

Theory of Power In Supreme Court Decision Nomor 23 P/Hum/2024

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Abstract: Supreme Court Decision No. 23P/HUM/2024 regarding the adjustment of the minimum age limit for regional head candidates has raised complex legal and political debates in Indonesia. This article examines the application of the theory of power in the decision with reference to the principles of the rule of law and checks and balances in the constitutional system. This research uses a mixed approach, namely quantitative methods through distributing questionnaires to respondents, as well as a qualitative approach through literature analysis of the legal context and juridical argumentation of the Supreme Court. The results showed that the Supreme Court's decision to calculate the age of candidates based on the date of inauguration instead of the date of determination caused widespread controversy. Public response was divided, with most understanding the importance of the Supreme Court's role as guardian of the law, but also voicing concerns over the speed and transparency of decision-making. While this decision was seen as opening up political participation for the younger generation, its cancellation by the Supreme Court itself showed that there were formal and material flaws in its legal reasoning. Overall, this article emphasises that judicial power must be exercised in a careful, transparent manner to maintain public trust and safeguard the stability of constitutional democracy.

Keywords: Age, Controversy, Decisions, Power, Supreme Court

Introduction

The theory of power in the context of the state and politics has been an important topic if it is associated from colonial to national times. The complex concept of power characterises the way in which individuals or groups influence the behaviour, decisions or actions of others, even against their will (Sapphira, 2025).

In the world of politics, power becomes an important main tool for the state to regulate, control, and achieve certain goals, whether security, stability, or welfare (Askana Fikriana, 2024). If the theory of power is related to the decision of the Supreme Court (MA), then this theory acts as a foundation in understanding how the highest judicial institution in a country, carries out its role in making legal decisions (Akbar & Amiruddin, 2024). Various important Supreme Court decisions reflect the dynamics of power in the context of law and state administration, and illustrate how judicial power is exercised (Christine S T Kansil, 2024). These decisions also show the relationship between judicial, executive, and

legislative powers in the Indonesian system of government. Likewise, the theory of power applied by the Supreme Court is often a combination of legal power and discretionary power.

Through its decisions, the Supreme Court shows how the theory of power is realised in practice, namely as a power that aims to uphold justice, maintain the rule of law, and ensure that state power is exercised in accordance with applicable legal principles and norms. For example, when the Supreme Court decides cases related to election disputes or human rights violations, the decision is not just an interpretation of laws and regulations, but also reflects the implementation of judicial power in maintaining the democratic order. Supreme Court decisions often also reflect the application of the theory of power that emphasises the principle of checks and balances where the Supreme Court functions as a supervisor of policies and actions taken by other institutions (Saragih & Nasution, 2024). Through its decisions, the Supreme Court plays a role in maintaining constitutionality, protecting individual rights, and ensuring that the law is applied fairly (Wulandari & Tanggahma, 2024).

In the context of discussing the theory of power, the Supreme Court's decision is often a tangible manifestation of how the principle of checks and balances is applied in the constitutional system. As revealed in research conducted by Rizky Andrian Ramadhan Pulungan and Lita Tyesta A.L.W., in their article entitled "Mechanism of Implementation of the Principle of Checks and Balances Between Legislative and Executive Institutions in the Formation of Laws in the Indonesian State Administration System", they emphasise the importance of the principle of checks and balances as a fundamental basis for preventing domination or abuse of power by one of the state institutions, both legislative and executive (Pulungan, 2022).

The theory of power, in Supreme Court decisions, is often a concrete manifestation of how the principle of checks and balances is applied in the constitutional (Mulyadi et al, 2024). The principle of checks and balances serves not only to avoid the accumulation of power in one hand, but also ensures harmonisation between state institutions in the legislative process. In this way, the Indonesian constitutional system can create a balanced dynamic, where each institution plays its role proportionally and complementary. Supreme Court decisions often become an instrument to ensure that the exercise of power by the legislature and the executive remains within the corridors of applicable law, thus reflecting harmony between the theory of power and practice in the field (Martitah & Rahmayani, 2024).

The purpose of writing this article is to understand the importance of the separation of powers as a control mechanism in government or state administration. As well as being able to understand how things are needed in ensuring that legislative, executive and judicial powers can be clearly separated and do not dominate each other. With this separation, each branch of power can function according to its duties and authority.

Methodology

This research combines quantitative and qualitative approaches to provide a more comprehensive picture of the Theory of Power in Supreme Court Decision No.23P/Hum/2024. This approach integrates data obtained from qualitative analysis, so that researchers can understand legal phenomena more holistically. In the first stage, this research uses quantitative methods to collect numerical data in the form of questionnaires, such as the extent to which the public understands power in Supreme Court decisions, and the extent to which Supreme Court Decision No. 23P/Hum/2024 reflects the principles of power. After the quantitative data was collected, statistical analyses were conducted to identify patterns of decisions, such as the relationship between types of decisions, legal context, or partiality to certain parties in the decision-making process, but quantitative methods alone are not sufficient to provide a deep understanding of the process and dynamics behind decisions. Therefore, a qualitative approach was also used. At this stage, researchers further explore the legal context and arguments used by the Supreme Court in making and issuing a decision in the Pilkada case with a literature study that takes various references, both from journals, and the web related to the discussion and identification of the problems taken. Overall, this mixed method provides a more holistic approach, allowing researchers to combine the advantages of measurable numerical analysis with the depth of qualitative insights that are able to explain legal processes and dynamics more thoroughly. The combination of these two methods is expected to provide a more complete picture of the Supreme Court's decision relating to the regional elections.

Result and Discussion

1. Background of the Supreme Court Decision NO.23P/HUM/2024

The Supreme Court (MA) is a state institution that has a function as the highest court in a country, including Indonesia (Devi et al, 2024). Supreme Court has an important role in maintaining the rule of law and justice, as in the judicial system, the Supreme Court has the authority to oversee and decide cases that have passed through the process in lower courts, such as the District Court and High Court (Manembu & Ringkuangan, 2024). The Supreme Court is independent, meaning that it cannot be influenced by the executive, legislative or other parties in carrying out its duties (Safa'at & Ananda, 2024). The main task of the Supreme Court is also related to reviewing court decisions submitted in the form of cassation or review, and ensuring that the decision is in accordance with applicable law (Nugroho, 2025). The Supreme Court also functions as a supervisor over the implementation of the judiciary to ensure uniformity in the application of the law throughout the country (Akbar & Sukardi, 2025).

In carrying out its duties, the Supreme Court is based on the 1945 Constitution of the Republic of Indonesia as well as other laws that regulate the authority of judicial institutions (Phinesia, 2024). In every decision, the Supreme Court tries to ensure that the law is applied consistently and does not contradict the basic principles of justice (Dery, 2024). In addition, the Supreme Court has the responsibility to ensure uniformity in the application of the law throughout Indonesia, so that there is no disparity in court decisions at the lower level. The Supreme Court is also not only tasked with deciding legal disputes,

but also building and maintaining public trust in the Indonesian judicial system. Therefore, every decision issued is expected to reflect high integrity, wisdom and responsibility, in accordance with public expectations and the values of justice. This is because the rule of law and legal sovereignty basically stem from the sovereignty of the people (Abra, 2025). Therefore, the rule of law must be designed and developed in accordance with the principles of democracy or popular sovereignty (*demokratische rechtstaat*) (Mangar & Pikahulan, 2024).

In line with the issuance of Decision No. 23 P/HUM/2024 by the Supreme Court (MA) in response to a judicial review request against General Election Commission Regulation (PKPU) No. 9/2020. This application was filed by Ahmad Ridha Sabana of the Garuda Party, who requested an adjustment regarding the age requirement for regional head candidates. Previously, the age requirement for candidates was calculated based on the date of candidate determination. However, through this decision, the age requirement is calculated from the date of inauguration. The ruling also confirms that the minimum age limit for candidates for governor and deputy governor is 30 years old, while for candidates for regent, mayor, and their deputies is 25 years old. However, after the issuance of the decision, there was criticism from constitutional law experts, who considered that the Supreme Court had stepped out of its constitutional duties, namely according to them, the Supreme Court should only test the conformity of PKPU with related laws, such as Law No. 10/2016 on Pilkada, not change the interpretation of the applicable rules.

After going through a trial process involving various parties, including the government and related institutions, the Supreme Court decided to annul Decision No. 23 P/HUM/2024 due to formal and material defects. In its reasoning, the Supreme Court stated that the challenged regulation was not in accordance with applicable legal principles, including the principles of legal certainty, justice, and expediency. The cancellation of this decision reflects the role of the Supreme Court as the guardian of the rule of law and the constitutionality of laws and regulations in Indonesia. Thus, this decision has a direct impact on the implementation of related regulations, as well as providing an important precedent in efforts to uphold the law and protect people's rights. Through this cancellation, the Supreme Court also affirms that the entire process of forming and implementing laws and regulations must be carried out carefully and in accordance with applicable regulations, in order to maintain harmony in the national legal system. The decision is expected to strengthen public confidence in the judiciary and legal process in Indonesia (Ramadhan & Efendi, 2022)

2. Impact and Community Response to the Supreme Court Decision No.23p/Hum/2024

Supreme Court Decision No. 23P/HUM/2024 has a significant impact on the implementation of Regional Head Elections (Pilkada). This decision ordered a change in the age requirement for regional head candidates in the KPU Regulation, stating that the minimum age limit is calculated based on the age of the candidate at the time of inauguration, not at the time of nomination. This change sparked controversy as it was

seen as favouring certain individuals who previously did not meet the age requirement at the nomination stage. The main impacts of this ruling include:

- 1) **Potential Inconsistency in the Election Process:** Changes to the rules the middle of the Pilkada stages can create unfairness for participants, especially independent candidates, because they have started the nomination process with different rules. This raises questions about the principle of fairness and consistency of electoral rules.
- 2) **The Young Politician Controversy:** This ruling led to speculation that the rules were made to favour the interests of certain young figures, who were only eligible at the time of inauguration. This has led to criticism that the law should not be used for political purposes.
- 3) **Public and Institutional Responses:** The Judicial Commission has instructed an investigation into the behaviour of the judges who decided the case to ensure there were no breaches of the code of ethics. Meanwhile, legal experts have been divided, with some supporting the ruling as an attempt at inclusivity, while others consider it manipulative.

In addition, there were responses and reactions in the form of criticism and support from the community towards Supreme Court Decision No. 23P/HUM/2024. Criticisms of Supreme Court Decision No. 23P/HUM/2024 include:

1. **Injustice and Potential Political Manipulation:** Many parties, including the Executive Director of Perludem, stated that this decision has the potential to create injustice because the rule change occurred in the middle of the ongoing Pilkada stage. Some consider that this decision was taken to facilitate the political interests of certain figures, especially individuals who only fulfil the age requirement at the time of inauguration.
2. **Fast Process that Raises Questions:** The judgement was processed very quickly, in just three days, which fuelled suspicions about the integrity and transparency of the legal process. The Judicial Commission (KY) has even set up a team to investigate the behaviour of the judges handling the case.
3. **Disruption to Public Trust:** Some people view this decision as a sign that Indonesia's legal system is still vulnerable to special interests, which could undermine public trust in the judiciary.

There is support for the Supreme Court Decision No. 23P/HUM/2024 which is considered to open opportunities for young figures to participate in political contestation, this argument is based on the need to provide wider opportunities for young people to be involved in decision-making (Kumalasari, 2024). In addition, from the legal side, there are those who provide support that the Supreme Court only exercises its authority to examine the material of KPU regulations and this decision must be implemented according to applicable law (Saudale, 2024). The author has also conducted a survey using Google Forms involving 100 respondents, out of 120 correspondents to find out other responses and responses related to the Supreme Court Decision No. 23P/HUM/2024.

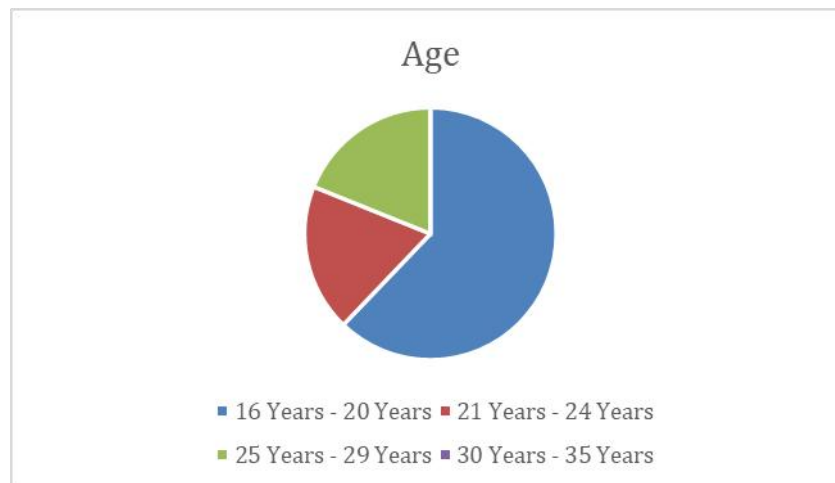


Figure 1. Pie Chart by Age of Respondent's

There were 63% of respondents aged 16 years - 20 years, 23% of respondents aged 21 years - 24 years, 7% of respondents aged 25 years - 29 years, and 7% of respondents aged 30 years - 35 years.

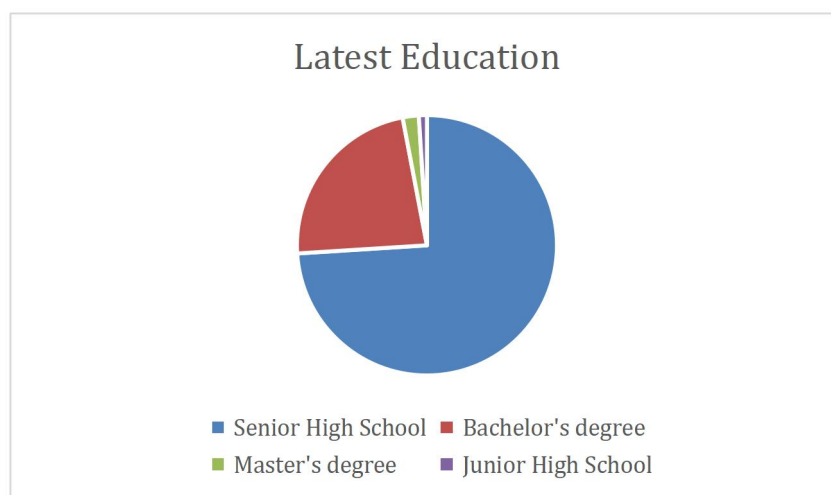


Figure 2. Pie Chart by Respoendent's Last Level of Education

There were 74% of respondents with a senior high school education, 23% with a bachelor's degree, 2% with a master's degree, and 1% with a junior high school education.

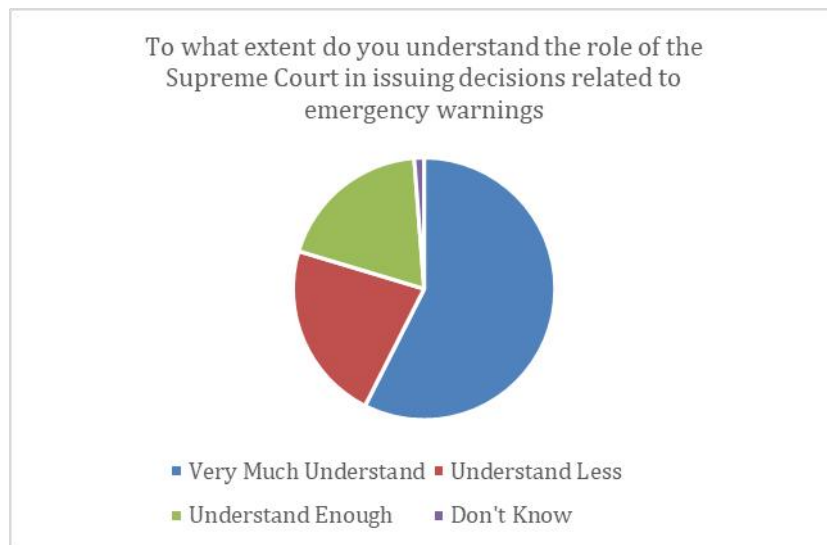


Figure 3. Pie Chart of Respondent's answers based on surveys conducted personally through google form

Respondents provided answers that 57% of respondents understood the role of the Supreme Court in issuing decisions related to 'Emergency Warnings', 22% of respondents moderately understood the role of the Supreme Court in issuing decisions related to 'Emergency Warnings', 19% of respondents did not understand the role of the Supreme Court in issuing decisions related to 'Emergency Warnings', and 2% of respondents did not understand the role of the Supreme Court in issuing decisions related to 'Emergency Warnings'.

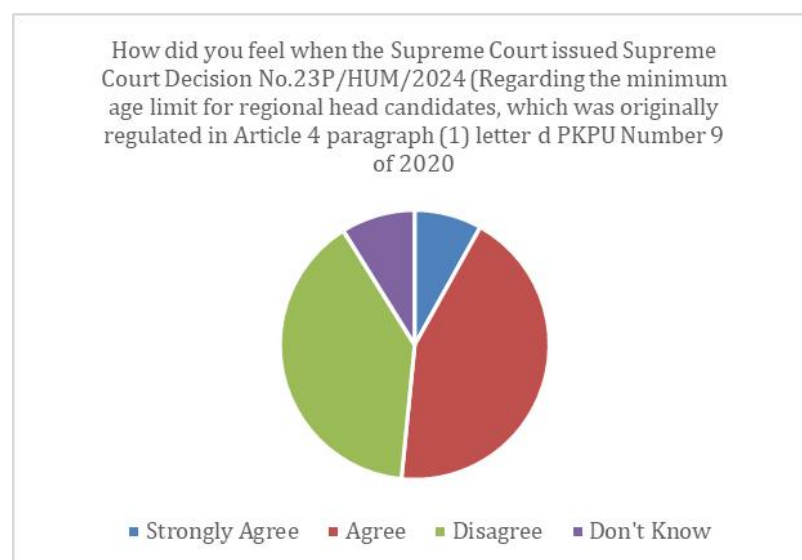


Figure 4. Pie Chart of Respondent's answers based on surveys conducted personally through google form

44% of respondents were of the opinion that they agreed with Supreme Court Decision No.23P/HUM/2024, 40% of respondents were of the opinion that they disagreed with Supreme Court Decision No.23P/HUM/2024, 9% of respondents were of the opinion that they did not know and did not respond to Supreme Court Decision

No.23P/HUM/2024, and 7% of respondents were of the opinion that they strongly agreed with the Supreme Court Decision.

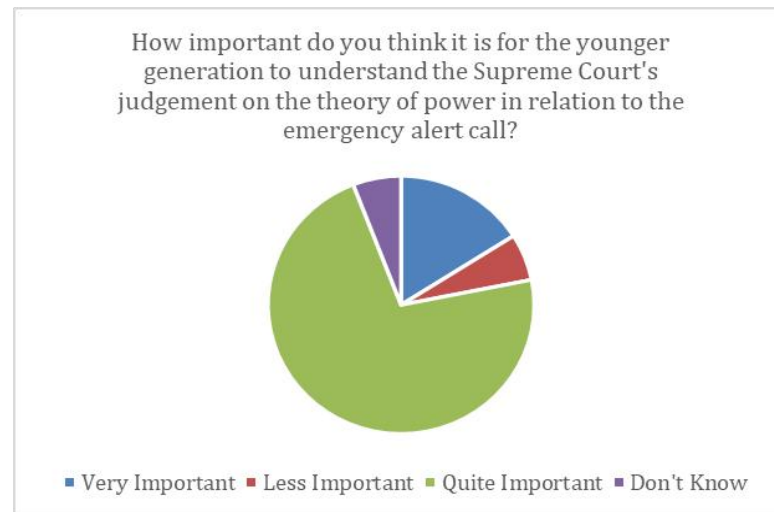


Figure 5. Pie Chart of Respondent's answers based on surveys conducted personally through google form

57% of respondents responded that the involvement of the younger generation in understanding Supreme Court decisions relating to the theory of power in relation to the call for emergency warnings is very important, 37% of respondents responded that the involvement of the younger generation in understanding Supreme Court decisions relating to the theory of power in relation to the call for emergency warnings is quite important, 3% of respondents responded that the involvement of the younger generation in understanding Supreme Court decisions relating to the theory of power in relation to the call for emergency warnings is less important, and 3% of respondents responded that they did not know the importance of the involvement of the younger generation in understanding Supreme Court decisions relating to the theory of power in relation to the call for emergency warnings.

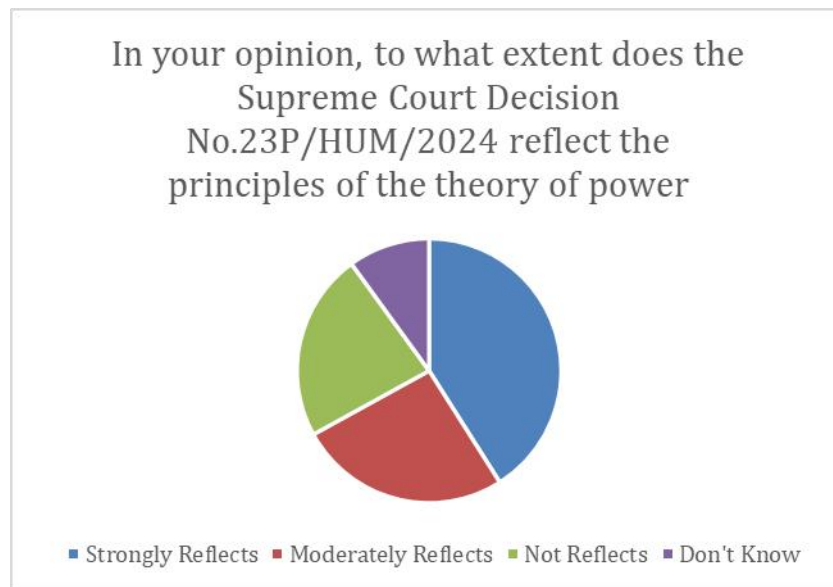


Figure 6. Pie Chart of Respondent's answers based on surveys conducted personally through google form

41% of respondents responded that Supreme Court Decision No. 23P/HUM/2024 strongly reflects the principles of the theory of power, 26% of respondents responded that Supreme Court Decision No. 23P/HUM/2024 strongly reflects the principles of the theory of power, 23% of respondents responded that Supreme Court Decision No. 23P/HUM/2024 does not reflect the principles of the theory of power, and 10% of respondents responded that they did not know whether Supreme Court Decision No. 23P/HUM/2024 reflects the principles of the theory of power or not.

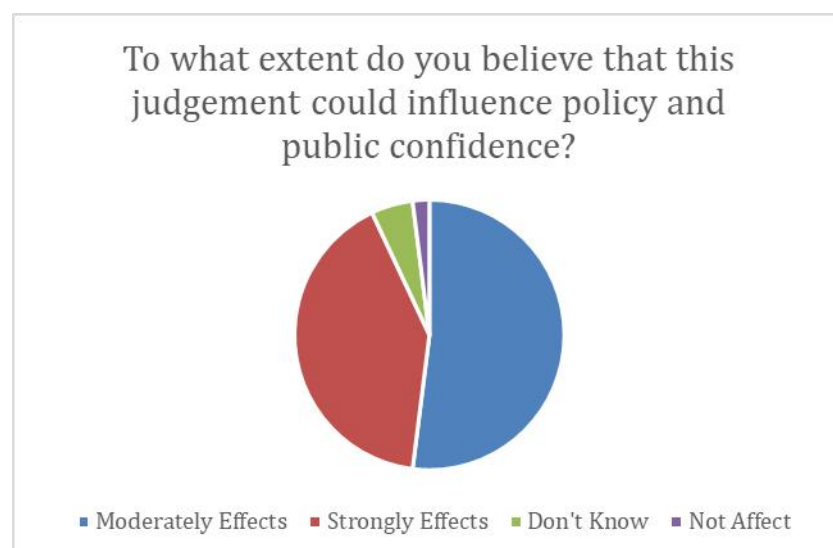


Figure 7. Pie Chart of Respondent's answers based on surveys conducted personally through google form

52% of respondents were of the opinion that Supreme Court Decision No. 23P/HUM/2024 moderately affects policy and public trust, 41% of respondents were of the

opinion that Supreme Court Decision No. 23P/HUM/2024 strongly affects policy and public trust, 5% of respondents were of the opinion that Supreme Court Decision No. 23P/HUM/2024 does not know whether it will affect policy and public trust or not, and 2% of respondents were of the opinion that Supreme Court Decision No. 23P/HUM/2024 does not affect policy and public trust.

The author also added a question in the form of a blank answer that needed to be answered by the respondents with the question 'What do you think about the Supreme Court Decision No. 23P/HUM/2024 concerning the change in the minimum age limit for regional head candidates', and there were several respondents' answers that the author had sorted out.

"The verdict is more favourable to the parties directly involved in the government rather than the interests of the common people, so in my opinion the verdict really reflects and shows how the theory of power is more prominent than the values of the Indonesian system itself which uses a democratic system of government."

"The Supreme Court's decision No. 23P/HUM/2024 regarding the change in the minimum age limit for regional head candidates has sparked significant discussion. In this ruling, the Supreme Court approved a lawsuit filed by Garuda Party Chairman Ahmad Ridha Sabana. The ruling stipulates that the minimum age requirement for candidates for governor and deputy governor is 30 years old, while candidates for regent, mayor, and deputy must be at least 25 years old. The significance of this ruling is that the age is calculated from the inauguration of the elected candidate, not from the determination of the candidate pair."

"Legally, this decision is considered to provide an interpretation that is more in line with the principle of democratic participation, because it allows candidates who meet the minimum age at the time of inauguration to still participate. In its reasoning, the Supreme Court stated that the age provision based on the inauguration is fairer, avoiding potential disadvantages for citizens or political parties whose candidates have not met the requirements at the time of determination. From a democratic perspective, this decision has positive potential as it provides a wider opportunity for young candidates to run for regional heads. However, the speed of the process and alleged political interests raise questions about transparency and accountability in the decision-making. This points to the need for greater scrutiny of judicial decisions, particularly those that have a significant impact on the democratic process."

"The Supreme Court's decision No. 23P/HUM/2024 on changing the minimum age limit for regional head candidates shows a commitment to opening up more space for young people in Indonesian politics. However, challenges remain in ensuring that these changes lead to improved leadership and better governance. Therefore, these changes need to be balanced with political education and adequate support systems to ensure that elected candidates are able to carry out their duties properly."

"In practical terms, this change provides greater opportunities for young candidates to participate in the 2024 simultaneous regional elections, which will be held in November. However, challenges will arise in synchronising the rules between the KPU and related

laws so that the implementation of the elections continues to run smoothly without legal conflicts."

From some of the respondents' answers, there are various kinds of responses that are pro/cons regarding Supreme Court Decision No. 23P/HUM/2024, overall this decision creates new political dynamics for the country of Indonesia in preparing for the 2024 regional head elections.

Conclusion

The Supreme Court (MA) acts as a guardian institution of the rule of law and justice in Indonesia, including in regulatory testing. Decision No. 23P/HUM/2024, which changed the age limit for regional head candidates to be calculated based on the date of inauguration instead of the date of nomination, caused controversy. Criticisms of the ruling included allegations that the Supreme Court had exceeded its authority by changing the interpretation of the regulation, which should only test conformity with the relevant law. Although this decision aimed to ensure fairness and uniformity of the law, it was eventually overturned due to formal and material defects. This emphasises the importance of caution in the formation of regulations in order to remain in accordance with applicable legal principles. The decision issued by the Supreme Court has a significant impact on the Pilkada process, especially regarding the age provisions for regional head candidates. The change raises the potential for inconsistency in the implementation of elections, speculation of certain political interests, and disruption of public trust in the judiciary. The public response was mixed; some supported the move as an opportunity for the younger generation to get involved in politics, while more criticism highlighted the unfairness and alleged political manipulation. The survey showed that the majority of respondents understood the importance of youth involvement, but the speed of the process and the controversy behind the judgements raised concerns about transparency and accountability.

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