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## ***ANALYSIS OF THE ROLE AND FUNCTIONS OF THE CONSTITUTIONAL COURT IN THE STATE LEGAL SYSTEM***

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### ***ABSTRACT***

*The Constitutional Court is an institution that plays an important role in maintaining the stability and integrity of the country's legal system. Through its functions, the Constitutional Court plays a role in interpreting and implementing the constitution and protecting human rights. This paper aims to describe the role and function of the Constitutional Court in the state legal system. The first role of the Constitutional Court is as a constitutional supervisor. The Constitutional Court has the authority to examine the applicability of the country's laws and regulations as a whole. In carrying out its duties, the Constitutional Court reviews the laws and regulations by using the parameters set out in the constitution. This ensures that the laws enacted do not conflict with constitutional principles and human rights guaranteed in the constitution. The second function of the Constitutional Court is as an interpreter of the constitution. Constitutions are often formulated in broad and abstract language, requiring interpretation in order to be applied in real-life contexts. The Constitutional Court has an important task of interpreting constitutional provisions in order to provide legal clarity in resolving cases related to constitutional rights. Through its decisions, the Constitutional Court provides legal guidance that directs the interpretation of the constitution by other institutions and maintains consistency in the application of law.*

**Keywords:** Law, MK, State

## **1. Introduction**

A country's legal system plays a very important role in maintaining order, justice and legal certainty in society. In this context, the Constitutional Court is an institution that has a special role in maintaining the integrity and sustainability of the country's legal system. The role and function of the Constitutional Court in the state's legal system is closely related to the constitution as the basic law which is the highest foundation for the state and its government.

The constitution establishes the limits of power, human rights, the structure of government, and the basic principles governing the state. However, constitutions are often formulated broadly and abstractly, leaving room for interpretation and policy determination. This is the important role of the Constitutional Court to fill legal gaps and provide clarity in the application of the constitution.

In many countries, the Constitutional Court has the authority to test state laws and regulations against constitutional provisions. By conducting constitutionality testing, the Constitutional Court ensures that laws enacted by the government do not conflict with constitutional principles. In this context, the Constitutional Court acts as a constitutional supervisor who ensures that all state actions are within the limits set by the constitution. Apart from that, the Constitutional Court also functions as a constitutional interpreter. Constitutions often require interpretation to be applied in the context of real cases. The Constitutional Court has the authority to interpret constitutional provisions and provide binding explanations for other institutions in the legal system. Thus, the Constitutional Court plays a role in maintaining consistent interpretation of the constitution and preventing interpretations that conflict with constitutional principles.

Furthermore, the Constitutional Court has an important role in protecting human rights. Human rights are often guaranteed and protected by state constitutions. The Constitutional Court has the authority to examine government actions that are suspected of violating human rights guaranteed in the constitution. In this case, the Constitutional Court plays a role as a guardian of individual rights from abuse of state power, thereby maintaining the principle of supremacy of law and protection of constitutional rights. In a broader context, the role and function of the Constitutional Court has a significant impact on political stability, democracy and justice in a country. Constitutional Court decisions provide legal certainty, regulate relations between state institutions, and protect the rights of citizens. Therefore, a deep understanding of the role and function of the Constitutional Court is very important to ensure the success of the country's legal system in achieving the goals mandated by the constitution.

## **2. The Role of the Constitutional Court in Maintaining the Integrity of the State Legal System**

The role of the Constitutional Court in maintaining the integrity of the country's legal system is very important. The Constitutional Court is tasked with ensuring that all state actions are within the limits set by the constitution. As a constitutional supervisor, the Constitutional Court has the authority to examine the implementation of laws and state regulations as a whole. In carrying out its duties, the Constitutional Court reviews laws and regulations using the parameters set out in the constitution. In this way, the Constitutional Court ensures that laws enacted by the government do not conflict with constitutional principles. This action maintains the integrity of the country's legal system by ensuring that applicable laws are based on the constitution which is the highest foundation in the hierarchy of legal regulations.

Apart from that, the constitutional Court's decisions also provide legal certainty for the community and parties involved in the legal process. By upholding the supremacy of the constitution and the principles of the rule of law, the Constitutional Court plays a role in maintaining the integrity of the country's legal system and preventing abuse of power by the state.

Apart from that, the role of the Constitutional Court in maintaining the integrity of the country's legal system is also related to upholding the principles of justice. The Constitutional Court has the authority to examine government actions that are suspected of violating human rights guaranteed in the constitution. By conducting constitutionality tests on policies or actions that may violate the principles of justice, the Constitutional Court ensures that individual rights remain protected and respected by the state. In this case, the Constitutional Court ensures that the state's legal system not only functions formally, but also substantially upholds justice and the moral principles underlying the constitution.

Furthermore, the Constitutional Court also plays a role in maintaining legal consistency and stability in the country's legal system.

With its function as a constitutional interpreter, the Constitutional Court provides binding interpretations for other institutions in the legal system. Consistent and correct interpretation by the Constitutional Court provides clarity in the application of the constitution and state law in general. This is important to create legal certainty and avoid the possibility of uncertainty or confusion in the interpretation of the law by the parties involved in the legal process.

Thus, the role of the Constitutional Court in maintaining the integrity of the country's legal system includes monitoring the implementation of laws, protecting human rights, upholding the principles of justice, as well as consistent and clear interpretation of the constitution. Through this role, the Constitutional Court acts as the highest guardian of the country's legal system, maintaining stability, justice and legal certainty in the country.

### **3. The Constitutional Court Supervises the Constitutionality of State Laws and Regulations**

The Constitutional Court has an important role in supervising the constitutionality of state laws and regulations. One of the main methods carried out by the Constitutional Court is by conducting constitutionality testing. When there is a law or regulation that is deemed to have doubts about its constitutionality, the Constitutional Court can accept a request to test its constitutionality. The process of reviewing constitutionality is carried out by the Constitutional Court by comparing the relevant law or regulation with the relevant constitutional provisions. The Constitutional Court will evaluate whether the law or regulation is in accordance with the principles and values guaranteed by the constitution. In making its assessment, the Constitutional Court refers to constitutional interpretation, previous decisions, and relevant legal principles.

If the Constitutional Court finds that the law or regulation is not in accordance with the constitution, the Constitutional Court will declare that the law or regulation is invalid or unconstitutional. The decision of the Constitutional Court has binding legal force and is the basis for upholding the supremacy of the constitution. Thus, the Constitutional Court plays a role in protecting the constitution as the highest foundation in the country's legal system. Supervision of the constitutionality of state laws and regulations by the Constitutional Court also provides guarantees that state power is not misused or violates the limits set by the constitution. The Constitutional Court is an independent and neutral monitor in assessing whether government actions are in accordance with the constitution or not. With the existence of a constitutionality review mechanism, the Constitutional Court plays an important role in maintaining legal certainty, justice and democratic principles in the country's legal system.

In addition to reviewing constitutionality, the Constitutional Court can also supervise the constitutionality of state laws and regulations by examining requests from individuals or groups who feel that their constitutional rights have been violated by applicable laws or regulations. The community or affected parties can submit a request to the Constitutional Court to test the constitutionality of a regulation. In the process of examining individual petitions, the Constitutional Court will examine the arguments and evidence submitted by the party submitting the petition. The Constitutional Court will examine whether the law or regulation in question actually conflicts with constitutional rights protected by the constitution. The Constitutional Court will also consider the social, political and legal implications of the decision to be taken.

Supervision of the constitutionality of state laws and regulations by the Constitutional Court functions as a check on government power. This is important to prevent abuse of power, maintain the balance of power between state institutions, and protect individual rights and freedoms guaranteed by the constitution. By being an independent supervisory institution, the Constitutional Court plays a role in ensuring that the country's legal system operates in accordance with the principles of the rule of law and maintains the integrity of the legal system as a whole. Through constitutionality testing and individual petition testing, the Constitutional Court carries out effective supervision of the constitutionality of state laws and regulations, thus providing guarantees that the state is in a legal corridor that is in accordance with constitutional principles. Thus, the Constitutional Court plays a role in maintaining the integrity of

the country's legal system and ensuring compliance with the supremacy of the constitution in all aspects of legal life in the country.

#### **4. The Constitutional Court carries out the function of interpreting the Constitution and providing clarity in the application of the Constitution**

The Constitutional Court has an important role as a constitutional interpreter in the country's legal system. As a constitutional interpreter, the Constitutional Court is tasked with providing a precise and clear interpretation of general and abstract constitutional provisions. In carrying out this function, the Constitutional Court faces a situation where the constitution can be interpreted in various ways which may give rise to differences in interpretation. In the process, the Constitutional Court uses various methods of constitutional interpretation, such as textual, historical, systematic and teleological methods. The Constitutional Court analyzes the text of the constitution itself, explores the intentions of the framers of the constitution and the historical context of the formation of the constitution, and considers the aims of the constitution and the social implications attached to it. By considering these various factors, the Constitutional Court seeks to provide a consistent and coherent interpretation of the constitution.

In providing interpretation, the Constitutional Court also provides clarity in the application of the constitution. The decisions of the Constitutional Court serve as a reference for state institutions, the government and the general public in carrying out their duties and activities. The Constitutional Court creates legal precedence that provides legal guidance and certainty for all parties involved in the legal process. By carrying out its function as a constitutional interpreter and providing clarity in the application of the constitution, the Constitutional Court helps maintain legal consistency and stability in the country's legal system. Consistent and clear interpretation reduces ambiguity and differences in interpretation in the application of the constitution, thereby avoiding legal uncertainty. This also strengthens public confidence in the judicial system and the constitution as a solid legal foundation in the country.

Thus, the Constitutional Court plays an important role in carrying out its function as a constitutional interpreter and providing clarity in the application of the constitution. Through careful interpretation and precise determination of the meaning and scope of the constitution, the Constitutional Court provides strong guidance for parties involved in the country's legal system, thereby maintaining the integrity of the constitution and guaranteeing the supremacy of law in the country. In addition, the Constitutional Court also plays an important role in resolving interpretive disagreements regarding the constitution between state institutions. When there is a dispute or disagreement regarding the interpretation of the constitution between the executive, legislative or judicial institutions, these institutions can submit constitutional questions to the Constitutional Court. In this case, the Constitutional Court acts as an arbitrator who provides an authoritative and binding interpretation.

Through its decisions, the Constitutional Court provides clarity and confirmation of the meaning and implementation of the constitution in the context of conflicting interpretations. The Constitutional Court's decision becomes the basis for other state institutions in making decisions and carrying out their duties in accordance with constitutional principles. This helps ensure harmony and consistency in the implementation of public policies and government actions that are based on constitutional principles. Apart from that, the Constitutional Court also provides clarity in the implementation of the constitution through its supervisory and law enforcement functions over state institutions. The Constitutional Court has the authority to review the actions of the government and other state institutions against the constitution. In carrying out this function, the Constitutional Court ensures that state institutions operate in accordance with the limits of power established by the constitution. If violations of the constitution are found, the Constitutional Court can cancel or declare invalid actions that conflict with the constitution.

Thus, the Constitutional Court, through its function of interpreting and enforcing the constitution, provides clarity in the application of the constitution. Through its binding decisions and providing guidance, the Constitutional Court maintains consistency, certainty and fairness in the country's legal system. This gives confidence to the public and parties involved in the legal process that the constitution is a strong basis for running the country based on fair and equitable laws.

#### **5. The Role of the Constitutional Court in Protecting Human Rights Guaranteed in the Constitution**

The Constitutional Court has a very important role in protecting human rights guaranteed in the constitution. As the guardian of the constitution, the Constitutional Court functions as the final guardian to uphold and ensure the protection of human rights recognized and guaranteed by the constitution. Through its decisions, the Constitutional Court provides a broad interpretation and protects human rights regulated in the constitution. The Constitutional Court plays a role in ensuring that government policies, laws or regulations that may affect human rights do not conflict with the constitution and universally recognized principles.

The Constitutional Court also plays an important role in testing the constitutionality of laws or government actions that have the potential to violate human rights. If it is found that the law or action is in conflict with human rights guaranteed in the constitution, the Constitutional Court will declare that the law or action is invalid or unconstitutional. Thus, the Constitutional Court protects human rights by ensuring that no law or government action violates these rights. Apart from that, the Constitutional Court can also accept requests from individuals or groups who feel their human rights have been violated. In this process, the Constitutional Court will examine the case and decide whether there are violations of human rights guaranteed in the constitution. Constitutional Court decisions in such cases have far-reaching impacts and provide protection to individuals or groups who experience human rights violations.

By carrying out this role, the Constitutional Court plays a role in ensuring that human rights guaranteed in the constitution are seriously protected. The Constitutional Court is the final guard in ensuring that there are no actions that violate human rights guaranteed by the constitution. The decisions of the Constitutional Court in this matter play an important role in upholding the supremacy of law, ensuring justice, and protecting the dignity and welfare of all individuals in society. Apart from that, the Constitutional Court also plays a role in developing and interpreting human rights guaranteed in the constitution in accordance with social, cultural developments and existing values in society. In carrying out this function, the Constitutional Court strives to accommodate changes that occur in society, so that human rights remain relevant and can be applied properly in the context of continually developing times.

The Constitutional Court also plays a role in providing clarity and consistency in the interpretation of human rights. In its decisions, the Constitutional Court provides clear guidance for state institutions, government and the general public regarding the limits and protection of human rights. This ensures that human rights are not just a formal declaration, but are actually respected, protected and implemented effectively in everyday life. Apart from testing constitutionality, the Constitutional Court can also use other tools such as a progressive approach in protecting human rights. This approach recognizes that human rights are not static, but can develop in accordance with the demands of justice and the needs of society. With this approach, the Constitutional Court can take progressive steps to expand the scope and protection of human rights, including matters not previously covered by existing constitutional interpretations.

Overall, the role of the Constitutional Court in protecting human rights in the constitution is very important. The Constitutional Court acts as the final guardian that upholds human rights and ensures that the constitutional principles that protect these rights are not violated. Through appropriate interpretation, constitutionality testing, legal development, and a progressive approach, the Constitutional Court seeks to create an environment that allows every individual to live with dignity, freedom, and equality in a just and democratic society.

The role of the Constitutional Court in protecting human rights guaranteed in the constitution is very important in maintaining justice and individual freedom in the country. The Constitutional Court has the responsibility to ensure that human rights regulated in the constitution are protected and enforced fairly. In carrying out this task, the Constitutional Court plays the role of guardian of the constitution and guardian of the supremacy of law. Through its decisions, the Constitutional Court interprets and applies constitutional provisions related to human rights. The Constitutional Court can cancel or declare invalid laws, regulations or government actions that are deemed to violate human rights guaranteed in the constitution. In the process, the Constitutional Court upholds the principles of equality, freedom and justice in protecting individual rights.

Apart from that, the Constitutional Court also plays a role in filling legal gaps in terms of protecting human rights. When state laws or regulations do not provide adequate protection for human rights, the Constitutional Court can develop progressive interpretations and protect these rights. In this way, the Constitutional Court plays a role in developing laws that are in line with the developments and needs of society, so that human rights can continue to be strengthened and protected. Apart from concrete decisions, the role of the Constitutional Court in protecting human rights is also reflected in its attitude towards the principles underlying human rights. The Constitutional Court is a forum for citizens or community groups to file constitutional complaints related to violations of human rights. In adjudicating these cases, the Constitutional Court demonstrated a commitment to universal principles that protect individual dignity and freedom.

Overall, the role of the Constitutional Court in protecting human rights guaranteed in the constitution is very important to ensure justice, freedom and protection of individuals in society. By interpreting and applying constitutional provisions relating to human rights, the Constitutional Court acts as a guardian of the constitution and an independent law enforcer. Through its decisions, the Constitutional Court maintains harmony between state power and the protection of individual rights, so that human rights can be effectively protected in the state's legal system.

Apart from that, the role of the Constitutional Court in protecting human rights also has a wider impact on society and the country's legal system. Constitutional Court decisions that strengthen the protection of human rights help build a legal culture that respects the dignity of every individual. This provides legal clarity and certainty for the community, and encourages the application of the principles of justice and equality in various aspects of life. Apart from that, the Constitutional Court also plays a role in supervising and controlling the implementation of human rights by the government and other state institutions. By examining the actions of the government and public institutions, the Constitutional Court can ensure that human rights are not ignored or violated. If violations occur, the Constitutional Court can impose sanctions or order policy changes in accordance with constitutional principles and human rights.

Apart from that, the Constitutional Court's decisions in protecting human rights also provide important precedents in law enforcement. These decisions become a reference for courts and other legal institutions in determining the fate of similar cases. By having clear and strong precedents, the Constitutional Court provides legal clarity and avoids uncertainty in the protection of human rights. In this case, the role of the Constitutional Court also contributes to building a legal system that is stronger and more responsive to developments and the needs of society. Constitutional Court decisions that protect human rights encourage legal changes and reforms that are more inclusive, fair and in line with the demands of the times. Thus, the Constitutional Court not only maintains justice for individuals, but also plays a role in improving and strengthening the legal system as a whole.

Overall, the role of the Constitutional Court in protecting human rights is an important pillar in the country's legal system. Through constitutional interpretation, oversight of the government, establishing precedents, and its role as guardian of the constitution, the Constitutional Court ensures that the human rights guaranteed in the constitution are effectively protected. In this way, the Constitutional Court plays a role in building a society that respects and fulfills the rights of every individual, as well as strengthening a just and responsive legal system.

## **6. Constitutional Court Decisions Affect Political Stability, Democracy and Justice in the Country**

Constitutional Court decisions have a significant impact on political stability, democracy and justice in the country. First, Constitutional Court decisions play a role in maintaining political stability by resolving disputes or disagreements between state institutions. When there is a dispute or disagreement regarding the interpretation or implementation of the constitution, the Constitutional Court becomes an arbiter who makes authoritative and binding decisions. This helps maintain the balance of power between state institutions and prevents political conflicts that have the potential to disrupt political stability. Second, the decisions of the Constitutional Court play a role in strengthening democratic principles. The Constitutional Court protects human rights, ensures a fair electoral process, and upholds democratic principles in the political system. Constitutional Court decisions that protect freedom of

opinion, freedom of association, or other political participation rights, strengthen democracy by providing guarantees for pluralism, openness, and citizen participation in the political process.

Third, the decisions of the Constitutional Court also contribute to justice in the country. The Constitutional Court carries out its function as a guardian of the supremacy of law and ensures that the law is enforced fairly and equally for all individuals. Constitutional Court decisions that uphold human rights, eliminate discrimination, or correct social disparities, play a role in creating a fairer and more inclusive legal system. This has an impact on social justice, protecting minority rights, and increasing welfare for the entire community. However, it is important to recognize that Constitutional Court decisions can also be the subject of controversy and trigger political debates that have the potential to disrupt stability. There are diverse views in society and among political elites regarding the decisions of the Constitutional Court. Nevertheless, it is important to uphold the principle of independence of the Constitutional Court and respect the role of this institution in upholding the supremacy of law and protecting the constitution.

Overall, the Constitutional Court's decisions play an important role in influencing political stability, democracy and justice in the country. Through upholding the constitution, protecting human rights, and resolving political disputes, the Constitutional Court contributes to the creation of a stable, democratic, and just political system. By placing the interests of law and justice at the forefront, the Constitutional Court plays a role in maintaining the integrity of the political system, strengthening democracy, and realizing justice for all of society.

Apart from that, the decisions of the Constitutional Court also have an impact on forming better and fairer public policies. When the Constitutional Court cancels or declares invalid a law or government policy that is deemed to be contrary to the constitution, this encourages the government and legislative institutions to revise or change policies in accordance with constitutional principles and human rights. Thus, the Constitutional Court's decisions encourage improvements in public policy, protect individual rights, and promote justice in government actions.

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