



## Strengthening the Constitutional Law System (Legal Challenges and Strategies in Handling the Social, Economic and Political Crisis in Indonesia)

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**Abstract** - Indonesia's constitutional legal system faces significant challenges due to ongoing social, economic, and political crises. These challenges stem from issues such as systemic corruption, uneven development, social inequality, and political instability. The legal system must evolve and adapt to address these challenges effectively and equitably. This article examines the impact of crisis policies on legal and governmental stability, with a focus on how constitutional legal systems can adapt to and overcome these obstacles. This study employs normative and conceptual analysis to assess the flexibility, transparency, accountability, and justice within Indonesia's constitutional law. The analysis is grounded in an evaluation of relevant laws and regulations, highlighting how constitutional amendments, decentralisation, and the strengthening of state institutions influence the legal system's responses and overall efficacy. Despite efforts to reform and fortify the judicial system, persistent issues such as widespread corruption, regional disparities, and entrenched social inequalities continue to pose significant challenges. This article underscores the need for crisis-responsive legal policies and offers strategic recommendations to enhance the resilience and adaptability of the legal system. These recommendations include improving mechanisms for monitoring and accountability, developing more inclusive and sustainable policies, and fostering greater community involvement in the legal process. Through this analysis, the study contributes to a deeper understanding of how Indonesia's constitutional legal system can be optimised to address escalating crises and challenges, while promoting more effective and sustainable reforms.

**.Keywords:** Constitutional Law, Constitutionalism, Multidimensional

### I. INTRODUCTION

Indonesia's constitutional law system is anchored by the 1945 Constitution of the Unitary State of the Republic of Indonesia, which serves as the foundation for the nation's legal and governmental framework. Since its inception, the Constitution has undergone several amendments to address the evolving needs of the country. However, Indonesia continues to grapple with significant challenges, including systemic corruption, regional disparities, social inequality, and political instability. These issues have put considerable strain on the legal system, raising questions about its ability to adapt and respond effectively to crises. This research seeks to address the central question: How can Indonesia's constitutional legal system be optimized to better respond to ongoing social, economic, and political crises? By examining the historical context of Indonesia's constitutional development, the study sets the stage for an in-depth analysis of current challenges and explores potential avenues for reform.

The 1945 Constitution of the Unitary State of the Republic of Indonesia has served as a guide for the creation of laws and policies inside the country ever since its independence. It embodies the hopes and dreams of the people to establish a free, fair, and affluent nation (Muhtar, Maranjaya, et al., 2023). Nevertheless, the constitutional legal system is often put to the test throughout time by a variety of social, economic, and political problems. The constitutional law system in Indonesia must be able to adapt and transform to respond to the dynamics of the times (Harahap et al., 2023). The national economy was rocked and political and judicial systems were significantly altered as a result of the 1998 economic crisis, which was one of the most significant crises ever encountered (Widodo et al., 2023). Constitutional amendments, devolution of authority, and bolstering of state institutions were only a few of the many facets of the post-crisis 1998 reforms. From 1999 to 2002, the Constitution of the Unitary State of the Republic of Indonesia, which was first draughted in 1945, underwent four modifications that brought about significant constitutional changes (Abqa et al., 2023). Major changes brought about by this amendment include a limitation on the president's time in office, direct election of the president and regional chiefs, and a strengthening of human rights. A more democratic and people-centered political and judicial system in Indonesia is the goal of these reforms.

One of the primary goals of the reform was the decentralisation of authority, which was achieved with the passing of Law no. 22 of 1999 on Regional Government. The goal of this program is to make local governments more efficient and successful by giving them more power (Gobel et al., 2023). Disparities in regional development and the possibility of corruption are two of the problems that decentralisation may cause (Suryani et al., 2023). To guarantee decentralisation achieves its goals, a robust accountability structure and stringent oversight are required (Muhtar, Kasim, et al., 2023). The changes implemented after the crisis of 1998 included measures to strengthen state institutions. A more open and responsible political and judicial system was a goal of the establishment of many institutions, including the General Election Commission, the Constitutional Court, and the Corruption Eradication Commission. For instance, settling disagreements over general election results and ensuring that legislation remain constitutional are two of the Constitutional Court's essential functions. At the same time, rooting out corruption at all societal levels is a formidable challenge for the Corruption Eradication Commission. This incident exemplifies how the crisis may influence many facets of national and state life, not just one.

The COVID-19 pandemic, which swept the globe in 2020, is only one example of the many new threats that are appearing throughout the years (Bakung et al., 2022). As this health catastrophe deepens, it will have far-reaching consequences for society, the economy, and even the government (Al, 2023). The constitutional legal system must be both flexible and adaptable in addressing this crisis, ensuring that the measures implemented are not only immediately successful, but also consider sustainability and fairness for all segments of society. During the onset of the epidemic, the Indonesian government enforced a range of measures to curb the transmission of the virus, including imposing extensive social restrictions, implementing rigorous health procedures, and conducting widespread vaccination campaigns (Hasrul, 2020). These policies necessitate legal system support and adaptations, including the implementation of Government Regulations in Lieu of Laws and other regulations that empower the government to respond swiftly and decisively during emergency circumstances (Abdussamad et al., tt). This demonstrates the importance of a legal system that can adapt and respond effectively in times of crisis.

Nevertheless, it is crucial to address the crisis promptly while upholding democratic principles and respecting human rights. As an expert in the field, it is crucial to uphold citizens' rights, such as freedom of movement and assembly, when enforcing Large-Scale Social Restrictions (Rusdianto et al., 2022). In addition, ensuring transparency and accountability in the allocation of funds for managing the COVID-19 situation is essential in order to prevent any instances of corruption or misuse of power. Instances of corruption in the procurement of medical equipment and social assistance that came to light during the pandemic underscore the importance of rigorous oversight and severe penalties for those who break the rules. In

In addition to that, the pandemic has had a profound impact on the economic sector. Numerous companies are facing challenges, and a significant number have been compelled to implement large-scale workforce reductions. The government should prioritise the well-being of workers by implementing measures like social assistance programs, tax incentives, and robust labour protection policies. The constitutional legal system must ensure that regulations concerning assistance and protection are effectively and accurately implemented.

The pandemic presents significant challenges to the education system. With the closure of schools and universities, the education system swiftly transitioned to online platforms. This necessitates regulations that uphold the distance education system and guarantee equitable access for all students, particularly those residing in remote areas with restricted internet connectivity. Ensuring the fulfilment of the right to education even in crisis situations is a crucial responsibility of the legal system. From the explanation provided, it is crucial for the constitutional law system in Indonesia to be flexible and responsive to the ever-evolving circumstances and diverse challenges that emerge, encompassing economic, political, and social crises. Drawing from past events such as the 1998 economic crisis and the ongoing COVID-19 pandemic, it becomes evident that maintaining state stability and prosperity requires a careful balance of flexibility, transparency, accountability, and justice. To address these challenges, it is crucial to maintain ongoing efforts in the development and enhancement of a legal system that is both responsive and adaptable.

This research seeks to examine the transformation of the Indonesian constitutional legal system in response to social, economic, and political crises. Additionally, it aims to identify legal strategies that are not only responsive to short-term crises but also sustainable and equitable for all segments of society. It is expected that this research will shed light on the significance of the legal system's adaptability in addressing the changing dynamics of our times. It aims to offer policy recommendations that can be effectively implemented by policy makers and legal practitioners to enhance the Indonesian constitutional legal system. This research makes a valuable contribution to the development of legal theory and practice, ensuring that they are more responsive, transparent, and fair in addressing future challenges. Given this background, the following question has been formulated: (1) How does the constitutional legal system in Indonesia change and evolve to deal with the many social, economic, and political crises that occur periodically? Second, how can we use the law to make sure that emergency measures are both long-term and equitable for everyone?

## **II. METHOD**

This study employs a normative legal research design to explore the impact of legal standards on Indonesia's constitutional law system, particularly in response to ongoing social, economic, and political crises. The research will be conducted through a detailed examination of codified legal standards, focusing on both statutory and executive instruments that have shaped the country's legal landscape. The study will collect and analyze a diverse range of legal documents, including the 1945 Constitution, statutes that address political and legal developments post-1998, and regulations implemented in response to the COVID-19 pandemic. The selection criteria for these documents are based on their relevance to key areas of legal and governmental stability, particularly in terms of addressing systemic corruption, social inequality, and political instability. The study will prioritize statutes and executive orders that have had significant legal and socio-political impacts, are widely recognized in legal discourse, and have been subject to judicial interpretation.

Data collection will involve a systematic review of legal texts, legislative histories, and judicial rulings to identify and interpret the legal principles that underlie these statutes and orders. The analysis will focus on how these legal instruments have been applied in practice, particularly in the context of crisis management, and how they align with or deviate from the principles of justice, openness, accountability, and flexibility. The study will use a combination of doctrinal analysis and conceptual methods. Doctrinal analysis will be applied to interpret the legal texts, focusing on their language, structure, and the intention behind their enactment. This approach will help clarify how specific legal provisions have been designed to address

particular crises and how they function within the broader constitutional framework. The conceptual method will be employed to explore and evaluate key legal principles such as justice, transparency, accountability, and flexibility. This will involve analyzing the application of these principles in both the statutes and executive orders, as well as in judicial decisions that interpret these legal instruments. The study aims to determine how these principles are operationalized within the legal system and how they contribute to or hinder the system's ability to respond effectively to crises. By integrating these methodological approaches, this normative legal study seeks to provide comprehensive insights into the dynamics of Indonesia's constitutional law system under crisis conditions. It will also offer strategic recommendations for future legal and policy reforms aimed at strengthening the system's resilience and adaptability.

### **III. RESULT AND DISCUSSION**

#### **1. Adaptation and Transformation of the Indonesian Constitutional Law System in Facing the Crisis**

A reflection of Indonesia's capacity to adapt to the dynamics of the times is shown in the constitutional legal system's adaptation and change in response to social, economic, and political crises (Mangku, 2014). For instance, the political and legal frameworks had to be drastically altered in response to the economic crisis of 1998. The years 1999–2002 saw revisions to the 1945 Constitution that governed this shift (Sugianto, 2017). This amendment resulted in the strengthening of human rights regulated in Articles 28A-28J (Pujayanti et al., 2024), direct election of the president and regional heads as regulated in Article 6A and Article 18 paragraph 4, as well as limitations on the term of office of the president in Article 7 (Amer et al., 2024). The goal of this change is to make government more open and accommodating to ordinary citizens. The establishment of new state institutions that served to strengthen the system of checks and balances was another major shift, with revisions to the 1945 Constitution (Razak et al., 2023). The Constitutional Court was established as one of the institutions. It has the power to review laws in relation to the 1945 Constitution of the Unitary State of the Republic of Indonesia, resolve conflicts regarding the power of state institutions, dissolve political parties, and assess disagreements regarding election outcomes. The establishment of the Constitutional Court is a positive development in the fight to protect the rule of law and guarantee adherence to the constitution (Indra et al., 2023).

To add insult to injury, the government's deeply ingrained corruption led to the 2002 establishment of the Corruption Eradication Commission. It is within the purview of the Corruption Eradication Commission to investigate allegations of corruption and bring criminal charges against those responsible. The establishment of the Corruption Eradication Commission is an attempt to reestablish faith in governmental institutions by making them more open and accountable to the people (Muhtar, 2019). Decentralisation of authority via the establishment of regional autonomy is another significant change. In line with the concepts of wide, genuine, and responsible autonomy, the central government grants additional power to regional governments by Law no. 22 of 1999 concerning Regional Government, which was subsequently revised by Law no. 32 of 2004. The improvement of public services and the quickening of regional development are two anticipated outcomes of more regional autonomy.

As part of its economic response to the crisis, Indonesia is implementing a number of changes. In an effort to boost economic competitiveness and entice international investment, the government enacted more liberal and open economic policies. In an effort to boost efficiency and output, privatising state-owned enterprises was one of the measures used. A number of social welfare programmes aim to alleviate societal problems, including rising poverty and inequality. To help the poor and disadvantaged, government programmes like National Health Insurance and the Family Hope Programme were established to provide social security and aid. Indonesia has shown remarkable strength in the face of the political crisis by peacefully transitioning from an authoritarian to a democratic administration. Included in this process are the rights to freely and fairly elect officials, publish and distribute information,

and assemble as a group. More people are able to have a say in policymaking now that these political changes have made things more accessible.

Furthermore, reform is primarily concerned with decentralisation of authority, as outlined in Law no. 22 of 1999 about Regional Government. The goal of this programme is to make local governments more effective and efficient by giving them more power. Additional legislation that fortifies this decentralisation framework is Law number. 32 of 2004 and its amendment in Law no. 23 of 2014. Problems like corruption and regional development gaps arise when decentralisation is put into practice. To make sure decentralisation achieves its goals and everyone in the society benefits fairly, there has to be a system of strong accountability and tight oversight. Emergency measures, like the COVID-19 pandemic's Large-Scale Social Restrictions outlined in Law no. 6 of 2018 on Health Quarantine, must be swiftly and accurately implemented by the constitutional legal system. In addition, as Law no. 2 of 2020, the government released Government Regulation in Lieu of Law no. 1 of 2020. These measures demonstrate the significance of emergency regulations that are both flexible and respectful of human rights and democratic ideals, as outlined in Article 28 of the Unitary State of the Republic of Indonesia's 1945 Constitution (Diharjo et al., 2024). There has to be a balance between emergency measures and preserving people's rights, yet this quick and flexible reaction is essential for dealing with the situation efficiently.

During the COVID-19 epidemic, the social and economic spheres have also shown adaptive crisis reactions. To mitigate the financial blow of the epidemic, the government extended social aid to those in need and enacted a number of monetary and fiscal measures. To better assist low-income and otherwise disadvantaged families, programmes like Direct Cash Assistance and the Family Hope Programme have broadened their purview. Restructuring loans for micro, small, and medium-sized businesses and offering tax breaks to encourage investment are two examples of the measures the government is doing to keep the banking system stable. The goal of these actions is to save the economy from collapsing even more and to keep it afloat during these difficult times. The health industry, on the other hand, is receiving more funding for things like mass vaccinations, medical equipment purchases, and health services. Central and regional governments are working together on this, which shows how important it is to coordinate when putting plans into action.

The epidemic has prompted new approaches to public safety and law enforcement, which is significant from a legal standpoint. For instance, in response to societal constraints, the court system has changed by introducing online trials. To help the people access different services during the epidemic, the government is also speeding up the digitisation of public services. This emergency strategy highlights the need for safeguards against the misuse of authority via its execution. To keep decision making open and accountable during crises, oversight by the judiciary and legislature is essential, as is the involvement of civil society. The pandemic-era revelation of corruption in the distribution of social aid provides a striking illustration of the need of such oversight. This instance demonstrates that adequate monitoring is necessary to prevent the abuse of help and ensure it reaches people who are entitled to it, even while emergency procedures are necessary (Oetari & Mahmud, 2021). The significance of worldwide collaboration in responding to emergencies is another lesson taught by the epidemic. Indonesia takes part in a number of global conferences in an effort to get vaccinations and technical assistance for combating the epidemic. In addition to being crucial in containing the epidemic, this cooperation will serve as invaluable capital in the face of future emergencies.

Despite making great strides in addressing social, economic, and political difficulties, the constitutional legal system of Indonesia continues to confront a number of complicated problems and challenges in its adaptation and evolution. Applying the decentralisation of power provisions of Law no. 22 of 1999, as amended by Law no. 32 of 2004 and Law no. 23 of 2014, is one of the primary obstacles. The goal of decentralisation is to make local governments more efficient and effective, but in reality, there is usually corruption and unequal growth across areas. While some areas struggle to make the most of their newfound independence, others struggle with issues of power abuse that undermine public services and

government oversight (Gobel et al., 2022). The economic crisis of 1998 necessitated significant legal and policy changes, particularly in the areas of economic reform and social programs. One of the key challenges during this period was the opposition and conflicts of interest that arose in response to efforts aimed at liberalising markets and privatising state-owned enterprises. While the goal of privatisation was to increase efficiency and promote economic growth, the process was often marred by intransparent management practices and insufficient worker protections. This, in turn, led to social and economic instability, highlighting the need for regulatory and supervisory adjustments to mitigate the risk of further societal stratification.

In response to the economic challenges, the government implemented various social programs, such as National Health Insurance and the Family Hope Programme, aimed at supporting vulnerable populations. However, these initiatives faced significant hurdles in terms of coverage and quality. The effectiveness of social assistance programs was often compromised by implementation challenges, which prevented them from fully achieving their intended goals. Moreover, the disparity between urban and rural areas further exacerbated these issues, as remote regions frequently struggled to benefit from such programs, underlining the persistent inequalities within the country. The COVID-19 pandemic further underscored the importance of constitutional law's ability to adapt swiftly and provide regulatory flexibility. The government's emergency measures, such as the Large-Scale Social Restrictions and the issuance of Government Regulation in Lieu of Law No. 1 of 2020, were implemented quickly to address the crisis. However, these measures encountered significant obstacles in execution and inter-institutional coordination. The issue of corruption in the distribution of social aid during the pandemic brought the need for enhanced oversight and accountability to the forefront. This situation highlighted the necessity of robust supervision to prevent the misuse of authority and to ensure that aid is distributed effectively and equitably.

Additionally, the pandemic revealed challenges in Indonesia's diplomacy and resource management, particularly in its international cooperation efforts. While securing vaccines and technical assistance was crucial, the effectiveness of this cooperation depended heavily on coordination to ensure that the aid was used effectively to address the health crisis. The lessons learned from these experiences underscore the need for well-coordinated and transparent management practices, both domestically and in international partnerships, to address future crises more effectively. In general, Indonesia's constitutional legal system has shown remarkable improvement in adjusting to the changing times as it has transformed in response to social, economic, and political challenges. Uneven growth, the possibility of corruption, and the need for stricter supervision are still major issues that must be addressed on the road to successful change. The significance of regulatory flexibility and excellent cooperation across agencies has been highlighted in responses to crises like the COVID-19 epidemic. It is crucial to strike a balance between emergency measures and maintaining people's rights. If this obstacle can be overcome, the reform in Indonesia will be able to improve democracy and justice while also benefiting society in an equitable and sustainable way.

## **2. Effective Legal Strategies for Responsive, Sustainable and Fair Policies During a Crisis**

A strong, long-lasting, and equitable solution to today's complex social, economic, and political issues can only be achieved by fortifying our nation's constitutional legal framework (Yudhanegara et al., 2024). It is critical to make sure that the legal system in Indonesia can both react fast to emergencies and provide fair, inclusive solutions for the long term, as the country often faces multiple crisis difficulties. To be responsive, the legal system must be structured to be both flexible and adaptable, able to respond to the ever-changing dynamics of crises that impact different parts of society. Article 28J of the Republic of Indonesia's 1945 Constitution offers a crucial foundation for protecting human rights in times of crisis, according to the constitutional context (El-Muhtaj, 2017). According to this article, everyone has the right to be free, but that right may only be used within the bounds set by law in order to protect the public's safety and welfare. This highlights the need of finding a middle ground between

individual rights and the necessity of efficiently addressing the situation. That is why, in times of crisis, legal policy need to balance protecting fundamental rights with maintaining public safety and order (Rs et al., 2023).

In addition, the economic and social principles outlined in Article 33 of the 1945 Constitution of the Unitary State of the Republic of Indonesia state that the national economy must be controlled by the state for the maximum prosperity of the people, which is an important consideration when formulating legal policies. When the economy is in a state of crisis, this essay lays the groundwork for long-term, equitable government involvement that will protect everyone's interests rather than just a select few. In times of crisis, whether it be a natural disaster, economic downturn, or political unrest, the legal system has to be able to point the way and back swift action without letting justice and human rights fall by the wayside. To make sure that the policies that are passed take into account the hopes and dreams of the people who will be most directly impacted, it is essential that the public be involved and that the process of establishing policies be open and transparent. Both the policy's credibility and its efficacy in field implementation are bolstered by this transparency.

To illustrate this point, the Indonesian government, in response to the COVID-19 outbreak, implemented a number of measures that were consistent with constitutional norms. The introduction of community activity restrictions and large-scale social restrictions are two measures used to limit the spread of the virus. In enacting this regulation, the government sought to strike a compromise between protecting citizens' rights and ensuring the public's health. As part of its rollout, the government aims to keep the public in the loop by sharing updates with them via several channels on what they've done and encouraging them to weigh in on policy and implementation (Ms & Rizaldi, 2020). The government's National Economic Recovery programme is one example of a response to an economic crisis. Small and medium enterprises, together with community organisations that have experienced job losses, are the primary beneficiaries of this program's economic aid. According to Article 33 of the 1945 Constitution of the Unitary governmental of the Republic of Indonesia, the goal of governmental involvement in the economy is to make sure that the help and stimulation isn't only for a select few, but for the betterment of society as a whole. To make sure the policy is fair and successful, the government also includes different stakeholders in the program's conception and execution.

It is crucial to have well-coordinated and integrated coping strategies while dealing with a crisis. The commercial sector, NGOs, and other government agencies must work together to address complex situations in a comprehensive manner. It is also important to make sure that vulnerable populations, who are sometimes the most hit, get the help and protection they need. It is equally important to continuously evaluate and learn from past crises situations. To find out where the legal system is strong and where it needs reform, we need to take a close look at the replies thus far. To that end, legislative solutions must be in place to mitigate the crisis's effects on social and economic inequality and pave the way for a more equitable and inclusive society. In order to respond to a crisis in a coordinated and successful manner, a legal strategy should have many essential components. The establishment of a legislative framework that permits cooperation between the business sector, non-governmental organisations, and governments should be the first priority. The government may establish rules to help the National Disaster Management Agency, commercial organisations, and foreign humanitarian groups work together after natural disasters like earthquakes to help with relief and recovery. Coordinating procedures, such as responsibility allocation and open lines of communication, should be a component of this legislative framework.

Second, those most impacted by the crisis—the most vulnerable populations—must get extra care. Protection and support policies should include sufficient access to assistance and services as part of their legal strategy. Regulations guaranteeing priority access to immunisation and social aid for disadvantaged populations are crucial in a health catastrophe like the COVID-19 pandemic. Special aid for low-income families, the elderly, and those with disabilities must be governed by legislation to guarantee a fair and equitable distribution process. Improving future readiness requires constant assessment of the response that has

been implemented. An exhaustive evaluation of the efficacy of policies and the execution of laws must be undertaken after the crisis has passed. Gathering data, reading comments from the community, and calculating the results of policy are all part of this process. Recommendations for essential revisions and enhancements to the law should accompany this assessment. For instance, if a community-reaching emergency response policy is determined to be ineffective, then rules and regulations need to be revised or updated to enhance the response's breadth and quality going forward.

Lastly, if economic and social inequities emerge as a consequence of the crisis, legal solutions must be developed to deal with them. In order to mitigate the crisis's effects on marginalised communities, policies should include measures to eliminate or significantly lessen existing inequities. Justice and equality must underpin the implementation of all laws and programmes if the legal system is to aid in the post-crisis reconstruction of a more inclusive and resilient society. By adopting this coordinated and adaptable strategy, Indonesia can fortify its constitutional legal framework and better prepare for the impending crises.

#### **IV. CONCLUSION**

The study reveals that Indonesia's constitutional legal system has demonstrated significant adaptability in responding to social, economic, and political crises, as evidenced by the emergency measures implemented during the COVID-19 pandemic, the crisis reforms following the 1998 economic downturn, and the establishment of new institutions. These actions underscore the system's capacity for evolution in times of crisis. However, persistent challenges remain, including unequal development, the risks of corruption, and the need for stringent oversight.

The findings highlight the necessity for a coordinated, cooperative, and adaptable approach within the judicial system to effectively respond to emergencies. Achieving a balance between private and public interests is crucial for developing effective legal strategies. Additionally, the active involvement of relevant stakeholders in policy formulation and execution, coupled with ongoing evaluations to identify areas for improvement, is essential for enhancing the system's resilience. Looking forward, the study suggests that Indonesia should prioritize fairness and inclusivity in its legal reforms to strengthen its constitutional legal system. By embracing these values, Indonesia can better position itself to handle future crises, ensuring that its legal framework remains robust, responsive, and equitable. These findings offer valuable guidance for policymakers and legal reformers, emphasizing the need for continuous adaptation and the importance of building a legal system that is capable of withstanding and effectively addressing the complex challenges that may arise in the future.

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