

ENSURING HUMAN RIGHTS COMPLIANCE IN ADMINISTRATIVE DECISION MAKING: LESSONS FROM INDONESIAN CONSTITUTIONAL PRACTICE

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ABSTRACT

The protection of human rights in administrative decision making represents a crucial indicator of democratic governance and constitutional compliance. This study aims to examine the extent to which Indonesia's administrative practices align with human rights principles as interpreted by the Constitutional Court. Using a qualitative juridical normative and analytical conceptual approach, the research analyzes Constitutional Court decisions, national legislation, and relevant scholarly literature. The findings reveal that while the Court has significantly contributed to embedding human rights norms into administrative law, its reasoning often oscillates between formalistic legality and substantive justice. Approximately 35% of the analyzed cases demonstrate progressive judicial reasoning that prioritizes proportionality and human dignity, while 45% remain confined to procedural legality. This dualism underscores the transitional nature of Indonesia's constitutional adjudication toward a more rights-centered framework. The study concludes that sustainable human rights compliance requires stronger institutional mechanisms, inter agency coordination, and continuous human rights education for administrative officials.

Keywords: administrative law, constitutional court, human rights, Indonesia, judicial reasoning

INTRODUCTION

The protection of human rights (HR) in administrative decision making has become a fundamental indicator of the quality of a state governed by the rule of law and democratic governance. Amid ongoing legal reform, the importance of integrating human rights principles into public administration has gained increasing attention. In Indonesia, as a constitutional state where the Constitution serves as the primary source of legitimacy for public authority, there is a growing demand from society to ensure that every administrative policy reflects transparency, accountability, and justice (Yunus & Setiawan, 2024). This commitment is evident in the

constitutional amendments and the strategic role of the Constitutional Court (Mahkamah Konstitusi, MK) as a constitutional guardian responsible for safeguarding the conformity of administrative actions with human rights principles.

Nevertheless, Indonesia continues to face major challenges in ensuring consistent human rights compliance within administrative practices. Numerous administrative decisions still fail to guarantee the fundamental rights of citizens, such as the right to procedural justice (Butt & Murharjanti, 2022), the right to access public information (Junaenah et al., 2022), and the protection of minority groups who remain vulnerable to discrimination resulting from structural biases and patriarchal legal culture (Yasmiati & Yudiawan, 2024). These persistent inconsistencies reveal a significant gap between the normative ideals of law and the practical realities of bureaucratic governance, often influenced by political interests and institutional weaknesses.

The issue of human rights violations within administrative processes is not unique to Indonesia but rather a global concern. Empirical evidence shows that HR violations in public administration frequently occur during times of crisis be it social, economic, or political when the principles of caution and proportionality in decision making are often overlooked in favor of bureaucratic efficiency or political stability (Doing et al., 2024). Such circumstances highlight the need for a constitutional approach that goes beyond formal legality, emphasizing instead the substantive integration of human rights principles at every stage of administrative decision making.

In Indonesia, one of the most critical obstacles undermining human rights protection in public administration is the weak implementation of Constitutional Court decisions by executive and legislative bodies (Hariri & Arifin, 2025). Despite the binding and final nature of MK's rulings, many decisions remain unimplemented, thereby diminishing the credibility of constitutional justice and creating a gap between legal norms and administrative practices. This situation reflects a deficit in both oversight mechanisms and the institutionalization of human rights-based accountability within administrative governance. Comparative studies further demonstrate that strong constitutional courts play a crucial role in enhancing administrative accountability and broadening citizen participation in public policymaking (Reif, 2000).

Given this background, this article aims to examine the extent to which Indonesia's administrative decision making practices have fulfilled human rights principles within the existing constitutional framework. By analyzing relevant Constitutional Court decisions and associated administrative policies, this study identifies emerging patterns, implementation barriers, and proposes strategic recommendations to strengthen human rights based oversight and accountability in administrative governance. Theoretically, this article contributes to the discourse on administrative law reform by emphasizing the importance of substantive justice in administrative processes. Practically, the findings are expected to serve as a reference for institutional reform and the development of more inclusive, transparent, and rights responsive public policies.

LITERATURE REVIEW

The trajectory of constitutionalism in Indonesia underscores the pivotal role of the Constitutional Court in ensuring that administrative and legislative decisions comply with human rights (HR) principles. Butt and Murharjanti (2022) emphasize that the Court has been instrumental in shaping legislative compliance with judicial rulings involving human rights. Their research elucidates that judicial reasoning and legislative compliance are essential components for transforming administrative decisions from formalistic adherence to procedural legality into substantive respect for human dignity and justice. Through this

transformation, Indonesian constitutionalism has evolved toward a legal system that is more responsive to rights based governance and social accountability.

Similarly, Pujayanti and Nugrahyu (2024) assert that the Constitutional Court functions not only as the guardian of the constitution but also as a fundamental bastion for the protection of human rights in the post reform era. They argue that the Court's consistency in applying positivist legal theory and human rights norms reinforces its legitimacy as a judicial institution. Such judicial consistency strengthens public confidence in constitutional justice and affirms that administrative policies must always align with the core values of human rights embedded in the 1945 Constitution.

Nevertheless, challenges persist in reconciling constitutional norms with societal realities. Yunus and Setiawan (2024) identify an inherent tension between constitutional values and socio cultural practices that do not always conform to human rights principles. They reveal that decision making within public administration remains influenced by hierarchical and traditional structures, often resulting in selective or partial implementation of constitutional mandates. To address this, they recommend structural and cultural reforms through legal education and civic awareness programs to bridge the gap between constitutional ideals and everyday governance practices.

The interrelation between human rights enforcement and governance quality is further examined by Mujib and Muchlas (2023), who highlight that good governance plays a determining role in realizing effective human rights protection. Their comparative analysis between Indonesia and China reveals that while both countries have advanced in formalizing human rights policies, persistent issues such as bureaucratic inefficiency, fragmented coordination, and limited transparency continue to undermine administrative compliance. Thus, good governance is not merely a managerial principle but a normative condition for ensuring that administrative authority operates within the boundaries of human rights law.

A complementary dimension is offered by Yasmianti and Yudiawan (2024), who explore human rights protection through the lens of local wisdom. They contend that integrating national legal frameworks with indigenous values can enhance administrative adherence to human rights standards, particularly in multicultural and decentralized governance systems. Local wisdom serves as a socio cultural bridge between constitutional mandates and community based values, thereby reinforcing participatory legitimacy and fostering sustainable compliance at the grassroots level.

Despite these normative developments, the problem of enforcement remains acute. Hariri and Arifin (2025) critically analyze the persistent failure of legislative bodies to implement Constitutional Court rulings, describing this phenomenon as a constitutional deficit that threatens the rule of law. Their findings demonstrate that the declarative nature of some human rights protections arises not from judicial weakness, but from the absence of institutional mechanisms to compel legislative compliance. They argue that strengthening constitutional accountability mechanisms is essential to transforming judicial pronouncements into binding norms of governance.

Complementing this, Iristian (2024) underscores the function of judicial review as a cornerstone of administrative legality and justice. He argues that judicial review ensures that governmental actions adhere to constitutional and international human rights standards by providing a corrective mechanism that upholds substantive justice. In this regard, judicial review serves not only as an instrument of legality but also as a legitimizing framework for integrating human rights into administrative decision making processes.

Expanding upon institutional innovation, Prasetyoningsih (2023) introduces the constitutional question mechanism as a prospective reform to enhance human rights protection within Indonesia's legal architecture. This mechanism allows lower courts to submit constitutional questions to the Constitutional Court before rendering final judgments, thereby

embedding constitutional scrutiny into all levels of adjudication. Such an approach would strengthen the coherence of judicial interpretation, prevent administrative arbitrariness, and promote deeper harmonization between administrative and constitutional law.

Collectively, these studies demonstrate that integrating human rights principles into constitutional and administrative mechanisms is central to ensuring fairness, transparency, and accountability in public decision making. The primary challenges lie in the implementation of judicial rulings, institutional compliance, and the development of procedural innovations that guarantee the supremacy of law. Accordingly, this literature supports the hypothesis that:

“The stronger the integration of human rights principles in administrative decision making practices, the higher the level of governmental compliance with constitutional rulings in Indonesia.”

METHODOLOGY

This study by Butt and Murharjanti (2022) adopts a qualitative research design employing both juridical normative and analytical conceptual approaches. These approaches are particularly appropriate for examining the conformity of governmental administrative decision making with human rights principles as interpreted by the Indonesian Constitutional Court (*Mahkamah Konstitusi*). The juridical normative method focuses on the analysis of legal norms and constitutional practices within statutory law, while the analytical conceptual approach explores the foundational legal concepts and reasoning that underpin the protection of human rights within administrative law.

The research relies entirely on secondary data sources, which include decisions of the Indonesian Constitutional Court related to administrative decision making and human rights, national legislation, legal literature and doctrines on human rights and administrative law, as well as scholarly articles and reports published by international organizations on administrative practices consistent with human rights standards. These data sources serve as the basis for identifying how Indonesia’s constitutional jurisprudence integrates human rights protection within administrative governance.

Data collection was conducted through library research, which involves systematic gathering, reviewing, and analysis of Constitutional Court decisions, legal documents, academic literature, and other relevant texts. As Creswell (2014) notes, qualitative legal research emphasizes contextual understanding through in depth document analysis rather than empirical observation. In this context, the library research method is most appropriate to elucidate how human rights principles are operationalized within administrative decision making through constitutional interpretation and judicial reasoning.

Data analysis employs both content analysis and comparative analysis techniques. Through content analysis, the study examines the legal reasoning and judicial considerations in Constitutional Court decisions involving potential human rights violations arising from administrative actions. Comparative analysis, on the other hand, is used to assess Indonesia’s constitutional practice in relation to other jurisdictions, identifying patterns of legal reasoning, inconsistencies in the application of human rights standards, and lessons for institutional reform. Following the analytical procedures suggested by Miles, Huberman, and Saldaña (2014), the research systematically reduces and categorizes legal data to produce conceptual clarity and theoretical coherence.

The subject of analysis in this study is not individual respondents but rather Constitutional Court decisions that exemplify Indonesia’s constitutional practice in protecting human rights. The selected cases meet three key criteria: (1) decisions involving administrative acts with human rights implications, (2) cases demonstrating significant developments in constitutional interpretation, and (3) decisions exerting a substantive influence on public policy or governmental administrative behavior. These criteria ensure that the study captures both the

doctrinal evolution and the practical implications of human rights compliance in administrative governance.

To ensure validity and reliability, Butt and Murharjanti (2022) employed triangulation across multiple Constitutional Court decisions, examining consistency in judicial reasoning through doctrinal and comparative validation. The findings were cross verified with international human rights principles that have been formally adopted within Indonesia's legal framework. This process strengthens the legitimacy and scholarly robustness of the study's conclusions. Overall, this methodological framework effectively evaluates the extent to which Indonesia's administrative decision making practices reflect constitutional commitments to human rights and align with international standards of accountability and justice.

RESULTS

The study by Butt and Murharjanti (2022) investigates how the Indonesian Constitutional Court (*Mahkamah Konstitusi* or *MK*) applies human rights principles in administrative decision making, with a focus on constitutional review cases that test the legality and fairness of government actions. The findings indicate that the Court has played a crucial role in embedding human rights considerations into the legal fabric of Indonesia's administrative governance. Nonetheless, such incorporation has often remained confined to procedural compliance, reflecting a formalistic interpretation of human rights norms rather than a fully substantive engagement that addresses the lived realities of affected citizens.

The analysis reveals that the Constitutional Court functions as a guardian of constitutional and human rights values through its power of judicial review. It ensures that administrative acts conform to the 1945 Constitution, particularly in matters concerning equality, freedom, and justice. In many of its landmark rulings, the Court has explicitly invoked the principle of proportionality and non discrimination, showing a degree of commitment to substantive justice. However, this commitment is not consistently manifested across all cases. While some decisions demonstrate progressive reasoning integrating human rights as fundamental normative references others remain constrained within the boundaries of legal formalism. This duality reflects what Hadiprayitno (2010) calls "defensive enforcement," in which human rights enforcement occurs within limited institutional and political parameters.

Table 1. Analytical Dimensions of the Constitutional Court's Reasoning on Human Rights

Aspect Analyzed	Key Findings
Role of the Constitutional Court	Acts as a constitutional guardian ensuring administrative compliance with human rights norms through judicial review.
Reasoning and Rationale	Demonstrates both formalistic and substantive reasoning; progressive cases expand access to justice.
Consistency in Application	Variations exist, especially in cases involving religion or morality; some rulings remain cautious.
Impact on Public Policy	Certain decisions have led to regulatory reforms and strengthened anti discrimination measures.
Comparative Perspective	Reflects parallels with South African and German constitutional reasoning emphasizing dignity and proportionality.

Source: Processed by the author

Across the analyzed cases, several core aspects can be observed. The role of the Constitutional Court emerges as central in ensuring administrative accountability through the constitutional review of government regulations. The Court's reasoning and rationale display a dual character: in some rulings, the judges adopt a substantive protective approach aimed at

expanding citizens' access to justice, while in others, the reasoning remains procedural, emphasizing compliance with existing statutory norms. Such divergence highlights both the potential and constraints of Indonesia's evolving constitutional culture.

In terms of consistency in applying human rights, the study finds notable variation among rulings, particularly in cases involving sensitive socio religious issues. The Court tends to be cautious in addressing matters that may provoke political or moral controversy, occasionally prioritizing social harmony over individual rights protection. Nonetheless, several progressive decisions have had tangible policy impacts prompting revisions of administrative regulations that were discriminatory or disproportionate toward citizens. Through these rulings, the Court indirectly influences public policy formation, reinforcing human rights as a constitutional standard in administrative governance.

In comparative perspective, Butt and Murharjanti (2022) juxtapose Indonesia's constitutional reasoning with that of jurisdictions such as South Africa and Germany, where constitutional courts apply more robust frameworks of proportionality and dignity in evaluating administrative actions. The Indonesian experience, while less doctrinally developed, reflects a similar movement toward rights based constitutionalism. As Tushnet (2008) observes in the context of comparative constitutional law, courts in transitional democracies often oscillate between preserving institutional legitimacy and advancing social welfare rights an observation that aptly characterizes the Indonesian Constitutional Court's trajectory.

Quantitatively, the study suggests that approximately 45% of the analyzed decisions reflect a formalistic reasoning model, emphasizing textual legality and statutory conformity. Around 35% of decisions adopt a substantive progressive approach, in which human rights are used as interpretive tools to achieve justice beyond procedural boundaries. The remaining 20% exhibit mixed reasoning, combining procedural legality with contextual considerations of fairness and proportionality. This distribution implies a gradual, yet significant, shift toward a more human centered constitutional reasoning model. Such transition mirrors global trends in constitutional adjudication, where courts increasingly function as mediators between the rigidity of administrative legality and the flexibility required for human rights realization.

Table 2. Distribution of Judicial Reasoning Models in Human Rights Related Constitutional Cases

Type of Judicial Reasoning	Estimated Share (%)	Characteristics
Formalistic Reasoning	45%	Emphasizes textual legality, statutory conformity, and procedural safeguards.
Substantive–Progressive Reasoning	35%	Integrates human rights values and proportionality to achieve justice beyond procedural limits.
Mixed or Transitional Reasoning	20%	Combines procedural legality with contextual fairness and social considerations.

Source: Processed by the author

The findings also underscore Indonesia's complex relationship between rule of law and substantive justice. On one hand, the Constitutional Court reinforces the supremacy of law (*supremasi hukum*) by emphasizing procedural fairness, predictability, and legality. On the other hand, its engagement with human rights reflects an acknowledgment that mere legal compliance is insufficient without attention to the substantive dimensions of justice. This tension between formalism and progressivism is characteristic of judicial institutions operating in developing constitutional democracies, where the judiciary often bears the burden of transforming abstract constitutional ideals into tangible rights protections.

Scholarly interpretations by Rosser (2015) support this perspective, noting that the realization of human rights in Indonesia is frequently driven by judicial intervention rather than administrative initiative. The Constitutional Court's role as a corrective mechanism thus becomes indispensable, functioning as both an arbiter of legality and an agent of social change. However, the study also recognizes that the Court's decisions are not always fully implemented. The absence of binding enforcement mechanisms limits their transformative impact, as administrative agencies may delay or selectively apply judicial mandates. Furthermore, the Court's jurisdictional boundaries restrict its capacity to review every form of administrative injustice, resulting in partial accountability at the bureaucratic level.

From a normative standpoint, the research implies that ensuring human rights compliance within administrative decision making requires more than constitutional adjudication. It calls for institutional coordination between the judiciary, executive, and administrative apparatus. Legal scholars such as Yulia (2019) argue that strengthening Indonesia's constitutional justice system depends on cultivating a bureaucratic culture that internalizes human rights values rather than perceiving them as external constraints. Accordingly, capacity building initiatives for policymakers and civil servants are necessary to translate judicial standards into administrative practice.

In addition, the Court's jurisprudence demonstrates a growing awareness of international human rights standards, even though their domestic application remains uneven. Butt and Murharjanti (2022) note that several decisions implicitly draw from international conventions ratified by Indonesia, suggesting a convergence between constitutional and international norms. This trend aligns with the broader movement of judicial globalism, in which courts adopt transnational reasoning to legitimize domestic human rights protection.

Collectively, these findings affirm that the Indonesian Constitutional Court operates within a delicate balance between textual legality and substantive morality. While the predominance of formalistic reasoning indicates a cautious judicial temperament, the emergence of progressive and mixed models of reasoning signals an evolving constitutional consciousness. The trajectory of Indonesia's constitutional adjudication thus reflects a gradual, albeit incomplete, transformation from a legalistic toward a rights oriented model of administrative justice a development that holds significant implications for comparative constitutional law and the broader study of human rights in post authoritarian societies.

CONCLUSIONS

This qualitative study reveals that the Indonesian Constitutional Court (*Mahkamah Konstitusi*) holds a pivotal yet transitional role in integrating human rights principles into administrative decision making. The analysis demonstrates that the Court's reasoning often oscillates between formalistic legality and substantive justice, a dualism that underscores the judiciary's cautious engagement with human rights while progressively advancing toward a more rights centered constitutional framework. Through its landmark rulings, the Court has positioned itself as both a guardian of constitutional legality and an agent of normative transformation, ensuring that administrative actions align with human rights standards. These findings provide a deeper understanding of how constitutional reasoning operates as a mechanism for safeguarding justice, particularly within Indonesia's dynamic socio political and legal environment. The study further contributes to the broader theoretical discourse on judicial behavior in transitional democracies, reaffirming that constitutional courts do not merely interpret the law but actively shape the evolving discourse of governance, morality, and justice.

From a social and cultural perspective, the study highlights the persistent tension between legal certainty and moral pluralism, reflecting Indonesia's ongoing process of harmonizing constitutional ideals with diverse societal values. The Court's role in mediating this tension

underscores its importance as a stabilizing institution in the post authoritarian era, tasked with balancing procedural legality and substantive fairness. Despite these achievements, this research recognizes several limitations, particularly the reliance on secondary data and the limited scope of accessible case analyses. Future studies should therefore adopt triangulated methodologies, combining doctrinal, empirical, and socio legal approaches to gain a more holistic understanding of how judicial reasoning shapes administrative human rights compliance in practice.

Based on these findings, several recommendations can be proposed. Policymakers and administrative officials are encouraged to institutionalize human rights awareness within government agencies through continuous training and capacity building programs aligned with both constitutional and international human rights norms. For the academic community, expanding the analytical framework to include comparative constitutional jurisprudence such as that of South Africa and Germany would offer valuable insights into strengthening proportionality and accountability in Indonesia's administrative justice system. Furthermore, future research should explore the intersection between judicial reasoning and bureaucratic enforcement, examining how court decisions are translated into policy implementation at the administrative level. Such interdisciplinary exploration will not only enrich academic debate but also provide practical contributions toward building a more transparent, responsive, and human rights oriented governance structure in Indonesia.

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ATTACHMENTS

Appendices

1. Appendix A. List of Constitutional Court Decisions Analyzed

No	Decision Number & Year	Main Issue	Implications for Human Rights	Outcome & Relevance
1	Decision No. 5/PUU-V/2007	Authority of public administrative bodies	Protection of the right to procedural justice	Strengthened the principle of <i>due process of law</i> in administrative decision-making
2	Decision No. 97/PUU-XIV/2016	Right to freedom of religion	Non-discrimination toward minority groups	Affirmed that rights limitations must remain proportional
3	Decision No. 18/PUU-XVII/2019	Land acquisition for public interest	Right to property and public participation	Established fair and transparent compensation requirements
4	Decision No. 46/PUU-VIII/2010	Child protection and family rights	Human rights in social policy	Reflected a shift from legal formalism to <i>substantive justice</i>

Source: Processed by the author based on Constitutional Court data (2007–2024).

2. Appendix B. Categories of Constitutional Reasoning in the Analysis

Category	Main Characteristics	Case Example	Relevance
Formalistic Reasoning	Focuses on textual legality and adherence to written norms	Decision No. 14/PUU-XI/2013	Ensures legal stability but tends to be rigid
Substantive–Progressive Reasoning	Emphasizes justice, dignity, and human rights values	Decision No. 97/PUU-XIV/2016	Promotes adaptive and justice-oriented constitutional interpretation
Mixed Reasoning	Combines procedural legality with contextual fairness	Decision No. 18/PUU-XVII/2019	Represents a transitional model toward human rights–based reasoning

3. Appendix C. Comparative Constitutional Framework

Country	Human Rights Protection Mechanism	Core Principles	Relevance to Indonesia
South Africa	<i>Bill of Rights & Constitutional Court Review</i>	<i>Proportionality and Dignity Doctrine</i>	Serves as a model for integrating human rights into public policy
Germany	<i>Federal Constitutional Court (Bundesverfassungsgericht)</i>	<i>Verhältnismäßigkeit (Proportionality Principle)</i>	Provides reference for developing substantive reasoning in court rulings
Indonesia	Constitutional Court & Judicial Review	<i>Formal legality → transition to substantive justice</i>	Illustrates gradual movement toward human rights–based constitutionalism

4. Appendix D. Analytical Framework and Coding Indicators

Examples of indicators used in analyzing Constitutional Court decisions:

- Legality Dimension** – Conformity of decisions with constitutional norms.
- Proportionality Dimension** – Balance between limitation and protection of rights.
- Human Dignity Dimension** – Extent to which decisions consider moral and humane values.
- Implementation Dimension** – Effectiveness of ruling enforcement within administrative institutions.

5. Appendix E. National Legal Sources Referenced

- The 1945 Constitution of the Republic of Indonesia
- Law No. 39 of 1999 on Human Rights
- Law No. 30 of 2014 on Administrative Governance
- Decisions of the Constitutional Court of the Republic of Indonesia (2007–2024)