

The Role of the Constitutional Court in Safeguarding Democratic Dignity

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ABSTRACT: This article examines the role of the Constitutional Court in maintaining the dignity of democracy. The method used in this research is the Normative Legal research method. The approaches used are the Legislative approach and the Conceptual approach. Constitutional democracy is a political system that affirms that power ultimately originates from the people, yet must be exercised within the limits set by the constitution. Democracy is not simply about five-yearly elections or the majority of votes. It is a system of values that must be maintained through a balance between popular sovereignty and constitutional supremacy. This is where the Constitutional Court (MK) comes into play. *the guardian of the constitution* at a time *the guardian of democracy*. Constitutional democracy places the basic law (the constitution) as the guiding principle for democratic practice, ensuring the guarantee of people's rights and preventing abuse of power. Indonesia's constitutional system, following the amendments to the 1945 Constitution, has moved toward constitutional democracy, with direct elections, human rights guarantees, and the strengthening of constitutional guardian institutions. However, democratic practice still faces challenges in the form of political oligarchy, money politics, and limitations in the constitutional courts.

KEYWORDS Role; Constitutional Court; Democracy.

INTRODUCTION

Indonesia adheres to the principles of a democratic rule-of-law state, as affirmed in Article 1 paragraphs (2) and (3) of the 1945 Constitution, which position law as the supreme foundation of state governance while embedding democratic values within it (Fikry, 2022). Democracy is not merely defined by periodic elections or majority rule, but represents a value system that must be safeguarded through a balance between popular sovereignty and constitutional supremacy.

In this context, the Mahkamah Konstitusi functions as *the guardian of the constitution* and simultaneously *the guardian of democracy*. Established under Article 24C of the 1945 Constitution, the Court is mandated to ensure that state power is exercised within constitutional boundaries rather than being driven solely by political logic (Kartika, 2022).

The Court's authority extends beyond judicial review of legislation. Comparative constitutional scholarship emphasizes that constitutional courts commonly adjudicate highly sensitive political matters, including electoral laws, election disputes, and inter-branch power relations (Khotob Tobi Almalibari et al., 2021).

Democracy and the constitution thus operate as two inseparable pillars of Indonesia's constitutional system. While the constitution serves as the highest legal norm, democracy provides channels for public participation and accountability (Sa'adah, 2019). Consequently, the Constitutional Court occupies a strategic position in ensuring that constitutionalism and democracy reinforce one another (Salsabila et al., 2024).

Following the constitutional amendments (1999–2002), Indonesia transitioned from a

centralized authoritarian system toward a democratic constitutional order characterized by separation of powers, protection of human rights, and strengthened checks and balances through independent institutions such as the Constitutional Court, Judicial Commission, and General Election Commission (Hadji et al., 2024).

Despite these reforms, political power remains vulnerable to oligarchic domination, where elite groups disproportionately influence elections and policymaking (Grehenson, 2025). Corruption, nepotism, and political intervention in independent institutions persist, causing Indonesian democracy to remain largely procedural rather than substantive (Djo & Jenila, 2022).

RESEARCH METHOD

This study employs a normative legal research method, focusing on binding legal norms and positive law (Firmanto et al., 2024). The research applies statutory, conceptual, and interdisciplinary approaches (Irwansyah, 2021). Data sources consist of primary, secondary, and tertiary legal materials collected through library research. Data are analyzed qualitatively through systematic, logical, and coherent interpretation.

RESULT AND DISCUSSION

The Concept of Constitutional Democracy within the Framework of Theory and Law

Constitutional democracy is a form of government that combines democratic principles with the supremacy of the constitution as the highest normative foundation in the administration of the state. In this system, state power is exercised based on written and binding law and guarantees the fundamental rights of citizens. Constitutional democracy emphasizes not only the conduct of elections and political participation, but also the limitation of power through the constitution and independent institutions (F. T. Yunita et al., 2021).

In Indonesia, constitutional democracy became more clearly established after the amendments to the 1945 Constitution carried out between 1999 and 2002. These amendments strengthened the principle of separation of powers among the executive, legislative, and judicial branches, as well as reinforced the mechanism of checks and balances. New institutions such as the Constitutional Court were established to safeguard constitutionality and the integrity of the legal system, where the Court plays a philosophical role in protecting constitutional democracy through judicial review, allowing laws to be tested against the constitution (Saragih et al., 2024).

Constitutional democracy also requires a legal system that is fair, transparent, and accessible to all citizens. The constitution must serve as the primary guideline in every public policy and legislative process. In practice, this includes the protection of human rights, freedom of expression, the right to justice, and participation in governance. Therefore, all government policies must consistently uphold democratic and legal principles so that democracy is not merely formal but also substantive in addressing societal needs (Repansah, 2025).

Conceptually, constitutional democracy is characterized by at least three main features: guarantees of human rights, enforcement of the rule of law, and a system of limitation of

power. First, guarantees of human rights constitute the main foundation, affirming that every individual possesses basic rights that cannot be arbitrarily revoked by the state, except within legal limits for the public interest. These rights include freedom of expression, legal protection, the right to life, education, and freedom from discrimination (Zega, 2015).

As the highest law, the constitution ensures that these rights must be respected and protected by all state institutions. In practice, recognition of human rights is reflected in constitutional provisions and legislation regulating protection and remedies, including through courts and independent commissions such as the National Human Rights Commission. Without such guarantees, democracy would lose its substance and become merely a formal procedure that fails to ensure justice and freedom (Zega, 2015).

Second, enforcement of the rule of law means that law stands above all power and serves as the main guideline in state administration. No individual or institution is above the law, including public officials and government bodies. The rule of law requires a fair, transparent, and accessible legal system, as well as independent and professional law enforcement agencies (Auria et al., 2024).

Third, limitation of power is realized through the principle of separation of powers and checks and balances among state institutions. Legislative, executive, and judicial powers must be exercised separately and mutually supervise one another to prevent concentration of power that may lead to tyranny. The constitution clearly regulates the functions and authorities of each branch and establishes independent institutions such as the Constitutional Court to prevent abuse of power (Fodhi et al., 2024).

Implementation of Constitutional Democracy in Indonesia's Constitutional System

Constitutional democracy affirms that sovereignty originates from the people but must be exercised within constitutional boundaries. The constitution functions not only as a legal document but also as a normative guideline ensuring that state power is not exercised arbitrarily. It serves as an ethical and political compass for state officials and citizens alike (Handayani & Angrayni, 2019).

In Indonesia, the implementation of constitutional democracy gained momentum during the Reform Era marked by amendments to the 1945 Constitution. These changes were intended to correct authoritarian practices, strengthen limitations on power, and guarantee free, competitive, and credible elections. Consequently, Indonesia's constitutional structure underwent a fundamental transformation toward a more democratic, modern, and accountable system, including the establishment of the Constitutional Court (Darmajaya et al., 2025).

Elections serve as the primary instrument for channeling popular sovereignty. They function not merely as administrative procedures but as mechanisms of political legitimacy. Without free and fair elections, governmental legitimacy weakens and public trust declines. The 1945 Constitution therefore mandates that elections be direct, general, free, secret, honest, and fair, and administered by independent bodies such as the General Election Commission (Ibrahim, 2021).

Another essential component of constitutional democracy is the Constitutional Court, which ensures that constitutional principles are upheld. Its authority includes judicial review of laws, settlement of disputes among state institutions, dissolution of political parties,

adjudication of election result disputes, and decisions on impeachment cases (Salam, 2025). These powers position the Court as the final guardian of democracy, constitutional rights, and the rule of law (Paramesti & Pratama, 2025).

Representative institutions such as the House of Representatives (DPR) and the Regional Representative Council (DPD) also play vital roles. The DPR exercises legislative, budgetary, and oversight functions, while the DPD represents regional interests, ensuring more inclusive and balanced policymaking (Anas et al., 2021).

Overall, constitutional democracy in Indonesia is the product of a long and dynamic historical process involving political restructuring, legal reform, and the development of a new political culture oriented toward accountability, transparency, and respect for citizens' rights. Its long-term success depends on strong institutions, leaders with integrity, and a politically mature society (Kusuma et al., 2024).

CONCLUSION

Constitutional democracy positions the constitution as the controlling framework for democratic practice. Post-amendment Indonesia has moved toward this model, yet continues to face challenges such as oligarchic politics, money politics, and institutional limitations.

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