

Sekolah Judicial Review: Strengthening the Legal Culture of Civil Society Organizations in the Indonesian Legal System

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Abstract

The research-based legal empowerment program, entitled "Sekolah Judicial Review: Strengthening the Legal Culture for Civil Society Organizations". The objective of this program is to establish community partners as a model of non-state actors who can contribute to the balance of the legal culture of judicial review in Indonesia. The methodological approach employed in this study is anchored in normative and empirical legal research, the Sekolah Judicial Review model approach with a comprehensive curriculum, as well as best practices for non-state actors as petitioners in judicial review at the Indonesian Constitutional Court. The results of the legal service demonstrated that the *Sekolah Judicial Review* has contributed to an enhancement in legal knowledge, awareness,



obedience, compliance, and responsibility among civil society organizations about the judicial review and national legal systems. The national commitment and responsibility of civil society organizations in the process, decisions, and implementation of judicial review include the following: acting as a balancer of government and political powers; encouraging the realization of an independent and impartial judiciary in deciding judicial review cases; ensuring that the judiciary and justices are not intervened by political, business and other powers; criticizing weak political culture; and encouraging public participation. The recommendation in this legal empowerment program is to strengthen civil society organizations, especially regarding becoming applicants in judicial reviews on specific issues, such as in the civil and political rights, climate change, and other cases. This aligns with SDGs (Sustainable Development Goals) 4: Quality Education.

KEYWORDS: *legal culture, civil society organizations, judicial review, SDGs (Sustainable Development Goals).*

Introduction

The development of the Indonesian legal system constitutes a significant component of the broader agenda of promoting rule of law and the establishment of a democratic constitutional state. The ideal development of the legal system is one which integrates three main components: legal substance, legal structure, and legal culture. This would facilitate the refinement of the reform of the national legal system based on the Pancasila (five fundamental principles of the Indonesian)¹, Indonesian constitutionalism values based on the 1945 Constitution, the legal needs of society, and global dynamics. In accordance with Friedman's theoretical framework, the components of the legal order can be categorised as follows:

¹ Pancasila is the five fundamental values: (1) Ketuhanan yang Maha Esa (Belief in the Almighty God); (2). Kemanusiaan yang Adil dan Beradab (Just and civilised humanity); (3). Persatuan Indonesia (the unity of Indonesia); (4). Kerakyatan yang Dipimpin oleh Hikmat Kebijaksanaan dalam Permusyawaratan/ Perwakilan (Democracy guided by the inner wisdom in the deliberations/ representatives); (5). Keadilan Sosial bagi Seluruh Rakyat Indonesia (Social Justice for all the Indonesian People).

legal substance (rules), legal procedures (methods of dispute resolution), legal structures (courts), and legal culture (attitudes).²

The legal substance is defined as the material contained in laws and other regulations that form the basis for the implementation and enforcement of the law. The legal structure is related to law enforcement institutions (judges, public prosecutors, police), which are required to exhibit integrity, independence, and personal and institutional impartiality in the enforcement of the law and fair justice. Moreover, legal culture is defined as the values, principles, norms, attitudes, and habits that are inherent to a society and that pertain to the law and its application. The legal culture of society is of paramount importance, as it exerts a significant influence on the efficacy of law and justice enforcement systems,³ the degree of public compliance, and the long-term sustainability of the legal apparatus.

From the Indonesian democratic and rule of law perspective, the national legal culture is based on the Pancasila and the 1945 Constitution. It is evident that these values provide the philosophical, legal, and sociological foundations for the validity of the law and its enforcement. This legal culture, in turn, has given rise to various models of legal culture, including a culture of law enforcement characterized by integrity and anti-bribery, a culture of society that is aware of and obeys the law, and others. Furthermore, the exemplary role of law enforcers and the government in establishing a fair, non-discriminatory law enforcement system will form strong legal culture at all levels, both in the government, private institutions, and the public.

Hence, the transparency and accountability of the judiciary are therefore also fundamental to the establishment of strong legal culture. Furthermore, the assurance of public participation and access to the drafting of legislation and its enforcement are pivotal in cultivating strong

² Lawrence M. Friedman, "Coming of Age: Law and Society Enters an Exclusive Club", *Annual Review of Law and Social Science*, 1.1 (2005), pp. 1–16 <https://doi.org/10.1146/annurev.lawsocsci.1.041604.115951>

³ Derita Prapti Rahayu, Faisal, Rafiq Sari, Ndaru Satrio., "Law Enforcement in the Context of Legal Culture in Society", *Law Reform* Vol. 16, no. 2, pp. 276-289, Sep. 2020. <https://doi.org/10.14710/lr.v16i2.33780>

legal culture. In the process of developing a legal culture, the focus is on three important components: judicial culture, political culture, and socio-cultural. This component serves to ascertain the strengths and weaknesses of Indonesian legal culture. It is the responsibility of all parties, such as state institutions, law enforcement officers, politicians, civil society organizations, professors, law experts, and the general public. Furthermore, when there is a problem of non-implementation of judicial review decisions by state institutions, bribery of Justices of the Indonesian Constitutional Court (hereinafter the Justice), people who do not obey the law, it is not solely the fault of the institutions, Justices and the community. However, it is a common problem, and its resolution necessitates synergy of all sectors of the nation with various efforts to renew the legal culture.

One of the strategies employed to encourage the establishment of a legal culture within society is the implementation of legal education models (school of law), legal training, legal counseling, socialization, legal assistance, the establishment of legally aware villages (*desa sadar hukum*), and other related initiatives. The development of legal culture in terms of judicial review in Indonesia is a process that cannot be achieved instantaneously. The process necessitates a systematic and structured approach, accompanied by comprehensive and measurable criteria. The establishment of a powerful legal culture is contingent upon the presence of structured, systematic, and substantial constructive collaboration among all state components. In this context, collaboration in developing a legal culture in society is facilitated by a research-based community service program entitled Sekolah Judicial Review: Strengthening the Legal Culture of Civil Society Organizations (hereinafter CSO) in the Indonesian legal system.

The primary function of this community legal service program is to implement the research results and publications from the community service team and other researchers. The findings of research and publications concerning judicial review exert a substantial influence on the enhancement of academic judicial review, encompassing the legal culture of the society. The implementation of these principles within society can be facilitated by the establishment of a role model for the development of the socio-culture of judicial review.

This Sekolah Judicial Review is the result of a collaboration between legal experts from the university and the CSO. The purpose of this collaboration is to strengthen the national legal system, especially the judicial review system in Indonesia. The Indonesian Center for Rule of Law and Social Justice (hereinafter ICRLS-Justice) and *Rumah Muda Integritas* are the legal research, advocacy, and publication institutions that focus on the movement to strengthen the rule of law, legal reform, and public legal awareness. It is the partner of a civil society organizations that implements the research results. The organizations has exhibited a profound commitment, contributing significantly to the development of a substantial national legal system. This commitment is evidenced by the organization's contribution to the development of community resources in the field of legal studies.

Additionally, the CSO has played a role in national issue discussions and public policy advocacy. In the context of the judicial review movement, ICRLS-Justice partners require a specialized, comprehensive program on judicial review and its application mechanism, in addition to strategy for cultivating strong legal culture among the general public. In the context of the judicial review movement, ICRLS-Justice and Rumah Muda Integritas partners require special comprehensive program regarding judicial review and its application mechanism, as well as strategy for building strong legal culture for the general public. The program's design is informed by a range of internal and external challenges faced by partners, with the objective of cultivating strong legal culture. This initiative aims to enhance comprehension, awareness, compliance, and legal responsibility among the community, fostering the promotion of the rule of law grounded in the principles of the Pancasila and the 1945 Constitution values.

Methods

The legal empowerment program was meticulously designed to encompass a comprehensive curriculum, featuring highly qualified legal speakers who possess extensive expertise in the judicial review issues. The programme also addresses critical yet often under-explored aspects of the

judicial review system. The judicial review in question was conducted in a hybrid format, comprising both online and offline components, and was attended by ten participants. The agendas were initiated with the composition of scientific articles for the purpose of becoming participants in the judicial review school. In this program, the normative approach, cases, and best practices are the main approaches that facilitate the acceptance and discussion of the material by the participants. Furthermore, to ensure the sustainability of the training programs, the service team also conducts mentoring activities, which include discussions and evaluations.

Discussions are routinely convened to address issues pertaining to the composition of articles, assignments, and the analysis of judicial review cases. The evaluation of this legal service is conducted through a meticulous examination of the process and its outcomes. The process evaluation is employed to assess the implementation of the plan that has been formulated. Subsequent to the completion of the experiment, the results are meticulously evaluated to ascertain and appraise the outcomes attained by the participants. The evaluation of these results is conducted through the analysis of journal articles or judicial review petitions prepared by participants. Furthermore, the efficacy and impact of training on the role and contribution of CSOs must be assessed by employing legal culture categories.

Results and Discussion

Legal Culture of Judicial Review

In the academic domain of Indonesian legal studies, Daniel S. Lev, a distinguished constitutional expert, has made significant contributions to the understanding of judicial politics in Indonesia. The legal reform movement, encompassing court decisions,⁴ is poised to give rise to a substantial national legal culture that is firmly rooted in the principles enshrined in the constitution. The concept of legal culture has garnered considerable scholarly attention in recent decades. The study of legal

⁴ Gerhard van der Schyff, "The Urgenda Case in the Netherlands on Climate Change and the Problems of Multilevel Constitutionalism", *Constitutional Review*, Vol.6, No.2, (December 2020), p.210. <https://doi.org/10.31078/consrev622>

culture is a multidisciplinary field that intersects with several other academic domains, including the anthropology of law, the sociology of law, comparative law, and law and society (legal culture).⁵ The concept has indeed been employed in the analysis of legal systems and the development of methodological frameworks for comparison.⁶ Legal culture is defined as the human attitude towards the law and legal system, encompassing beliefs, judgments, and expectations of the legal community.

It is evident that legal culture constitutes a transformative approach adopted by the modernization movement within the legal systems of developing countries, including Indonesia. In the context of legal culture segmentation, there are several comprehensive studies of judicial culture, political culture, and socio-culture.

a. Judicial culture.

Judicial culture, otherwise known as judges' legal culture, has been identified as a significant factor in explaining judicial behavior. However, operationalizing and measuring this concept has proven to be a significant challenge, which has often led to its dismissal.⁷ In Indonesia, judicial culture is defined as a model of legal culture characterized by the independence and impartiality of the justice system. This model provides a shared understanding through virtues and gives the rule of law the familiar face of a justice as a flesh-and-bone person, fostering trust in the judiciary.

The prevailing judicial legal culture is characterized by several salient features. First and foremost, it emphasizes the significance of judicial autonomy, independence, and impartiality in decision-making processes. Furthermore, it underscores the pivotal role of judicial ethical

⁵ Melissa Crouch, "The Challenges for Court Reform after Authoritarian Rule: The Role of Specialized Courts in Indonesia" *Constitutional Review*, Volume 7, Number 1, May 2021, pp.2-5. <https://doi.org/10.31078/consrev711>

⁶ Thomas Duve, "Legal traditions: A Dialogue Between Comparative Law and Comparative Legal History", *Comparative Legal History* Vol.6 No.1 (2018), pp. 15–33. <https://doi.org/10.1080/2049677X.2018.1469271>

⁷ Azul A. Aguiar-Aguilar, "Understanding the Judiciary from the Inside. The Legal Culture of Judges in Mexico", *Justice System Journal* Volume 43, 2022 - Issue 4. <https://doi.org/10.1080/0098261X.2022.2123288>

codes as a point of reference for justices and as a critical mechanism for fostering public trust in the judiciaries.⁸ Finally, it underscores the imperative of preserving unassailable judicial integrity, thereby ensuring that there is no compromise between the justices. Consequently, the President of Court is responsible for ensuring the autonomy of member Justices in the articulation of dissenting or concurring opinions. Judicial officials are bound by anti-bribery principles and are immune to the influence of political and business interests within the community and external entities. Furthermore, an examination of judicial culture reveals an additional facet: the presence of exemplary behavior. The President of Court and Justices must serve as exemplary role models for the broader community, demonstrating unwavering adherence to the principles of the constitution, constitutional ethics, and the legal provisions that govern society.

b. Political culture.

The concept of political culture can be defined as the cultural milieu of politicians and political parties within a democratic state governed by the rule of law. The notion of political culture is inextricably linked to that of legal culture, as both elements are foundational to the broader framework of democracy and the rule of law. This political culture is associated with the endorsement of legislative institutions or political parties that promote the establishment of a democratic legal system. One of the political cultures is characterized by the principle of political leadership with integrity as the foundation for establishing good governance and public trust in political institutions.⁹

Furthermore, political culture is associated with the model of compliance and the attitude of political institutions towards the constitution and decisions of the judicial power. A potential avenue for

⁸ Elaine Mak, "Researching Judicial Ethical Codes, Or: How To Eat A Mille-Feuille?", *International Journal for Court Administration*, Volume: 9 Issue: 3 (2018), pp.55-65. <https://doi.org/10.18352/ijca.277>

⁹ Muhammad Azil Maskur, and Wildan Azkal Fikri, Dede Indraswara. "Realizing Political Leadership with Integrity Through Political Education: A Study of KOMPAK-API". *Jurnal Pengabdian Hukum Indonesia* 7, no. 2 (2024): 241-266. <https://doi.org/10.15294/jphi.v7i2.14365>

parliamentary reform is the enhancement of the political-legal system and the culture of political parties within parliament, which must be idealistically oriented towards the concept of "public accountability."¹⁰ The failure of state institutions to adhere to the decisions of the MKRI can be considered a manifestation of a weak political culture, which in turn has a deleterious effect on the system of legal culture and democracy in Indonesia. Consequently, the political culture in Indonesia has been weak. A substantial incidence of judicial review of political culture has culminated in the erosion of judicial review practices. Examples of this phenomenon include the weakening of the MKRI through a problematic justice recruitment system, constitutional disobedience by the President and the House of Representatives, and the Supreme Court and other state institutions.

c. Legal culture of society (socio-cultural).

The legal culture of society is a sociological aspect in the practice of judicial review in Indonesia. This legal culture is related to the attitude and behaviors of society in the legal system, which influences the judicial review process fairly and justly. Community involvement can be pursued on an individual basis or by civil society organizations and universities. The focus of community involvement is on monitoring the process and implementation of judicial review decisions. Within the overarching paradigm of legal culture in a society, an individual or group/organizations attains the status of judicial review applicant in instances where legislative provisions are found to be in contravention of constitutional principles, democratic norms, and human rights.

Furthermore, the legal culture is divided into two distinct categories: external legal culture, which encompasses the broader community, and internal legal culture, which is developed by law enforcement officers. The external legal culture, which serves as a reflection of the health of the broader societal culture, will invariably influence the internal legal culture. This phenomenon can be attributed

¹⁰ Mirza Satria Buana, "Weak-Form Review and Judicial Independence: A Comparative Perspective", *Constitutional Review*, Volume 10, Number 2, (December 2024), pp.340-366. <https://doi.org/10.31078/consrev1023>

to the fact that law enforcement officers are, in essence, products of their societal context.¹¹ The internal factors that influence judicial decision-making include the integrity of the justices, the potential compromise of fellow justices in decision-making processes, the influence of judicial mafia, and other external factors such as political and business forces. Moreover, there is a demonstrable societal lack of concern for the independence and impartiality of Justices, resulting in societal involvement in judicial corruption cases.

The consensus in the academic community is that there are four distinct stages through which a society must pass to achieve robust legal awareness. These stages, as delineated by various scholars, are as follows: (1) legal knowledge, (2) legal understanding, (3) legal attitude, and (4) legal behavior patterns/ legal responsibility. Strong legal culture is a condition in which society has awareness, compliance/obedience and responsibility towards law enforcement. Strong legal culture is an important foundation for creating justice, order, and legal certainty in a country. Conversely, a weak legal culture is a social order in which law enforcement officers do not respect or enforce the law according to the laws and fundamental values. Hence, the law loses its function as a tool of justice and order. A weak legal culture can result in injustice, abuse of power, and weak public trust in the legal system (especially the judiciary). The following are the comparative criteria for strong and weak legal culture of judicial review:

Table 1
Components of legal culture

Components	Strong culture of Judicial Review	weak culture of Judicial Review
Judicial Independence and Impartiality	The courts and justices are independent and impartial in deciding judicial review cases. The concept of justice encompasses the ability to make decisions that are not influenced by external pressures, whether political or business or by the concerns of others. Judicial bodies are held in high	The courts and justices are not independent and impartial in deciding judicial review cases. For instance, they have been shown to be susceptible to bribery, engaging in corrupt practices, collusion, and nepotism with ease. The community enables political actors,

¹¹ Agus Riwanto, "Construction of Legal Culture Model For Corruption Prevention Through Social Media in Indonesia", *Jurnal Hukum dan Peradilan* Vol. 11, no. 3 (2022), pp. 385-404. <https://doi.org/10.25216/jhp.11.3.2022.385-404>

		esteem, and the decisions rendered by these tribunals are scrupulously enforced.	business entities, and other external groups to exert influence over the independence and impartiality of the judicial system.
Integrity of Justices	of	The concept of justice is closely intertwined with that of integrity, with society playing a pivotal role in upholding the integrity of justices and overseeing any potential external influences on that integrity.	Lack of integrity of among justices, and political and business forces easily influence judges' integrity in decision-making.
Verdicts		A verdict that can resolve constitutional issues, without causing controversy, such as the decision to cancel the heart of the article of law (<i>pasal jantung</i>)	Decisions that are not solution-oriented and tend to be uncertain, such as overruling decisions and open legal policies.
Compliance		All components of state institutions and elements of society comply with the judicial review decision without exception. Furthermore, it is essential that related state institutions adhere to the ruling of the Constitutional Court and implement the decision accordingly.	The leaders of state institutions and CSO have demonstrated a pattern of noncompliance with Constitutional Court decisions. Illustrative of this noncompliance are the instances of constitutional disobedience carried out by the People's Representative Council, the Supreme Court, and several other institutions.
Ethics		Justices and the public follow the rules of ethical conduct set out in the Constitution. Strong Justices ethics: Justices follow the rules of constitutional morality and ethics, and there are no violations of ethics. Also, the public helps to make sure that judges follow the rules of the constitution and behave ethically.	The public and the Justices are not following the rules of the constitution. Judges often do not follow the rules of the constitution, and the public bribes judges to win their cases.
Public Trust		The public has a lot of trust in the judicial system. There's a common understanding that judicial review is a modern, authoritative court that can provide justice.	The public doesn't have much trust in the legal system and the judges. Also, the public doesn't care about laws that are broken or court decisions that go against the law and justice.
Community Participation		The community plays an active and critical role in monitoring the process and implementation of judicial review decisions. They conduct critical studies, become applicants in the judicial review process, and establish relationships with the judiciary (<i>sahabat peradilan</i>).	The public has demonstrated a lack of interest in the judicial review process, has not expressed criticism of the Court, has shown indifference to the controversial decisions of the MKRI, and has not expressed a desire to be an applicant in a judicial review.

The data was processed by the author, 2025.

According to the above criteria, the legal culture of judicial review is situated at the intersection of strong and weak legal cultures. The strong

legal culture is capable of resolving legal issues within society, offering equitable resolutions through its judicial decisions. In their assessment, Lindsey and Simon Butt concluded that the establishment of the robust judicial legal culture was imperative for the comprehensive advancement of the legal culture of human rights in Indonesia. This is particularly salient in light of the absence of such culture during the New Order period,¹² as evidenced by the decision to invalidate Article 50 of the MKRI Law No. 24/2003. Another illustration of this phenomenon is the simultaneous election decision, which provides a solution to the separate election system. This system has given rise to many political agreements in filling government positions, such as the Minister position.

However, the decline in the morality and ethics of Justices during 2003-2025 cannot be academically denied. In the context of Justices behaviors, 12 justices were found to be in violation of legal and ethical principles, including principles of propriety (20 cases), integrity (10 cases), independence (7 cases), impartiality (6 cases), equality (1 case), and competence and diligence (1 case). It has led to the collapse of the institution and the personal quality, namely: a) weak credibility and intellectual accountability of the justices; b) the legal, moral, and ethical responsibility of justices exercising their authority is weak; c) weak independence, impartiality, integrity, appropriateness, capability, and equality of personal justice; d) weak leadership management and commitment between the justices.¹³ These cases demonstrate that the MKRI is not a credible institution, which has undermined public confidence in the competence and dignity of its judges. This situation indicates that judicial integrity is a major problem.¹⁴

¹² Tim Lindsey and Simon Butt, *Indonesian Law* (United Kingdom, Oxford University Press, 2018), p.110

¹³ Tanto Lailam, "The Collapse of Constitutional Court: An Analysis of Ethical Violations by the Constitutional Justices in Indonesia", Universitas Muhammadiyah Yogyakarta Research (2024), p.1

¹⁴ Iwan Satriawan, Seokmin Lee, Septi Nur Wijayanti, Beni Hidayat., "An Evaluation of the Selection Mechanism of Constitutional Judges in Indonesia and South Korea", " Padjadjaran Jurnal Ilmu Hukum (Journal of Law): Vol. 10: No. 1, Article 1.. <https://doi.org/10.22304/pjih.v10n1.a7>

Melissa Crouch's research results indicate that the legal culture in Indonesia does not prioritize the significance of following up on court decisions, both in law schools and in legal or judicial practice.¹⁵ The criteria for noncompliance with judicial decisions are rooted in weak legal culture, the legal culture of Justices who frequently issue controversial decisions and violate the principles of constitutional ethics, state institutions that often decline to follow up on decisions, and constitutional disobedience. Additionally, community culture that interferes with the independence of Justices and the judiciary through various media, including social media, demonstrations, and other means, contributes to this issue.

The aforementioned issues constitute the Sekolah Judicial Review's philosophical and sociological underpinnings. The external factors under consideration are associated with legal issues, institutional and personal ethics of Justices, and non-compliance or constitutional disobedience by the Supreme Court, the President, and the House of Representative (*Dewan Perwakilan Rakyat*). To illustrate, in the *lèse-majesté* case, the decision rendered by MKRI was not put into effect and was not employed by judges at the Criminal Court of Jakarta Barat and the Indonesian Supreme Court to decide based on MKRI's decision. The Supreme Court is obligated to oversee this process. The court's reliance on the revoked article to secure a conviction against Eggi Sudjana was erroneous. However, during the criminal proceedings, the district court judge and the supreme court judge presented divergent arguments, resulting in the continued utilization of the revoked article to secure a conviction for insulting the President.

In another case, the Indonesian president and parliament were found to have committed constitutional disobedience in dozens of decisions, such as: For example, in MKRI Decision No. 36/PUU-X/2012 on the Oil and Gas Cooperation Contract, the position of *Badan Pelaksana Usaha Hulu Migas* was declared unconstitutional. However, the government then formed *Satuan Kerja Khusus Pelaksana Kegiatan Usaha Hulu Minyak*

¹⁵ Melissa Crouch, "The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S. Lev, in *M Crouch (ed) The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*. (United Kingdom, Cambridge University Press, 2022), pp.1-32

dan Gas Bumi, which performs the same function as *Badan Pelaksana Usaha Hulu Migas*. Another example is the MKRI Decision No. 92/PUU-X/2012, which implies equality between the Senate, the President, and the Parliament in submitting and discussing bills. However, the president and parliament disregarded the MKRI decision and proceeded to revise Law No. 12/2011 into Law No. 17/2014. This essentially reinstated the "inequality of the senate" with the president and parliament in the process of submitting and deliberating bills.

Furthermore, the National Public Prosecutor (Kejaksaan Agung Republik Indonesia) failed to comply with the MKRI's decision. The National Public Prosecutor did not implement the MKRI decision No.33/PUU-XIV/2016 regarding the provisions of the MKRI's interpretation of Article 263 (1) of the Indonesian Criminal Procedure Code (*Kitab Undang-undang Hukum Acara Pidana*) concerning "review of criminal cases after cassation decisions can only be carried out by convicts or their heirs". However, the National Public Prosecutor still conducted review of criminal cases. This course of action was further compounded by the actions of the President and the Parliament, who consolidated the National Public Prosecutor's inclination by enacting Law No.11/2021 concerning amendments to National Public Prosecutor Law No.16/2004. This law explicitly delineates the power of the National Public Prosecutor to undertake review of criminal cases in accordance with Article 30c letter h: "apply for review of criminal cases after cassation decisions". Consequently, the provisions stipulated within the National Public Prosecutor's law were repealed by MKRI in decision No. 20/PUU-XXI/2023.

Additionally, the recent condition of the Indonesian government following the 2024 presidential and legislative elections has caused political and legal issues that deviate from Indonesia's constitutional, ethical, and humanist values, as well as a decline in the ethics of some government political elites. Moh Mahfud MD stated that the current political situation and law enforcement are deteriorating. This has created chaos in various

legal policies and court decisions.¹⁶ One recent example of this is the conflict between the Constitutional and Supreme Court's judicial review decisions on gubernatorial candidate thresholds and the revision to the Indonesian National Army Law. Meanwhile, internal factors relate to the partners' human resources and understanding of the community-based judicial review movement. Community partners' contributions as a counterweight to Indonesia's judicial review system are weak.

Strengthening the Legal Culture of Civil Society Organizations by the *Sekolah Judicial Review*

The legal empowerment of the Sekolah Judicial Review was carried out in three stages: pre-program activity, implementation, and program evaluation. During the preparatory stage, the researchers and community partners engaged in deliberations to determine the program's activities, as well as the contributions of both parties. The agreement stipulated that the researchers would assume full responsibility for the program and its financial obligations. Concurrently, community partners played an instrumental role by offering their expertise, facilitating the participation of attendees, and providing refreshments.

The implementation of legal services was subsequently undertaken following the allocation of budgetary support from Universitas Muhammadiyah Yogyakarta. In this implementation stage, a series of deliberations are held to address the following issues: the timing and implementation of the Sekolah Judicial Review program, the development of a comprehensive curriculum, the selection of constitutional experts to serve as speakers at the school, the determination of participant requirements, and the establishment of a program monitoring and evaluation model.

The *Sekolah Judicial Review* legal empowerment program aspires to establish the ICRLS-Justice and *Rumah Muda Integritas* organizations as a paradigm for fortifying legal culture through meticulous legal research.

¹⁶ Mahfud MD., "Situasi Politik dan Penegakan Hukum Sekarang Makin Buruk", <https://nasional.kompas.com/read/2024/07/12/12590051/mahfud-md-situasi-politik-dan-penegakan-hukum-sekarang-makin-buruk>, diakses pada tanggal 23 Oktober 2024

The training model is comprehensive, with structured curriculum that combines legal theory and practice. Furthermore, the case approach and best practices from judicial review applicants serve to fortify the school model. This legal culture empowerment approach is predicated on the improvement of the community's capacity and awareness, as well as the contribution to the edification of the rule of law and social justice based on the Pancasila and the 1945 Constitution.¹⁷

The "Sekolah Judicial Review" is a proposed urgency aimed at enhancing the legal culture of society. This legal culture is a matter of significant concern, as it has been unsuccessful in fostering the establishment of a legal system that is founded on legal certainty and the equitable enforcement of the law and fair-justice. Based on the Law No. 59/2024 on the National Long-Term Development Plan (*Rencana Pembangunan Jangka Panjang Nasional*), the legal reform agenda places particular emphasis on the enhancement of legal substance, the development of a legal culture, and the transformation of legal institutions. These agendas are expected to prioritize a balance between legal certainty, fair-justice, legal benefit, and peace based on the Pancasila values." The development of a legal culture is imperative to strengthen public legal awareness and realize a strong legal culture. In the context of judicial review, a strong legal culture entails the role of the community or organizations in responding to laws with the provisions of the Pancasila and 1945 Constitution. Should the community determine that articles or substances of the law deviate from the values and principles of Pancasila, 1945 Constitution and human rights, the most efficacious legal mechanism of action would be to submit a request for annulment to the Constitutional Court.

The *Sekolah Judicial Review* is conceived as a sustainable flagship program that aims to cultivate public legal awareness and foster the development of strong legal culture. The strong legal culture is characterized by the community's comprehension of and aptitude for

¹⁷ Mukhtar & Tanto Lailam, "Workshop Advokasi Hukum dan Kebijakan Publik bagi Pimpinan Cabang Ikatan Mahasiswa Muhammadiyah Bantul", *PengabdianMu: Jurnal Ilmiah Pengabdian Kepada Masyarakat*, 7 (Special-1), 193–200. <https://doi.org/10.33084/pengabdianmu.v7ispecial-1.2452>

addressing constitutional matters and judicial review. This legal culture manifests in the form of legal awareness, obedience/compliance with the law, and legal responsibility. The fundamental challenge confronting this movement is the necessity of preserving civil society as an institution capable of maintaining a balanced perspective on state policy through an impartial and objective critical stance. Moreover, cultivating the legal culture within society that is critical of state policy necessitates a systematic and comprehensive programmatic strategy that integrates theory and practice over an extended period. The development of the legal culture constitutes an integral component of the broader endeavor to "cultivate law" within a nation that has articulated a coherent legal policy with the objective of effectuating a just legal transformation. The purpose of this judicial review is to enhance the community's capacity to challenge legislation that contravenes constitutional rights, exhibits discriminatory tendencies, and is characterized by inequity.

In the context of the democratic rule of law, judicial review functions as a legal instrument that is utilized to regulate political dynamics¹⁸ that deviate from the principles of constitutional democracy. Furthermore, it fosters a peaceful and harmonious social order grounded in philosophical and constitutional values. In conducting the constitutional review, the MKRI has introduced more enlightened dimension to the rule of law and democracy, thereby fortifying the safeguards afforded to citizens' fundamental rights. The case under consideration determines whether a provision in a law being reviewed is in conflict with the provisions of the 1945 Constitution. This determination is made by examining the meaning and understanding of the provisions of the 1945 Constitution to ensure its

¹⁸ Muchamad Ali Safa'at, "The Roles of the Indonesian Constitutional Court in Determining State-Religion Relations", *Constitutional Review*, Volume 8, Number 1, May 2022, p.113. <https://doi.org/10.31078/consrev815>

use as a touchstone.¹⁹ Nonetheless, the constitutional review function²⁰ has thus far been unsuccessful in establishing the robust legal framework and fostering justice within society. This is primarily attributable to its circumscribed authority and the suboptimal execution of its duties.²¹

The implementation of the Sekolah Judicial Review was accompanied by the facilitation of discourse between researchers and community partners. The most consequential of these deliberations concerned the establishment of a comprehensive curriculum for the school. Furthermore, it was determined that a best practices approach and experience sharing among participants would be utilized to enhance comprehension of the theory and practice of judicial review. In regard to the curriculum, researchers and community partners involved in this program reached a consensus on the subject of the course materials in the Sekolah Judicial Review as follows:

Table 2.
Course materials of *Sekolah Judicial Review*

No.	Course curriculum
1.	Introduction to Judicial Review and Constitutional Review from a historical perspective and its development. It also compares judicial review in the United States, Austria, Germany, and South Korea.
2.	Judicial Review and Guarantee of Human Rights Protection. Judicial review is a legal process that aims to protect human rights guarantees. The constitutional court's role as the guardian of human rights comes from human rights being the material content of the Constitution. The Constitution's guarantees of human rights mean that the government is required by law to protect, respect, and promote these rights. The Constitutional Court's power to review laws is an effort to protect the human rights guaranteed

¹⁹ Muchamad Ali Safaat, Aan Eko Widiarto dan Fajar Laksono Suroso, "Pola Penafsiran Konstitusi dalam Putusan Mahkamah Konstitusi Periode 2003 - 2008 dan 2009 - 2013", *Jurnal Konstitusi*, Volume 14, Nomor 2, Juni 2017, p.236. <https://doi.org/10.31078/jk1421>

²⁰ Simon Butt, "The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?," *Asian Journal of Comparative Law* 14, No. 1 (2019), pp.147-174. <https://doi.org/10.1017/asjcl.2018.19>

²¹ Pan Mohamad Faiz, "A Prospect and Challenges for Adopting Constitutional Complaint and Constitutional Question in the Indonesian Constitutional Court," *Constitutional Review* 2, No. 1 (2016), p.103. <https://doi.org/10.31078/consrev215>

	by the 1945 Constitution from being violated by laws. When the law violates people's constitutional rights, the government's actions based on the law also violate those rights.
3.	Judicial Review and Democracy. The purpose of judicial review is to safeguard the integrity of national and local democracies by reviewing and adjudicating election complaints and disputes. The establishment of the constitutional court is predicated on the foundational principle of democracy. In democratic nations, the necessity of a system of checks and balances to ensure the effective implementation of democracy through constitutional courts is paramount. The decisions rendered by these courts in various countries have established the legitimacy of majority rule, while concurrently providing a framework for the protection of minority rights and the balancing of interests between political parties in the decision-making process. This phenomenon plays a crucial role in maintaining stability within advanced democratic societies. For instance, the MKRI plays a pivotal role in the design of simultaneous national elections. The threshold for nominating the president and vice president serves as a safeguard for ensuring the efficacy of democratic arrangements and safeguarding the interests of the populace.
4.	Abstract Judicial Review, Concrete Judicial Review, and Constitutional Complaint. Judicial reviews are initiated through a variety of mechanisms, including abstract judicial review, concrete/specific judicial review,²² constitutional question, and constitutional complaint.²³ The MKRI's conceptual framework draws inspiration from the constitutional court model pioneered by Hans Kelsen, also known as the Kelsenian Court model.²⁴ Nevertheless, the 1945 Constitution endows the MKRI with only limited authority, specifically abstract judicial review, devoid of concrete judicial review and constitutional complaint powers.²⁵ a. Abstract review is a process by which a court assesses the text of a law or its potential future implications in the absence of the concrete case. It is a significant power exercised by the courts within the political system, closely related to the legislative drafting process. An abstract review influences the formation and change of law. From a political perspective, abstract review empowers unelected bodies such as the Courts to determine the

²² Vito Devanta Anjas Krisdhanar, "Menggagas Constitutional Complaint Dalam Memproteksi Hak Konstitusional Masyarakat Mengenai Kehidupan dan Kebebasan Beragama di Indonesia", *Jurnal Konstitusi* Vol.7 (3):185-208. <https://doi.org/10.31078/jk737>.

²³ Gautama Budi Arundhati, "Kemungkinan Penerapan Preliminary Ruling Procedure Sebagai Media Constitutional Complaint di Mahkamah Konstitusi", *Jurnal Konstitusi* Vol.14 (4):820-37. <https://doi.org/10.31078/jk1446>.

²⁴ Andy Omara, *Protecting Economic and Social Rights in a Constitutionally Strong Form of Judicial Review: The Case of Constitutional Review by the Indonesian Constitutional Court* (United States, Dissertation University of Washington: 2017), p.96

²⁵ Josua Satria Collins and Pan Mohamad Faiz, "Penambahan Kewenangan Constitutional Question di Mahkamah Konstitusi Sebagai Upaya Untuk Melindungi Hak-Hak Konstitusional Warga Negara", *Jurnal Konstitusi* Vol.15 (4):688-709. <https://doi.org/10.31078/jk1541>.

constitutionality of laws enacted by elected political bodies, thereby ensuring the safeguarding of fundamental rights.²⁶

Abstract review focuses on a court deciding on the articles of a law, its possible effects in the future, or deciding on the constitutionality of law without a concrete case.²⁷ The abstract judicial review offers several advantages; firstly, it enables the Court to examine laws even in cases where there is no controversy in the community, thus broadening the scope of judicial intervention relevant to constitutional debates in parliament. Secondly, this review can increase court decision independence and impartiality, as justices can decide cases independently and without intervention from any external party when formulating a decision. The abstract nature of such reviews distances the Justices from the direct interests of the applicants, as the reviews are not linked to the case of a particular person or legal entity.

- b. Concrete Judicial Review:²⁸ The concrete review is requested by ordinary court judges when they have doubts concerning the constitutionality of a law to be applied in a particular case. It is also termed "the constitutionality of law upon the request of the court". The request for a concrete review from the general court judges to the Constitutional Courts generally also uses the terminology of submitting a judicial referral of referral cases. Kommer stated that judges of ordinary courts are not empowered to deem laws unconstitutional; if they deem a law to be "unconstitutional insofar as its validity is relevant to the decision", they are obliged to refer the matter to the constitutional courts.²⁹ The judgment above indeed found that the rule violated the Constitution.³⁰
- c. Constitutional Complaint.³¹ According to I Dewa Gede Palguna, constitutional complaints are part of constitutional review, while constitutional review is part of

²⁶ Septi Nur Wijayanti, Lita Tyesta ALW, Tanto Lailam, Kelik Iswandi., "Progressive Legal Approaches of the Constitutional Justice Reasoning on Judicial Review Cases: Challenges or Opportunities?", *Law Reform*, vol. 21, no. 2, pp. 219-240, Jun. 2025. <https://doi.org/10.14710/lr.v21i2.66334>

²⁷ Nicola Christine Corkin, *Developments in Abstract Judicial Review in Austria, Italy and Germany*, (United Kingdom, The University of Birmingham: Ph.D Thesis Department of Political Science, 2010), pp.5-6

²⁸ Tanto Lailam & M. Lutfi Chakim, "A Proposal to Adopt Concrete Judicial Review in Indonesian Constitutional Court: A Study on the German Federal Constitutional Court Experiences, *Padjajaran Jurnal Ilmu Hukum* Vol.10 Number 2 (2023), <https://doi.org/10.22304/pjih.v10n2.a1>

²⁹ Donald P. Kommers, "German Constitutionalism: A Prolegomenon", *German Law Journal* 20 (2019), pp. 536. <https://doi.org/10.1017/glj.2019.46>

³⁰ Conrado Hübner Mendes, *Constitutional Courts and Deliberative Democracy*, (United Kingdom, Oxford University Press, 2013), p.104.

³¹ Tanto Lailam & Nita Andrianti, "Legal Policy of Constitutional Complaints in Judicial Review: A Comparison of Germany, Austria, Hungary, and Indonesia", *Bestuur* Vol.11, No.1 (2023). <https://doi.org/10.20961/bestuur.v11i1.7005>

	constitutionalism. ³² This mechanism is the authority of Justices to oversee or assess legislation, and is the most important factor in any legislative change. ³³ Whether the legal product is based on a legal framework or exceeds the authority granted by law or violates the constitution, including the Justices assessment of the division of powers between state and federal governments. ³⁴
5.	Constitutional conflict theory ³⁵ . The theory of constitutional conflict is one of the theories that aims to analyze conflicts between legal values, legal principles, and legal norms in the judicial review process. This analysis also elucidates several instances of constitutional conflicts in the MKRI decisions.
6.	Judicial reasoning is defined as an analytical approach employed by justices in the construction of legal arguments during decision-making processes. The term "constitutional reasoning" is understood to signify both the justification of legal argumentation and the interpretation of constitutional norms. ³⁶ The most common types of judicial reasoning encompass constitutional interpretation, proportionality analysis, references to international human rights law, and comparative law analysis. Furthermore, an array of techniques is employed, encompassing legal and extra-legal reasoning, dissenting and concurring opinions, judicial candor and rhetoric, analogies, precedents, and other methodologies. ³⁷
7.	Constitutional Interpretation. Constitutional interpretation is the process of ascertaining and examining the intended meaning of constitutional documents due to the ambiguity, vagueness, and multiplicity of interpretations of the document's or text's meaning. The interpretation of a document or text employs a variety of approaches, including the use of constitutional history and comparative constitutional analysis. The fundamental problem of interpretation, which is

³² I Dewa Gede Palguna, *Pengaduan Konstitusional (Constitutional Complaint): Upaya Hukum terhadap Pelanggaran Hak-hak Konstitusional Warga Negara*, (Jakarta, Sinar Grafika, 2013), hlm.643.

³³ Fajar Laksono, Sudarsono, Arief Hidayat, and Muchammad Ali Safaat, "Relation between the Constitutional Court of the Republic of Indonesia and the Legislators according to the 1945 Constitution of the Republic of Indonesia", *Constitutional Review*, Volume 3, Number 2, (December 2017), p.142. <https://doi.org/10.31078/consrev321>

³⁴ Muchamad Ali Safa'at and Aan Eko Widiarto, "Conditional Decisions as Instrument Guarding the Supremacy of the Constitution (Analysis of Conditional Decisions of Indonesian Constitutional Court in 2003 – 2017)", *Brawijaya Law Journal* Vol.8 No.1 (2021), p.95. <https://doi.org/10.21776/ub.blj.2021.008.01.06>

³⁵ Tanto Lailam, *Pertentangan Norma Hukum dalam Praktek Judicial Review di Indonesia*, (Yogyakarta, UMY Press, 2015), pp.107-115

³⁶ András Jakab, "Judicial Reasoning in Constitutional Courts: A European Perspective," *German Law Journal* (2013), pp. 1215. <https://doi.org/10.1017/S207183220000225X>

³⁷ Michaela Hailbronner and Stefan Martini, "The German Federal Constitutional Court", in András Jakab, Arthur Dyevre, and Giulio Itzcovich (ed), *Comparative Constitutional Reasoning*, (United Kingdom, Cambridge University Press, 2017) p.367

	characteristic of any legal text's interpretation theory, concerns the appropriate relationship between the text and its environment, the text and its context, as well as between "form" and "substance." ³⁸ The method of legal interpretation is one of the most widely used methods by MKRI Justices. These methods include original intents, non-original intents, and others. The written constitution is inherently incapable of actualization; it requires interpretation and adaptation to changing circumstances to remain viable over time. ³⁹
8.	Proportionality analysis approach ⁴⁰ . This is an original model used in the German Federal Constitutional Court. It is the "ultimate rule of law," a fundamental benchmark in judicial review cases, and has become a global constitutionalism recognised and applied internationally. ⁴¹ Its application is structured and systematic with four test stages: (1) Legitimate aims. An assessment of whether the government policy of limiting constitutional rights is under legitimate aims. (2) Suitability. The assessment focuses on whether the policy of limiting constitutional rights follows the objectives for forming the law. (3) Necessity. It focuses on whether the protection of constitutional rights is more detrimental than the policy of limiting such rights. The restriction of rights is intended to minimise the legal impact of the law. (4) Balancing. It focuses on analysing the balance of values and norms, including costs and benefits resulting from the law. ⁴²
9.	Cases of Judicial Review in MKRI and other constitutional courts. The following is a description of judicial review cases, including the climate change case that has had an impact on the legal system in Germany. These cases also discuss the decision model chosen by MKRI, such as the case of open legal policy, overruling, cancelled of heart article (<i>pasal jantung</i>) and others.
10.	Judicial Review Research. The main topic of discussion in this sub-chapter is the legal research approach in judicial review. This legal research process constitutes the preliminary step prior to conducting an analysis or formulating a scientific article on judicial review case. The legal research discussed pertains to normative and empirical legal approaches, including the analysis of laws and regulations, legal concepts, and comparative law.
11	Analysis of Judicial review cases. The assignment is to be completed in the form of practical application, namely the composition of the judicial review application (a group assignment) or the composition of a scientific article that focuses on the analysis of MKRI decisions. The practice commences with a search for materials on legal norms in various laws that will be the

³⁸ Aharon Barak, *Purposive Interpretation in Law*, (United States, Princeton University Press, 2005), p.89-27

³⁹ Jeffrey Goldsworth, *Interpreting Constitutions: A Comparative Study*, (United States, Oxford University Press, 2006), p.40

⁴⁰ Tanto Lailam & Putri Anggia, "The Indonesian Constitutional Court Approaches the Proportionality Principle to the Cases Involving Competing Rights", *Law Reform* Vol 19 No. 1 (20223), <https://doi.org/10.14710/lr.v19i1.54087>

⁴¹ Tanto Lailam, Putri Anggia, Nita Andrianti, "Proportionality Analysis In Competing Rights Cases: A Model From The German Federal Constitutional Court", *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* Volume 8, Number 2, (2023) <https://doi.org/10.22373/petita.v8i2.220>

⁴² Tanto Lailam, Putri Anggia, and M. Luthfi Chakim. "The Proportionality Test Models of Competing Rights Cases in the Civil and Common Law Systems: Lesson to Learn for Indonesia," *Hasanuddin Law Review* Vol. 10 No. 2 (2024): 206-225. <https://doi.org/10.20956/halrev.v10i2.484>

object of judicial review. These include the amendment to the Indonesian National Army Law and other relevant laws. Moreover, in the context of scientific article compilation, participants are permitted to conduct analyses and exercise discretion within the scope of their designated legal competencies.

The final stage of the process is the evaluation of activities, which is conducted through joint discussions between the service team, community partners, and activity participants. These discussions are predicated on the findings of pre-activity monitoring and activity implementation. This stage is carried out to measure the impact of activities on improving the theoretical and practical understanding of participants. During the course of the discussion, participants conveyed the impact of activities on their abilities in the category of legal culture. Moreover, the evaluation process is conducted by the researchers. In this process, the substantial outcomes of the participants are assessed. The assessment is recorded in the form of scientific articles. These articles are intended to be published in the *International Journal of Judicial Review*.

Consequently, following a period of four months spent attending Sekolah Judicial Review, engaging in discussions, analyses, and mentorship activities, and conducting an academic review of the article journals submitted by participants, a set of criteria has been developed to assess the legal culture of participants. The following criteria have been identified:

1. Level 1: Legal knowledge of judicial review. Only people who have strong understanding of judicial review materials can take part. This only impacts the participants' knowledge and understanding.
2. Level 2: Legal awareness of judicial review. Legal awareness is at the second level. After participants understand the main materials of judicial review, the next level is to understand the importance of the judicial review mechanism for the legal system in Indonesia. This awareness is shown by the strong commitment of participants to share information about judicial review with the public. Judicial review is the legal protection mechanism that protects the constitutional rights of citizens, the rights of community organizations, and other public interests.
3. Level 3: Compliance/obedience to the law. The application of legal knowledge and understanding in real-life situations, especially in following the law and obeying its rules. The rules for following and

encouraging judicial review decisions are called "legal compliance." This makes sure that the decisions are put into action. Organizations partners understand that these institutions are non-state actors that can oversee the process, enforcement, and implementation of judicial review decisions. In this case, compliance can also be in the form of a critical attitude towards state institutions, public figures, and the wider community who do not comply with the decisions of the MKRI.

4. Level 4: Legal responsibility. Legal responsibility is the highest commitment in the degree of the legal culture of society. It is a real commitment from CSO members to participate in being responsible for the legal system. National commitment and responsibility are shown when people can think critically about decisions and supervise how those decisions are carried out.

Non-State actors have important roles in global governance institutions. They act as advocates, experts, representatives, regulators, monitors, and agents who carry out the organization's work.⁴³ It plays an important role in helping people, like promoting democracy and getting more people involved in their communities. In Indonesia, religious organizations are trying to use different strategies to achieve their political goals. These strategies include lobbying, political pressure, and shaping public opinion. They are doing this as part of the judicial review of the Anti-Blasphemy Law.⁴⁴

The results of Dominic J. Nardi's research on "Strengthening the Role of Non-State Actors in Building the Legal Culture of Judicial Review". The author posits that the "embedded autonomy" theory elucidates the impact of non-state actors on judicial conduct. In the majority of constitutional systems, non-state actors possess the capacity to instigate judicial review

⁴³ Atthias Ecker-Ehrhardt, Soetkin Verhaegen, Sigrid Quack, "Nonstate Actor Inclusion and the Social Legitimacy of Global Governance Institutions", *International Studies Quarterly*, Vol.69, Issue 2, (June 2025), <https://doi.org/10.1093/isq/sqaf040>

⁴⁴ Cekli Setya Pratiwi, "Threat to Indonesia's Constitutional Court Independence Posed by Religious Populist Movements and its Implication Towards Human Rights", *Constitutional Review*, Volume 10, Number 2, (December 2024), pp. 307-339. <https://doi.org/10.31078/consrev1022>

proceedings. In democratic countries, the judicial system is influenced by public opinion, with courts being incentivized to align their decisions with prevailing sentiments. Furthermore, non-state actors engaged in legal proceedings have the capacity to exert influence over the information and legal arguments presented to Justices. This influence is facilitated by the documentation and other evidence submitted in support of the case.⁴⁵ Non-state actors in Indonesia play an active role in the political landscape, especially in judicial review system.

According to the aforementioned analysis of the legal culture levels, the mean score of participants in the Sekolah Judicial Review program indicates that their legal culture is at level three. This conclusion is supported by the fulfillment of the following criteria: (a) having an in-depth knowledge of judicial review in theory and practice; (b) being aware of the legal system and understanding the importance of the judicial review mechanism, as well as being able to promote its importance to the public; and (c) taking responsibility for monitoring the judicial review process by creating quality scientific articles. The criteria for success in the Sekolah Judicial Review program are delineated by the level three criteria in the legal culture. The participants' aptitude for conducting analyses and authoring judicial review articles published in the International Journal of Judicial Review is indicative of their proficiency. This journal is an academic publication that constitutes an integral component of this legal empowerment.

Nonetheless, the Sekolah Judicial Review constitutes a foundational step in the advancement of the community's legal culture program, a program initiated by society. The development of a legal culture is an arduous and prolonged process that necessitates the unwavering dedication of all segments of society and the active involvement of the government and society in the implementation of a comprehensive and sustainable legal culture development program. This Sekolah Judicial Review operates as a pilot initiative for two CSOs, thereby serving as a test case for the

⁴⁵ Dominic J Nardi, *Embedded Judicial Autonomy: How NGOs and Public Opinion Influence Indonesia's Constitutional Court*, (United States, Dissertation The University of Michigan, 2018), pp.3-5

development of their roles and contributions to the advancement of a legal culture in Indonesia. In specifically, the *Sekolah Judicial Review* has implications for the strengthening of the role of civil society in building strong legal culture in Indonesia:

- a. The CSO balances the power of the state and the government to realize a democratic and rule of law order. The CSO plays the democratic role that can increase the legitimacy of the government and of global governance arrangements.⁴⁶ Additionally, CSO embody values such as openness, tolerance, supporting the public,⁴⁷ maintaining a positive public image, and fostering trust with the public and the mass media.
- b. The CSO fulfills an instrumental role in the monitoring and critical evaluation of the judicial review process, including its associated decisions and subsequent implementation. This function is executed through a variety of communication channels. The community has demonstrated strong propensity to engage as agents of change, striving towards the establishment of a more democratic and equitable legal system. The CSO has the capacity to compile scientific articles that concentrate on the analysis and criticism of the judicial review system in Indonesia. The highest level of legal responsibility is to apply for judicial review of the law by the MKRI, or judicial review of legislation under the law by the Indonesian Supreme Court, when one sees injustice in the law.
- c. The objective is to fortify the legal culture of the CSO by advocating for the realization of autonomous and impartial justice in judicial review cases. Furthermore, it is imperative to guarantee that courts and justice are not influenced by political or business powers. This enhancement in legal culture carries implications for civil society organizations, which function as a counterbalance to the other parties involved in the judicial

⁴⁶ Naghmeh Nasiritousi, Mattias Hjerpe, and Karin Bäckstrand, "Normative Arguments for Non-State Actor Participation in International Policymaking Processes: Functionalism, Neocorporatism or Democratic Pluralism?", *European Journal of International Relations* Volume 22, Issue 4. <https://doi.org/10.1177/1354066115608926>

⁴⁷ Paweł Mikołajczak, "Values Do Matter: Lessons for Non-Governmental Organisation During the Crises of Democracy in Central and Eastern Europe", *Democracy and Security* Vol.20, 2024, pp.25-45, <https://doi.org/10.1080/17419166.2023.2220124>

review system. These parties include the MKRI, the President, the House of Representatives, and applicants reviewing laws. Concurrently, the CSO fulfills strategic function by collaborating with and representing society to promote greater adherence to the principles of the rule of law based on the Pancasila.

- d. CSO has the potential to contribute to the strengthening of legal culture by offering criticism of the weak political culture, particularly in state institutions that deliberately fail to comply with judicial review decisions and engage in constitutional disobedience. Furthermore, it functions as a counterbalance to the political and business forces that endeavor to influence the integrity of the Justices' decision-making process.
- e. The CSO has the potential to contribute to the development of a society that engages critically with the dynamics and issues of judicial review that are of public concern. This objective can be accomplished by leveraging the community's proactive engagement within the judicial review system, encompassing initiatives across both online and mainstream media platforms.

The role and responsibility of the CSO is to serve as the guardian of citizens' rights and the interests of public organizations, ensuring the preservation of constitutional values within the context of societal development. Furthermore, it has the capacity to contribute to the establishment of the legal culture that fosters the development of modern and trustworthy justice. Furthermore, it is submitted that the optimal position for CSO would be to become the "Amicus Curiae (*Sahabat Peradilan*)". Amicus curiae is another party that submits a request to the court or is asked by the court to provide a statement/information because the person has strong interest in the subject matter. In a broader context, civil society organizations (CSOs) assume the role of *Amicus curiae* becoming involved in the judicial review process and the implementation of decisions by state institutions. In contrast, the notion of "friends of the court" underscores the significance of judicial autonomy and impartiality, thereby ensuring that political and business interests do not influence the judicial process.

Conclusion

The Sekolah Judicial Review has established an agenda for the enhancement of the legal culture of society, with the objective of making a substantive contribution to CSO and the public. The evaluation results indicate that the legal education medium is effective in increasing legal knowledge, awareness, obedience/compliance, and responsibility among CSOs within the judicial review system and the national legal system. The concept of national commitment and responsibility can be analyzed from multiple academic perspectives.: (1) the balance of political interest in relation to the governments and civil society organizations power in the realization of a democratic and rule-of-law order must be considered; (2) CSOs are responsible for the supervision and criticism of the process, decisions, and implementation of judicial review by state institutions. (1) the capacity of the CSO to encourage the realization of independent and impartial justice in deciding judicial review cases is evident. (4) The point to be considered is the ability to guarantee that the judicial system and its magistrates are not subject to the influence of political and business entities. (5) It has been asserted that the capacity of CSO to contribute to the strengthening of legal culture is evident in its criticism of the weak political culture, particularly in state institutions that deliberately disregard judicial review decisions and engage in constitutional disobedience.

The recommendation for the future is to continue the development of a more advanced judicial review school model, which would include a discussion of more specific constitutional rights issues. The scope of judicial review encompasses a range of issues, including those related to social and economic rights, judicial review in personal rights cases, data protection, and other pertinent matters. In addition, the prospective objective involves the proactive involvement of community partners in the protection of individuals' rights. This will be achieved by having community members submit judicial reviews to the MKRI.

References

- Aguiar-Aguilar, Azul A., "Understanding the Judiciary from the Inside. The Legal Culture of Judges in Mexico", *Justice System Journal*

Volume 43, 2022 - Issue 4.
<https://doi.org/10.1080/0098261X.2022.2123288>

Ali Safaat, Muchamad., Aan Eko Widiarto dan Fajar Laksono Suroso, “Pola Penafsiran Konstitusi dalam Putusan Mahkamah Konstitusi Periode 2003 - 2008 dan 2009 – 2013”, *Jurnal Konstitusi*, Volume 14, Nomor 2, Juni 2017, p.236. <https://doi.org/10.31078/jk1421>

Ali Safa’at, Muchamad., and Aan Eko Widiarto, Conditional Decisions as Instrument Guarding the Supremacy of the Constitution (Analysis of Conditional Decisions of Indonesian Constitutional Court in 2003 – 2017), *Brawijaya Law Journal* Vol.8 No.1 (2021), p.95. <https://doi.org/10.21776/ub.blj.2021.008.01.06>

Ali Safa’at, Muchamad., “The Roles of the Indonesian Constitutional Court in Determining State-Religion Relations”, *Constitutional Review*, Volume 8, Number 1, May 2022, p.113. <https://doi.org/10.31078/consrev815>

Arundhati, Gautama Budi., “Kemungkinan Penerapan Preliminary Ruling Procedure Sebagai Media Constitutional Complaint di Mahkamah Konstitusi”, *Jurnal Konstitusi* Vol.14 (4):820-37. <https://doi.org/10.31078/jk1446>.

Barak, Aharon., *Purposive Interpretation in Law*, (United States, Princeton University Press, 2005)

Collins, Josua Satria., and Pan Mohamad Faiz, “Penambahan Kewenangan Constitutional Question Di Mahkamah Konstitusi Sebagai Upaya Untuk Melindungi Hak-Hak Konstitusional Warga Negara”, *Jurnal Konstitusi* Vol.15 (4):688-709. <https://doi.org/10.31078/jk1541>.

Corkin, Nicola Christine., “Developments in Abstract Judicial Review in Austria, Italy and Germany”, (United Kingdom, The University of Birmingham: Ph.D Thesis Department of Political Science, 2010)

Crouch, Melissa., “The Challenges for Court Reform after Authoritarian Rule: The Role of Specialized Courts in Indonesia” *Constitutional Review*, Volume 7, Number 1, May 2021, pp.2-5. <https://doi.org/10.31078/consrev711>

Crouch, Melissa., “The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S. Lev, in *M Crouch*

- (ed) *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*. (United Kingdom, Cambridge University Press, 2022)
- Duve, Thomas., "Legal traditions: A Dialogue Between Comparative Law and Comparative Legal History", *Comparative Legal History* Vol.6 No.1 (2018), pp. 15–33.
<https://doi.org/10.1080/2049677X.2018.1469271>
- Ecker-Ehrhardt, Atthias., Soetkin Verhaegen, Sigrid Quack, "Nonstate Actor Inclusion and the Social Legitimacy of Global Governance Institutions", *International Studies Quarterly*, Vol.69, Issue 2, (June 2025), <https://doi.org/10.1093/isq/sqaf040>
- Friedman, Lawrence M., "Coming of Age: Law and Society Enters an Exclusive Club", *Annual Review of Law and Social Science*, 1.1 (2005), pp. 1–16
<https://doi.org/10.1146/annurev.lawsocsci.1.041604.115951>
- Faiz, Pan Mohamad., "A Prospect and Challenges for Adopting Constitutional Complaint and Constitutional Question in the Indonesian Constitutional Court," *Constitutional Review* 2, No. 1 (2016), p.103. <https://doi.org/10.31078/consrev215>
- Hailbronner, Michaela., and Stefan Martini, "The German Federal Constitutional Court", in Andr as Jakab, Arthur Dyevre, and Giulio Itzcovich (ed), *Comparative Constitutional Reasoning*, (United Kingdom, Cambridge University Press, 2017)
- Goldsworth, Jeffrey., *Interpreting Constitutions: A Comparative Study*, (United States, Oxford University Press, 2006).
- I Dewa Gede Palguna, *Pengaduan Konstitusional (Constitutional Complaint): Upaya Hukum terhadap Pelanggaran Hak-hak Konstitusional Warga Negara*, (Jakarta, Sinar Grafika, 2013)
- Kommers, Donald P., *German Constitutionalism: A Prolegomenon*, *German Law Journal* 20 (2019), pp. 536.
<https://doi.org/10.1017/glj.2019.46>
- Krisdinar, Vino Devanta Anjas., "Menggagas Constitutional Complaint Dalam Memproteksi Hak Konstitusional Masyarakat Mengenai Kehidupan dan Kebebasan Beragama di Indonesia", *Jurnal Konstitusi* Vol.7 (3):185-208. <https://doi.org/10.31078/jk737>.

- Jakab, András., “Judicial Reasoning in Constitutional Courts: A European Perspective,” *German Law Journal* (2013), pp. 1215.
<https://doi.org/10.1017/S207183220000225X>
- Lailam, Tanto., *Pertentangan Norma Hukum dalam Praktek Judicial Review di Indonesia*, (Yogyakarta, UMY Press, 2015).
- Lailam, Tanto., “The Collapse of Constitutional Court: An Analysis of Ethical Violations by the Constitutional Justices in Indonesia”, Universitas Muhammadiyah Yogyakarta Research (2024)
- Lailam, Tanto., & M. Lutfi Chakim, “A Proposal to Adopt Concrete Judicial Review in Indonesian Constitutional Court: A Study on the German Federal Constitutional Court Experiences, *Padjajaran Jurnal Ilmu Hukum* Vol.10 Number 2 (2023),
<https://doi.org/10.22304/pjih.v10n2.a1>
- Lailam, Tanto., & Putri Anggia, “The Indonesian Constitutional Court Approaches the Proportionality Principle to the Cases Involving Competing Rights”, *Law Reform* Vol 19 No. 1 (20223),
<https://doi.org/10.14710/lr.v19i1.54087>
- Lailam, Tanto., Putri Anggia, Nita Andrianti, “Proportionality Analysis In Competing Rights Cases: A Model From The German Federal Constitutional Court“, *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* Volume 8, Number 2, (2023)
<https://doi.org/10.22373/petita.v8i2.220>
- Lailam, Tanto., Putri Anggia, and M. Luthfi Chakim., “The Proportionality Test Models of Competing Rights Cases in the Civil and Common Law Systems: Lesson to Learn for Indonesia,” *Hasanuddin Law Review* Vol. 10 No. 2 (2024): 206-225.
<https://doi.org/10.20956/halrev.v10i2.484>
- Lailam, Tanto., & Nita Andrianti, “Legal Policy of Constitutional Complaints in Judicial Review: A Comparison of Germany, Austria, Hungary, and Indonesia”, *Bestuur* Vol.11, No.1 (2023).
<https://doi.org/10.20961/bestuur.v11i1.7005>
- Lindsey, Tim., and Simon Butt, *Indonesian Law* (United Kingdom, Oxford University Press, 2018)
- Laksono, Fajar., Sudarsono, Arief Hidayat, and Muchammad Ali Safaat, “Relation between the Constitutional Court of the Republic of

- Indonesia and the Legislators according to the 1945 Constitution of the Republic of Indonesia”, *Constitutional Review*, December 2017, Volume 3, Number 2, p.142. <https://doi.org/10.31078/consrev321>
- Mahfud MD, Moh., “Situasi Politik dan Penegakan Hukum Sekarang Makin Buruk”, Klik untuk baca: <https://nasional.kompas.com/read/2024/07/12/12590051/mahfud-md-situasi-politik-dan-penegakan-hukum-sekarang-makin-buruk>, diakses pada tanggal 23 Oktober 2024
- Mak, Elaine., “Researching Judicial Ethical Codes, Or: How To Eat A Mille-Feuille?”, *International Journal for Court Administration*, Volume: 9 Issue: 3 (2018), pp.55-65. <https://doi.org/10.18352/ijca.277>
- Maskur, Muhammad Azil, and Wildan Azkal Fikri, Dede Indraswara. "Realizing Political Leadership with Integrity Through Political Education: A Study of KOMPAK-API", *Jurnal Pengabdian Hukum Indonesia* 7, no. 2 (2024): 241- 266. <https://doi.org/10.15294/jphi.v7i2.14365>
- Mendes, Conrado Hübner., *Constitutional Courts and Deliberative Democracy*, (United Kingdom, Oxford University Press, 2013)
- Mikołajczak, Paweł., “Values Do Matter: Lessons for Non-Governmental Organisation During the Crises of Democracy in Central and Eastern Europe”, *Democracy and Security* Vol.20, 2024, pp.25-45, <https://doi.org/10.1080/17419166.2023.2220124>
- Mukhtar & Tanto Lailam, “Workshop Advokasi Hukum dan Kebijakan Publik bagi Pimpinan Cabang Ikatan Mahasiswa Muhammadiyah Bantul”, *PengabdianMu: Jurnal Ilmiah Pengabdian Kepada Masyarakat*, 7 (Special-1), 193–200. <https://doi.org/10.33084/pengabdianmu.v7ispecial-1.2452>
- Nur Wijayanti, Septi., Lita Tyesta ALW, Tanto Lailam, Kelik Iswandi., “Progressive Legal Approaches of the Constitutional Justice Reasoning on Judicial Review Cases: Challenges or Opportunities?”, *Law Reform*, vol. 21, no. 2, pp. 219-240, Jun. 2025. <https://doi.org/10.14710/lr.v21i2.66334>

- Nardi, Dominic J., *Embedded Judicial Autonomy: How NGOs and Public Opinion Influence Indonesia's Constitutional Court*, (United States, Dissertation The University of Michigan, 2018)
- Nasiritousi, Naghmeh., Mattias Hjerpe, and Karin Bäckstrand, "Normative Arguments for Non-State Actor Participation in International Policymaking Processes: Functionalism, Neocorporatism or Democratic Pluralism?", *European Journal of International Relations* Volume 22, Issue 4. <https://doi.org/10.1177/1354066115608926>
- Omara, Andy., *Protecting Economic and Social Rights in a Constitutionally Strong Form of Judicial Review: The Case of Constitutional Review by the Indonesian Constitutional Court* (United States, Dissertation University of Washington: 2017)
- Pratiwi, Cekli Setya., "Threat to Indonesia's Constitutional Court Independence Posed by Religious Populist Movements and its Implication Towards Human Rights", *Constitutional Review*, Volume 10, Number 2, (December 2024), pp. 307-339. <https://doi.org/10.31078/consrev1022>
- Rahayu, Derita Prapti., Faisal, Rafiqah Sari, Ndaru Satrio., "Law Enforcement in the Context of Legal Culture in Society", *Law Reform* Vol. 16, no. 2, pp. 276-289, Sep. 2020. <https://doi.org/10.14710/lr.v16i2.33780>
- Riwanto, Agus., "Construction of Legal Culture Model For Corruption Prevention Through Social Media in Indonesia", *Jurnal Hukum dan Peradilan* Vol. 11, no. 3 (2022), pp. 385-404. <https://doi.org/10.25216/jhp.11.3.2022.385-404>
- Rugeiyamu, Rogers., & Ajali Mustafa Nguyahambi, "Civic Space for Advocacy Non-governmental Organizations in Developing Countries: An Illusion Project?., *Innovation in the Social Sciences 3* (2025), pp.66–97. https://brill.com/view/journals/iss/3/1/article-p66_4.xml
- Satria Buana, Mirza., "Weak-Form Review and Judicial Independence: A Comparative Perspective", *Constitutional Review*, Volume 10, Number 2, (December 2024), pp.340-366. <https://doi.org/10.31078/consrev1023>

- Satriawan, Iwan., Seokmin Lee, Septi Nur Wijayanti, Beni Hidayat., “An Evaluation of the Selection Mechanism of Constitutional Judges in Indonesia and South Korea”, " Padjadjaran Jurnal Ilmu Hukum (Journal of Law): Vol. 10: No. 1, Article 1.. <https://doi.org/10.22304/pjih.v10n1.a7>
- Simon Butt, “The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?,” *Asian Journal of Comparative Law* 14, No. 1 (2019), pp.147–174. <https://doi.org/10.1017/asjcl.2018.19>
- van der Schyff, Gerhard., “The Urgenda Case in the Netherlands on Climate Change and the Problems of Multilevel Constitutionalism”, *Constitutional Review*, Vol.6, No.2, (December 2020), p.210. <https://doi.org/10.31078/consrev622>

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Generative AI Statement

None.