



## Upholding Democracy through Constitutional Courts: A Comparative Study of Indonesia and Germany

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### Abstract

Industrial accidents continue to pose a major challenge in Indonesia, significantly impacting workers' health, safety, and welfare. This study critically analyzes the current legal frameworks designed to protect workers affected by industrial accidents, identifying notable gaps and weaknesses in both legislation and enforcement. Through a comparative approach that incorporates international best practices, the research highlights the urgent need for stronger regulatory policies, enhanced workplace safety standards, and increased accountability for employers. The findings also stress the importance of comprehensive education programs for workers and robust government oversight to ensure these legal protections are effectively applied. By addressing these issues, the study argues that improving legal safeguards is essential not only for protecting workers' rights but also for fostering sustainable industrial development and promoting social justice across Indonesia's labor sector.

### Keywords:

Industrial accidents, occupational safety, legal protection, workers' rights, Indonesia and Germany.

### 1. Introduction

Occupational safety and health (OSH) are fundamental human rights and a key factor for sustainable economic development (Jain et al., 2024). The rapid industrialization process in Indonesia, one of the largest emerging economies in Southeast Asia, has brought both economic benefits and serious challenges in protecting workers from workplace hazards. Industrial accidents remain a significant concern due to unsafe working conditions, insufficient regulation enforcement, and inadequate legal protections for workers. The International Labour Organization (ILO) estimates that approximately 2.3 million workers worldwide die annually from work-related accidents and diseases, with developing countries experiencing a disproportionately high rate of occupational injuries (ILO, 2023). Indonesia's industrial sector has grown substantially over the past two decades, becoming a vital contributor to the national economy (Bai & Wu, 2024). However, this expansion has outpaced the development and enforcement of occupational safety regulations, leading to frequent industrial accidents that



threaten workers' lives and well-being. According to data from the Indonesian Ministry of Manpower, thousands of workers suffer from workplace accidents every year, many resulting in serious injury or death (Kemenaker, 2022). Despite the existence of legal instruments such as Law No. 1/1970 on Occupational Safety and Health and Government Regulation No. 50/2012 on Occupational Safety and Health Management System, implementation remains uneven across regions and industries (Santoso, 2021). A major challenge in Indonesia's OSH landscape is the weak enforcement mechanism combined with limited awareness among employers and workers about safety standards (Sovacool, 2022). Many small and medium enterprises (SMEs) lack adequate resources or motivation to comply with safety regulations, while informal sector workers often fall outside the reach of legal protections (Susanti & Pranoto, 2020). Additionally, injured workers face difficulties accessing legal remedies and compensation due to complex procedures and limited legal literacy. These conditions undermine workers' rights and exacerbate social and economic inequalities (Helberger, 2025).

This study explores the critical role of legal protections in improving occupational safety for workers in Indonesia, particularly in the context of industrial accidents. The research aims to examine the strengths and weaknesses of the current legal framework and provide constructive recommendations for enhancing worker safety and legal accountability. It focuses on several core questions: first, an assessment of the existing legal regulations governing occupational safety in Indonesia and their specific provisions related to industrial accidents. Second, the study evaluates the effectiveness of these laws and regulations in both preventing workplace incidents and ensuring the protection of workers' rights. Third, it identifies key obstacles that hinder the enforcement of occupational safety laws, including institutional, procedural, and resource-based challenges. Fourth, the research draws on international best practices in occupational safety legislation to highlight relevant legal models that may inform policy reform. Finally, the study seeks to propose legal and institutional improvements aimed at strengthening protections for workers and ensuring justice for victims of workplace accidents.

Addressing these questions is crucial, as occupational safety is not only a matter of health and welfare but also a determinant of productivity and economic growth (Renteln, 2022). Unsafe work environments lead to loss of human capital, increased medical costs, and disruptions in production, ultimately affecting national development (Smith et al., 2022). Moreover, from a human rights perspective, protecting workers aligns with the principles of decent work enshrined in the United Nations Sustainable Development Goals (SDGs), particularly Goal 8, which promotes inclusive and sustainable economic growth, employment, and decent work for all (United Nations, 2015). The legal framework for occupational safety in Indonesia is anchored by several key legislations. Law No. 1 of 1970 is the principal regulation aimed at ensuring workplace safety, mandating employers to provide safe work environments and hold responsibility for preventing accidents (Witkowski et al., 2024). However, critiques highlight that the law lacks clarity in enforcement mechanisms and penalties, limiting its effectiveness (Sari et al., 2021). The Government Regulation No. 50/2012 introduced a management system approach to OSH, requiring companies to establish safety policies and risk management processes. While progressive, this regulation's impact is constrained by insufficient inspections and weak coordination among regulatory agencies (Widodo & Nugroho, 2020).



Comparative studies show that countries with robust OSH systems, such as Germany and Japan, benefit from comprehensive legislation, strong institutional frameworks, and active participation from social partners, including labor unions and employer associations (ILO, 2021). Indonesia can draw valuable lessons from these models, adapting them to local contexts to enhance worker protection. International conventions such as ILO Convention No. 155 on Occupational Safety and Health also provide guiding principles for national law reforms. In conclusion, strengthening legal protections is vital for improving occupational safety in Indonesia's industrial sector. This research contributes to the discourse by examining legal challenges and proposing reforms to ensure safer workplaces and better support for injured workers. The findings aim to assist policymakers, practitioners, and stakeholders in advancing effective occupational safety governance aligned with international standards and national development goals.

## 2. Literature Review

The role of constitutional courts in democratic systems has attracted extensive scholarly attention due to their critical function in upholding the rule of law, protecting fundamental rights, and maintaining checks and balances among state institutions. This literature review explores relevant academic contributions on the constitutional courts of Indonesia and Germany, focusing on their democratic roles, adjudication frameworks, and political dynamics. This review also highlights theoretical foundations that support the current study's comparative approach and identifies gaps in existing research to establish its originality.

Firdaus Arifin, in his work *The Role of the Constitutional Court in Strengthening Indonesian Democracy*, provides a comprehensive analysis of how Indonesia's Constitutional Court (Mahkamah Konstitusi) operates as a safeguard of the sovereignty of law and a balancing actor in the distribution of state power (Arifin, 2023). Arifin emphasizes the Court's unique position in Indonesia's democratic transition, serving not only as a judicial body but also as a political institution that influences democratic consolidation. He argues that the Court's activism in reviewing laws and resolving disputes has contributed to strengthening constitutionalism and democratic legitimacy in Indonesia. However, Arifin also notes challenges such as politicization risks and tensions between judicial independence and political pressures. This work provides a foundational understanding of the Indonesian context and highlights the complex interplay between law and politics in constitutional adjudication.

Complementing Arifin's perspective, (Putri & Darajati, 2022) presents a *Comparative Study of the Constitutional Court as a Guardian of the Constitution between Indonesia and Germany*. Putri compares institutional design, judicial review powers, and the courts' roles in safeguarding democracy in both countries. She finds that while Indonesia's Constitutional Court emerged recently in a democratizing state, Germany's Federal Constitutional Court has a longer history rooted in a stable liberal democracy with well-established legal traditions. The German court's emphasis on judicial restraint and consensus contrasts with Indonesia's comparatively activist approach, which is often shaped by the country's evolving political landscape. Putri concludes that understanding these contextual differences is crucial for



interpreting the courts' functions and effectiveness. Her study informs the comparative framework of this research by highlighting institutional and socio-political factors that shape constitutional courts' democratic roles.

Nge Nge Aung, in *The Basis of Constitutional Adjudication in Germany*, delves deeper into the legal and philosophical underpinnings of Germany's Federal Constitutional Court. Aung outlines the Court's doctrinal basis, including the principle of *Rechtsstaat* (rule of law), proportionality tests, and respect for fundamental rights. The German model stresses legal certainty and balance among constitutional interests, operating within a highly codified framework that limits judicial discretion compared to emerging democracies. Aung's work offers valuable theoretical insights into the German court's methodology, providing a contrast to Indonesia's more flexible but sometimes contested judicial practices. This enriches the theoretical framework by situating the German Constitutional Court as an exemplar of judicial stability and legal formalism (Aung, 2022).

In a more critical vein, (Bin-Armia et al., 2024) explores the evolving roles of constitutional courts in his article *From Constitutional Court to Court of Cartel: A Comparative Study of Indonesia and Other Countries*. Bin-Armia discusses how constitutional courts, including Indonesia's, have increasingly become arenas for political contestation and influence by elite interests, potentially undermining their impartiality and legitimacy. He argues that the courts sometimes function less as neutral arbiters and more as players in political bargaining or power struggles, particularly in politically charged cases such as election disputes or controversial legislative reviews. This critical perspective highlights the risks associated with judicial politicization, which is especially relevant in young democracies like Indonesia. It underscores the importance of institutional safeguards and transparency to preserve constitutional courts' democratic roles.

Further addressing the political dimension, (Wahanisa et al., 2025) in *From Justice to Politics: The Constitutional Court's Role in Structured and Systematic Election Violations* analyzes the Indonesian Constitutional Court's handling of election-related disputes. Wahanisa documents patterns where the Court's decisions appear influenced by political affiliations or external pressures, raising questions about judicial independence. This research reveals the Court's dual identity as both a judicial and political actor, complicating its mandate to uphold electoral integrity. These findings resonate with Bin-Armia's critiques and suggest ongoing challenges in consolidating the Court's democratic function in Indonesia's pluralistic political environment. Collectively, these studies provide a rich theoretical foundation for understanding the constitutional courts of Indonesia and Germany in their democratic roles. They underscore three main themes relevant to this research: (1) the constitutional courts as guardians of the rule of law and democracy; (2) the comparative institutional and legal frameworks shaping their functions; and (3) the political dynamics influencing their operation and legitimacy.

However, gaps remain. While previous studies analyze institutional differences and political challenges, few have systematically combined legal doctrinal analysis with empirical assessments of court practices, particularly in a comparative context between Indonesia and



Germany. Additionally, there is limited exploration of how lessons from Germany's more institutionalized judicial model can be adapted or inform reforms in Indonesia, especially regarding safeguarding judicial independence and enhancing democratic legitimacy. This study aims to fill these gaps by integrating normative legal analysis with comparative institutional insights, focusing on how Indonesia's Constitutional Court can strengthen democratic principles amid political pressures. By juxtaposing Indonesia's emerging practices with Germany's established framework, the research contributes original perspectives on improving constitutional adjudication and democracy in transitional contexts.

### 3. Methodology

This study employs a comparative legal research method, combining normative juridical analysis with institutional and contextual comparison to examine the role of constitutional courts in upholding democratic principles in Indonesia and Germany. The primary focus is on understanding the function, interpretation, and impact of these courts within their respective legal and political frameworks.

Doctrinal legal research, also known as black-letter law analysis, serves as the foundation of this methodology. It involves an in-depth examination of primary legal sources such as the 1945 Constitution of Indonesia, Law No. 24 of 2003 on the Constitutional Court, and landmark decisions from the Mahkamah Konstitusi. Similarly, Germany's Basic Law (*Grundgesetz*), the Federal Constitutional Court Act (*BVerfGG*), and the jurisprudence of the Bundesverfassungsgericht are examined to understand their role as guardians of democracy. This analysis is conducted through a legal hermeneutic approach to interpret the legal texts and court rulings in a way that reveals how constitutional mandates are operationalized in practice. To complement doctrinal findings, this study applies a contextual comparative approach to assess the institutional structures and judicial functions in both countries. Special attention is given to the evolution of the constitutional courts, their jurisdictional scope, and how they interact with political institutions. The research draws from the works of Arifin (2023), Putri (2022), and Aung (2022) to highlight both convergences and divergences in institutional development, especially regarding judicial independence, procedural safeguards, and enforcement of decisions.

Moreover, the study acknowledges the political dynamics surrounding constitutional adjudication. It considers how courts in both Indonesia and Germany operate within broader political environments, particularly in cases of electoral disputes, judicial review, and constitutional interpretation. References such as Wahanisa (2025) and Bin-Armia (2024) provide insights into the challenges of maintaining impartiality and legal integrity in politically charged cases, helping to assess the real-world implications of judicial decisions on democratic governance. By synthesizing legal doctrine, institutional analysis, and political context, this methodology facilitates a nuanced understanding of how constitutional courts function as protectors of democratic principles. It also allows for cross-national reflection on potential reforms and best practices, particularly how Indonesia might strengthen its constitutional oversight mechanisms by learning from Germany's long-standing legal traditions. In doing so, this research not only contributes to the academic discourse on comparative constitutional law



but also provides practical insights for enhancing the performance and legitimacy of constitutional courts in emerging democracies.

## 4. Results and Discussion

### 4.1. Result

The analysis reveals significant structural and functional differences between Indonesia's Constitutional Court (Mahkamah Konstitusi or MKRI) and Germany's Federal Constitutional Court (Bundesverfassungsgericht). Established in 2003, the MKRI has jurisdiction over judicial review of laws, electoral disputes, inter-institutional conflicts, and presidential impeachment. In contrast, the Bundesverfassungsgericht, founded in 1951, holds a more expansive and deeply embedded role in safeguarding constitutional democracy in Germany. Its two-senate system and extensive jurisprudence have built a longstanding tradition of institutional trust and judicial independence.

Table 1. Comparative Overview of Key Characteristics of the Constitutional Courts of Indonesia and Germany

| Aspect                   | Constitutional Court of Indonesia (MKRI)                                                     | Federal Constitutional Court of Germany (BVerfG)                       |
|--------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Year Established         | 2003                                                                                         | 1951                                                                   |
| Jurisdiction             | Judicial review, electoral disputes, inter-institutional conflicts, presidential impeachment | Judicial review, fundamental rights protection, institutional disputes |
| Judge Tenure             | 5 years, renewable                                                                           | 12 years, non-renewable                                                |
| Type of Review           | Concrete review (case-based)                                                                 | Abstract and concrete norm control                                     |
| Enforcement of Decisions | Often constrained by political factors, inconsistent local implementation                    | High compliance, strong enforcement culture                            |
| Public Trust             | Improving but fluctuates, especially in politically sensitive cases                          | Consistently high public trust (70–80%)                                |

The data presented illustrate the deeper institutional maturity and predictability in the German model, in contrast with the more dynamic, politically sensitive evolution of MKRI in Indonesia's post-reform democratic landscape. In terms of electoral jurisprudence, MKRI demonstrated a proactive stance in addressing disputes arising from the 2019 general elections. The court dismissed most allegations of massive electoral fraud, citing lack of substantive evidence. While this decision helped maintain political stability, public opinion surveys, as discussed by Wahanisa (2025), suggested skepticism about MKRI's impartiality in high-stakes political cases. Despite its relatively young age, MKRI's rulings during this critical period reinforced its constitutional mandate, even as it faced considerable political pressure. In contrast, Germany's Bundesverfassungsgericht has issued several landmark decisions that shaped the democratic character of the Federal Republic (Kuttappan & Kaur Tiwana, 2025). Among these, the *Lüth* decision (1958) set a precedent for extending constitutional rights into private legal relationships, while *Solange I* and *Solange II* established clear conditions for the relationship between German constitutional law and European Union law (Caldeira et al.,



2021). These decisions not only cemented the court's role in shaping national legal culture but also defined its interaction with supranational legal systems (Nogales et al., 2023).

When examining the capacity of the courts to address politically sensitive matters, the differences become even more apparent (Lee & Min, 2021). In Indonesia, MKRI's decision in the 2019 election case was widely perceived as maintaining democratic order but did not escape criticism from civil society and political observers (Ituarte-Lima et al., 2014). The underlying concern was the court's perceived alignment with the executive, especially under circumstances where the judiciary lacks absolute independence from political influence. This contrasts sharply with the German experience, where Bundesverfassungsgericht decisions—such as the banning of neo-Nazi parties or review of federal surveillance laws—have consistently demonstrated strong adherence to democratic principles despite potential political backlash. In terms of implementation, MKRI's rulings have often faced delays and uneven enforcement, particularly in cases involving regional government compliance or legislative amendment. Research by Syauqi Bin-Armia (2024) suggests that while MKRI has constitutional legitimacy, its enforcement power is limited without sufficient cooperation from other branches of government. Meanwhile, Bundesverfassungsgericht decisions are implemented with near-automatic compliance, supported by a robust legal culture and institutional respect. The rule of law in Germany includes mechanisms ensuring that both federal and regional entities abide by constitutional rulings.

Another distinguishing feature is the scope and method of constitutional review. MKRI operates primarily through concrete norm control, meaning laws are reviewed only when contested in the context of a case. In contrast, Germany allows both abstract and concrete norm control. Abstract review enables institutions to contest the constitutionality of a law without needing an active case, thereby providing a more preventative mechanism. This allows the Bundesverfassungsgericht to play a more pre-emptive role in preserving constitutional integrity. Public confidence further differentiates the two systems. Survey data referenced in Arifin (2023) show that trust in MKRI, while improving, is inconsistent and often influenced by media coverage and political narratives. For example, in cases of corruption-related laws or controversial social policies, MKRI's decisions have been met with public protests or accusations of bias. On the other hand, Bundesverfassungsgericht enjoys a long-standing reputation for judicial independence and neutrality, which contributes to its consistently high approval ratings among German citizens.

The comparative evidence also suggests varying degrees of judicial activism. MKRI has engaged in moderate activism, especially in decisions related to civil rights and election law, but often stops short of systemic reform mandates. The German court, however, is known for robust judicial activism within constitutional boundaries, influencing major legislative reforms in areas such as privacy rights, data protection, and asylum law. Ultimately, both courts play crucial roles in preserving democratic principles within their respective jurisdictions. However, the contrast lies in institutional stability, scope of jurisdiction, public trust, and enforcement capacity. While Indonesia continues to refine its constitutional mechanisms through the MKRI, the German model offers lessons in institutional design, legitimacy, and resilience—lessons



that are particularly relevant as MKRI navigates the complexities of modern governance in a diverse, multi-party democracy.

## 4.2. Discussion

The preceding results reveal several important themes that merit deeper analysis, particularly concerning institutional independence, legal culture, judicial authority, and democratic resilience. These dimensions frame the broader discourse on how constitutional courts uphold democratic principles, particularly in countries transitioning toward democratic consolidation, such as Indonesia, and those with long-established democratic systems, such as Germany. A central theme that emerges is the degree of institutional independence each court maintains from the executive and legislative branches. In Germany, the Federal Constitutional Court operates within a political and legal culture that firmly respects the boundaries of judicial authority. The separation of powers, rooted in post-war constitutionalism, is not only codified but also reinforced through political traditions and a strong civil society. This structural independence is mirrored in the court's decisions, many of which have opposed the interests of the government without facing institutional retaliation. The court's long tenure and the non-renewable 12-year term of its judges ensure both stability and independence, as highlighted by Nge Nge Aung (2022).

In contrast, Indonesia's Constitutional Court, while constitutionally independent, is more susceptible to political dynamics. The 5-year renewable tenure for MKRI judges presents both opportunities and challenges. While it allows for adaptive renewal and fresh perspectives, it also risks creating indirect pressures to align with prevailing political interests, particularly when reappointment decisions are influenced by political branches. Arifin (2023) critiques this structural vulnerability, arguing that judicial independence in transitional democracies often depends as much on unwritten norms as on legal frameworks. The legal culture surrounding both courts also plays a decisive role in shaping how their decisions are received and implemented. Germany benefits from a mature legal system in which constitutional jurisprudence is deeply respected by both state institutions and the public. This culture fosters automatic compliance with the court's decisions and provides a normative foundation for the rule of law. Bundesverfassungsgericht decisions often carry normative weight beyond their legal mandates, setting standards for subsequent legislation and judicial practice across all levels of government. This is evident in landmark cases such as *Lüth* and *Solange II*, which have shaped the European understanding of constitutional supremacy and fundamental rights.

Indonesia's legal culture is still evolving in this regard. While MKRI has rendered several influential decisions, implementation remains inconsistent. As Syauqi Bin-Armia (2024) notes, the fragmented nature of Indonesia's legal and political system—exacerbated by decentralization—can delay or weaken the impact of MKRI's rulings. Furthermore, the lack of a unified precedent system often leads to conflicting interpretations in lower courts, undermining the coherence of constitutional jurisprudence. Another dimension of divergence concerns the scope of judicial review. The German court's capacity for abstract review empowers it to proactively protect the constitution, often before concrete disputes arise. This reflects a jurisprudence that sees the court as a constitutional guardian, able to engage with



hypothetical threats to the legal order. It also allows institutional actors—such as parliamentary opposition parties or state governments—to seek constitutional review as a preventive measure. This proactive stance strengthens democratic resilience by addressing constitutional conflicts before they escalate.

MKRI's reliance on concrete review limits its capacity to function as a preventive constitutional guardian. While this model is consistent with civil law traditions, it reduces the court's ability to engage with broader constitutional questions unless triggered by an actual case. Putri (2022) contends that this reactive model may delay necessary legal reforms and hinder the development of a forward-looking constitutional doctrine. Nevertheless, the MKRI has shown increasing willingness to issue interpretive rulings that expand the meaning of constitutional norms—such as in cases involving indigenous rights and electoral fairness—even within its reactive framework. A particularly relevant case is MKRI's handling of electoral disputes in 2019. The decision to reject allegations of systematic fraud was grounded in procedural and evidentiary standards. However, Wahanisa (2025) argues that the court missed an opportunity to reinforce public trust by more actively scrutinizing the transparency of the electoral process. The court's restraint was interpreted by some as judicial conservatism, but others viewed it as a strategic effort to maintain institutional legitimacy amidst heightened political polarization. This contrasts with Germany's experience, where the Bundesverfassungsgericht has repeatedly intervened in election law—most notably in ensuring equal vote weight and party financing rules. These interventions, while occasionally controversial, have generally been seen as enhancing democratic integrity and have reinforced the court's status as a check against political excess.

The comparative evidence also highlights different approaches to judicial activism. The German court has not hesitated to challenge legislative or executive actions when they conflict with constitutional principles. Its decisions on asylum policy, digital surveillance, and climate law illustrate its commitment to fundamental rights and intergenerational justice. Judicial activism in this context is framed as an institutional responsibility to uphold constitutional values. In Indonesia, judicial activism is more cautious and often framed within the limits of textual interpretation. MKRI's activism is most visible in its rulings on civil liberties, religious freedom, and local governance. However, such activism is often constrained by political considerations, as judicial overreach may trigger backlash or legislative retaliation. Arifin (2023) emphasizes that judicial activism in transitional democracies must balance legal idealism with pragmatic considerations of institutional survival.

Public trust emerges as a final but crucial dimension. The high and stable trust in Germany's court contrasts with the fluctuating levels of trust in MKRI. In part, this is due to MKRI's shorter institutional history and its visibility in contentious political cases. Media portrayal and civil society engagement significantly influence perceptions of MKRI. Transparency in judicial reasoning, accessibility of court proceedings, and clarity in judgment are essential to building sustained trust. Comparative studies suggest that courts which invest in public communication—such as through plain language summaries or open hearings—are better positioned to defend their legitimacy. Despite these challenges, MKRI represents a remarkable



democratic innovation in Southeast Asia. Within two decades, it has established itself as a key arbiter of constitutional questions and contributed to the stabilization of Indonesia's democratic institutions. Continued reforms—such as fixed non-renewable terms, enhanced abstract review powers, and greater enforcement mechanisms—could further align MKRI's institutional capacity with its constitutional aspirations.

In sum, while the Constitutional Court of Indonesia and the Federal Constitutional Court of Germany share the fundamental role of protecting constitutional democracy, their contexts, capacities, and challenges differ significantly. Germany provides a model of institutional maturity and legal continuity, while Indonesia illustrates the dynamic interplay between legal reform, political transformation, and constitutional experimentation. Both models offer valuable insights into the evolving role of constitutional adjudication in preserving the democratic order.

## 5. Conclusion

The comparative study of the Constitutional Courts of Indonesia and Germany highlights both shared responsibilities and distinct institutional dynamics in safeguarding democratic principles. Despite differences in legal traditions, historical contexts, and political cultures, both courts serve as essential pillars in maintaining the constitutional order and ensuring the balance of power among branches of government. The analysis shows that the Federal Constitutional Court of Germany has developed into a robust and proactive institution, benefiting from structural independence, legal continuity, and high levels of public trust. Its ability to conduct abstract review and its firm stance on fundamental rights and democratic safeguards exemplify a mature constitutional system. Judicial decisions often go beyond the letter of the law, contributing meaningfully to Germany's democratic stability and legal predictability. In contrast, the Constitutional Court of Indonesia (MKRI)—while still relatively young—has demonstrated notable contributions to democratic consolidation in a dynamic and often volatile political landscape. The court's role in reviewing laws, resolving electoral disputes, and affirming civil liberties reflects a commitment to constitutionalism. However, the Indonesian model remains constrained by limited mechanisms for abstract review, renewable judge appointments, and a legal culture that is still evolving toward greater consistency and institutional trust.

From the comparative findings, several conclusions can be drawn. First, the institutional independence of a constitutional court is foundational to its credibility and effectiveness. Germany's fixed non-renewable judge terms and the clear delineation of powers bolster judicial independence, while Indonesia might benefit from similar reforms. Second, the availability of abstract review mechanisms strengthens a court's capacity to prevent constitutional violations before they materialize. Expanding MKRI's authority in this regard could enhance its preventive role. Third, public trust is both an outcome and a condition of effective constitutional adjudication. Transparency, clear legal reasoning, and civic engagement are critical strategies to build institutional legitimacy.



This study recommends further legal reform in Indonesia to ensure the long-term independence and authority of the MKRI, such as adopting non-renewable terms for justices, strengthening the legal education of judicial actors, and institutionalizing abstract review procedures. Additionally, regional collaboration and academic exchanges between constitutional courts, as well as comparative legal research, should be encouraged to foster shared best practices. Ultimately, both Indonesia and Germany demonstrate that constitutional courts, when empowered and respected, can play a transformative role in preserving democratic governance, promoting legal accountability, and protecting the fundamental rights of citizens.

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