYSTEM." *Pakistan Journal of Social Research* 04, no. 01 (2022): 657–63. <https://doi.org/10.52567/pjsr.v4i1.932>.

Yousuf A Vawda. "ACCESS TO JUSTICE: FROM LEGAL REPRESENTATION TO PROMOTION OF EQUALITY AND SOCIAL JUSTICE – ADDRESSING THE LEGAL ISOLATION OF THE POOR." *Obiter* 26, no. 2 (2022). <https://doi.org/10.17159/obiter.v26i2.14749>.

Zamkova, D. R. "The Government Agencies and Persons Who by Law Have the Right to Go to Court in the Interests of Others or State or Public Interests." *Uzhhorod National University Herald. Series: Law*, no. 67 (January 2022): 84–88. <https://doi.org/10.24144/2307-3322.2021.67.16>.