Formation of Responsive Police Law Through Judicial Activism in Cases of Jurisdiction of Laws

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Abstract

This article analyze role activism judicial Court Constitution in form regulations adaptive policing to dynamics social research in Indonesia. highlight How testing material Constitution against the 1945 Constitution resulted in interpretation normative progressive, corrective weakness formal legislation that tends to slow and stiff. Through approach socio- legal studies study seven decision key period 2011-2025, such as Decision Number 65/PUU-IX/2011 which equates right of appeal in pretrial, Number 130/PUU-XIII/2015 which requires transparency of SPDP to the reported and the reporter, as well as Number 114/PUU-XXIII/2025 which limits double position Police for supremacy civil. Decisions the reflect characteristics law responsiveness ala Nonet and Selznick, namely orientation justice substantive, adaptation to change society, control authority apparatus, as well as balance state power. Activism judicial functioning as correct constitutional when legislation fail respond demands right basic human, transparency, and accountability enforcement law. Analysis results confirm that intervention Court No replace legislative, but rather complete through formal parameters (causal verbs) loss concrete) and material (harmony constitutional). Findings main show transformation law police from repressive to protector citizens, with legitimacy from realism laws that prioritize impact practical norms. Research recommend caution activism through guidelines evaluation transparent for avoid judicial overreach, so that strengthen checks and balances in a state of law democratic. This study contribute to the discourse update regulations humanistic and contextual policing.

1. Introduction

Police law is integral part of the system law national which has function strategic in guard security and order public as well as protect rights citizens. In conceptual, legal police covers a set of norms that regulate duties, authority, responsibility answer, and limitation behavior apparatus police in operate

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function enforcement law. Position The Republic of Indonesia National Police obtained legitimacy constitutional through Article 30 of the 1945 Constitution of the Republic of Indonesia which places police as part from system national defense and security (Fleck, 2021).Police law No only based on the law Number 2 of 2002 concerning The Republic of Indonesia National Police, but also has roots in various other regulations such as the Criminal Code which have been updated through Constitution Number 1 of 2023 and the Criminal Procedure Code which has experienced updates and has enforced as Constitution Number 20 of 2025. In addition authority police are also spread out in various Constitution sectoral regulations field banking, environment life, narcotics, to protection consumers (Aua et al., 2025; Firmansa et al., 2020; Sari et al., 2022; Sundari & Retnowati, 2021). Conditions the show that law police own character complex and multidimensional because integrated with overall system law national (Wicaksono, 2024).

Development law police in Indonesia during This tend nature stagnant and more product - based formal legislation. Dynamics update law walk relatively slow Because depends on the political process in the institution legislative. Conditions the impact on not yet optimally ability law police in respond change social, especially related protection right basic man as well as demands transparency and accountability in enforcement law (Zalnieriute & Weiss, 2020).

The role of institutions justice, in particular Court Constitution, increasingly strategic through mechanism testing law (judicial review). Authority Court Constitution For test Constitution to the 1945 Constitution of the Republic of Indonesia places the verdict No only nature declarative, but also has Power influence normative to formation and renewal law. In context said, appears known phenomenon as activism judicial, namely constitutional judges' tendencies For No solely act as funnel law, but rather as interpreter active constitution that takes into account justice substantive, protection right basic humans, as well as dynamics growing social in society. With thus, the decision Court Constitution No only functioning finish dispute normative, but also plays a role in direct development law to remain in harmony with values constitutional and needs society that continues changed (Brewer-Carias, 2023).

One of example concrete can seen in Decision Court Constitution Number

130/PUU-XIII/2015 concerning Notification Letters the Beginning Investigation (SPDP). Through decision said, the Court confirm that obligation submission of SPDP not only intended to prosecutor general, but also to the reported and the reporter in term time certain. Affirmation This reflect effort Court For strengthen principle transparency, accountability, and due process of law in stage investigation (Heriwiyanto et al., 2021). In addition that, the decision it also provides certainty more laws adequate for the parties, because every interested party get clear information about commencement of the investigation process. With Thus, the Decision Number 130/PUU-XIII/2015 does not only functioning as correct to practice previous investigation not enough open, but also become runway important for formation more criminal procedural law responsive to protection rights citizen (Ahmad et al., 2025; Cobbe, 2019; Trajkovska-Hristovska, 2025).

Development decision Court Constitution until 2025 shows that related issues with law police has repeatedly become object testing law. Conditions This show that formation law police No Again only based on the former legislation, but also influenced in a way evident by the decision Court Constitution as interpreter constitution. With Thus, the configuration law the police in Indonesia are developing through interaction between legislation and correction judicial, so that decision Court Constitution own role important in direct update law more police constitutional, accountable, and responsive. Perspective theory law show that phenomenon This in line with approach realism law and law responsive that places law as instruments that must be capable adapt self with need social (Ali & Jan, 2026; Mariconda, 2025; Sitompul & Hasibuan, 2021).

Legal studies other show that activism judicial functioning as mechanism corrective to limitations of the legislative process in a democratic country. Court constitution play a role active in protect right constitutional citizens when former Constitution Not yet capable respond need public in a way fast and precise (Eva Wulandari & Ariyani, 2022). Activism judicial, in perspective thus, it is an integral part of mechanism checks and balances in system modern state administration. Through role said, the court constitution No only test constitutionality of norms, but also ensures that the implementation power legislative still is at within the boundaries of the constitution, the rule of law,

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and protection right basic man.

Phenomenon the at a time cause problem regarding role boundaries power judiciary in formation law. This is important, because role Court Constitution as interpreter constitution must still placed in framework checks and balances, so correct judicial to Constitution No develop become takeover function legislation. Activism judicial required for realize justice substantive and responsive law, but practice also has the potential cause tension with principle separation power if no done in a way proportional (Finder, 2021; Mochtar, 2025). With Thus, it is necessary comprehensive analysis for explain contribution activism judicial Court Constitution in formation law responsive policing, without ignore importance guard balance interbranch power in a state of law democratic.

Based on description said, the article This aim analyze formation law responsive policing through activism judicial Court Constitution in case testing law. This study focused on the role decision Court Constitution as instrument update law police at a time as mechanism strengthening protection right constitutional citizens in legal framework democratic.

2. Method

Study This use socio-legal approach that combines analysis normative and empirical for understand connection between decision Court Constitution and formation law responsive police. Approach This put law No only as a written norm, but also as practice social influenced by dynamics society, policy, and behavior apparatus enforcer law. Research directed for study How activism judicial play a role in fill in emptiness law, correcting norms that are not adequate, and form direction new in law police through decision testing legislation. Framework This in line with character study laws that do not only focuses on law in books, but also law in action (Aprilia et al., 2024).

Data sources consist of on material primary, secondary, and tertiary law. Primary legal materials include regulation related legislation with police as well as decision Court The relevant constitution, whereas material law secondary covers books, dissertations, and journals scientific latest 2021–2026 period which supports analysis conceptual. Data collection was carried out through studies bibliography and supported with studies field if required for strengthen

understanding empirical. Data analysis using method qualitative with method interpret, construct, and connect various material law to find pattern connection between activism judicial and formation law responsive policing in a way systematic and argumentative (Seigfried-Spellar, 2018).

3. Result And Discussion

Activism Judicial Police Law 2011-2025

In framework thinking Legal Realism, activism judicial Court Constitution reflect confession that effectiveness law No can measured solely from the existence of written norms, but rather from how the norm is work and earn consequence real in practice. Perspective This put law No only as a set formal rules, but also as instruments whose meaning determined by its application, interpretation, and impact in life social. Therefore that, activism judicial Court Constitution can understood as effort for ensure that legal norms No stop at formalities textual, but truly functioning in a way substantive in answer need justice, certainty, and benefit in the midst community. Approach This looks when Court Constitution in a way critical evaluate that a number of provision in Constitution Number 2 of 2002 concerning The Republic of Indonesia National Police and in the Criminal Procedure Code (KUHAP) no always walk effective in practice its implementation, so that open room occurrence deviations of a nature systemic. In perspective realism law, court No Enough only evaluate suitability formal normative text, but it must also be consider consequence factual, pattern implementation, as well as impact institutional norms to protection rights citizens. With Thus, the assessment constitutional No stop at the sound of the norm, but rather extends to how the norm is Work in reality and to what extent it truly capable ensure justice, accountability, and certainty law (Godioli & Little, 2022; Jundana et al., 2026; Sa'ban et al., 2024; Zahra et al., 2026).

Seven decision Court The constitution analyzed in study This show trend strong on approach activism judicial alignment with characteristics law responsive. Each decision reflect One or more dimensions responsiveness, good through expansion protection right constitutional, correction on vague norms or No adequate, as well as intervention to practice potential laws give birth to injustice systemic. Therefore that, the Court Constitution No only functioning

as guard constitution formally, but also as institutions that are substantive respond dynamics social and needs protection right citizen.

Decision Court Constitution Number 65/PUU-IX/2011 which revoked Article 83 paragraph (2) of the Criminal Procedure Code because contradictory with the 1945 Constitution showing pattern activism judicial alignment with realism law and law responsive. In decision this, the Court No stop reading textual norms, but evaluate impact concretely in practice pretrial, in particular injustice consequence the right of appeal which is only given to investigators and prosecutors general. With correcting inequality said, the Court confirm that law must ensure justice substantive and protection right constitutional, not just maintain formality of norms (Adinata et al., 2025).

Decision Court Constitution Number 21/PUU-XII/2014 shows shift paradigm criminal procedure law going to protection right more constitutional substantive. Court interpreting " evidence" quite a start " as at least two tools proof according to Article 184 of the Criminal Procedure Code, and enter determination suspects, searches and seizures to in object pretrial. Decision This reflect activism judicial in line with realism law and law responsive, because Court evaluate No only normative texts, but also practices enforcement potential laws harm right citizens. Therefore that, the decision This become form correct constitutional balance state authority with protection right basic man in criminal proceedings (Nasoha et al., 2025).

Decision Court Constitution Number 102/PUU-XIII/2015 continues activism judicial Court in strengthen pretrial as means protection right constitutional. Through decision this, the Court interpret the phrase " matter Already start examined " in Article 82 paragraph (1) letter d of the Criminal Procedure Code as fall application pretrial only if case main has delegated to courts and trials First has started. Interpretation the show that Court No only assess norms textual, but also pay attention to meaning its operations in practices and their impacts to right citizens. Therefore that, the decision This reflect activism judicial measurable corrective, which strengthens protection right without ignore stability system law.

Decision Court Constitution Number 130/PUU-XIII/2015 confirms obligation investigator for submit SPDP to prosecutor general public, the reported party and the victim/ reporter no later than 7 (seven) days since

publication letter order investigation. Decision This reflect activism responsive judiciary, because Court correcting practice inadequate investigation transparent and potential harm the rights of the parties. In perspective law responsive and realism law, decision This show sensitivity Court to need will transparency, accountability, and protection right constitutional, at the same time done in a way measurable so that strengthen legitimacy investigation and pretrial without bother stability law criminal (Alatas et al., 2024; Harefa et al., 2026; Irwan et al., 2026; Purba et al., 2026; Reden et al., 2026).

Decision Court Constitution Number 118/PUU-XX/2022 shows activism significant judicial through reinterpretation of Article 79 paragraph (1) of the Criminal Code. The Court confirm that expired action criminal forgery letter or currency is calculated since actions the known, used, and generated loss, not solely since actions done. Decision This reflect a priority approach reality factual and victim protection above formalism time, so that in harmony with perspective realism law and law responsive. With still guard proportionality, Court put certainty law and justice substantive in balanced relationship.

Decision Court Constitution Number 59/PUU-XXI/2023 is example activism judicial in nature corrective and proportional in organize relation authority inter-agency enforcer law. Through decision this, the Court interpret repeat the phrase " only can carried out by OJK investigators " becomes " can carried out by OJK investigators ", so that arrangement authority investigation in the sector service finance still in harmony with system criminal procedure law national. Interpretation the show that Court No solely assess norms literally, but also consider design institutional, effectiveness enforcement law, and the principles of the rule of law in connection authority inter-institutional. In perspective law responsive, decision This reflect sensitivity to need will balance between independence institutions and coordination in system justice criminal, at the same time show ability adaptation law to development complexity enforcement modern law. Corrections made Court nature measurable, because No eliminate role OJK investigators, but rather place it in a way more proportional in framework authority investigation national. With Thus, the Decision Number 59/PUU-XXI/2023 shows pattern activism responsive judiciary to design institutional, without bother stability system law national (Arfandy & Maharani, 2026).

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Decision Court Constitution Number 114/PUU-XXIII/2025 is form important activism judicial system oriented towards arrangement relation between institutions policing and governance civil in a state of law democratic. Through decision said, the Court cancel the phrase " or No based on assignment from Chief of Police " in Explanation of Article 28 paragraph (3) of the Law Number 2 of 2002 concerning Indonesian National Police. Correction constitutional This show partisanship Court on strengthening supremacy civil, consistency principle meritocracy in position civil, as well as affirmation of the limits of authority institutional Indonesian National Police (Asa et al., 2025). In perspective law responsive, decision This reflect strong orientation towards justice substantive and improvement structural, because Court No only evaluate the norm sounds formal, but also considerate the implications to balance power, accountability institutions, and the principles of the rule of law. The approach used nature corrective and proportional, so that generated updates still guard stability system state administration while ensure that role Indonesian National Police is at in corridor constitutionally aligned with governance democratic civil society.

Decision Granted According to Judge's Consideration

In period time 2011 to end of 2025, the Court Constitution in realm law police has inspect at least 35 cases testing laws, with 7 (seven) cases among them granted, good all of it and partly. This fact show that related issues with law police is one of the sufficient field significant in practice testing law in court Constitution.

Constitutional Court Decision Number 65/PUU-IX/2011 was granted in a way part with state that Article 83 paragraph (2) of the Law Number 8 of 1981 concerning Criminal Procedure Law (State Gazette of the Republic of Indonesia 1981 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3209) is in conflict with with The 1945 Constitution of the Republic of Indonesia so that No have strength law, order This loaded in the State Gazette of the Republic of Indonesia as should be, and reject application Applicant For apart from and beyond (Christianto, 2019). The judge considers Decision the with pull out special right of appeal for investigators and prosecutors general in Article 83 paragraph (2) of the Criminal Procedure Code, which prohibits

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appeals for suspect / defendant, while give right of appeal to investigators / prosecutors general which thing the nature discriminatory and contradictory with Article 27 paragraph (1) & 28D paragraph (1) of the 1945 Constitution. With cancel provision said, the Court strengthen objective social pretrial as instrument protection of human rights and ensuring that all over party treated equal. Justice is upheld No Again formal- procedural in nature, but rather move going to justice substantive based on principle equality in front of law. Court cancel right of appeal for investigator / prosecutor general For equality, maintaining speed pretrial, as well as reject the test of Article 83 paragraph (1) because No reasonable law.

Decision Court Constitution Number 21/PUU-XII/2014 was granted For part and become milestone important in update criminal procedure law. Court state that the phrase " evidence" beginning ", " evidence sufficient start ", and " sufficient evidence " in Article 1 number 14, Article 17, and Article 21 paragraph (1) of the Criminal Procedure Code are contradictory with the 1945 Constitution of the Republic of Indonesia throughout No interpreted as at least two tools valid evidence as intended in Article 184 of the Criminal Procedure Code. The Court also interpreted Article 77 letter a of the Criminal Procedure Code to include determination suspects, searches and seizures as object pretrial. Considerations the based on the need guarantee of due process of law, the principle of lex certa, and protection right basic man as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Through decision this, the Court confirm that action determination suspects and attempts force No may based on vague measures and must be can tested through mechanism control judicial. As for the phrase " to do" action criminal " and " circumstances that give rise to concern " in Article 21 paragraph (1) of the Criminal Procedure Code and Article 156 paragraph (2) of the Criminal Procedure Code, the Court assess these norms still constitutional. With thus, the decision This reflect activism corrective and measured judicial in strengthen protection right constitutional citizens in criminal proceedings (Faisyah et al., 2025).

In Decision Court Constitution Number 102/PUU-XIII/2015, Court grant application For part with states that Article 82 paragraph (1) letter d of the Criminal Procedure Code is in conflict with with the 1945 Constitution of the

Republic of Indonesia throughout the phrase " a case Already start checked " no interpreted that application pretrial fall only if main case has delegated to courts and trials First has started. Court evaluate phrase the nature multiple interpretations and gives rise to uncertainty potential laws harm right constitutional applicant. Through interpretation said, the Court clarify the limits of the fall pretrial at a time strengthen protection right suspect in the criminal process. The reason to the phrase " immediately ", Article 137, Article 143 of the Criminal Procedure Code, and Article 52 of the Corruption Eradication Commission Law were rejected Because assessed No contradictory with constitution. Decision This show activism corrective and measured judicial in close ambiguity of norms, without bother principle justice simple, fast, and cost effective light.

In Decision Court Constitution Number 130/PUU-XIII/2015, Court grant application For part with stated that Article 109 paragraph (1) of the Criminal Procedure Code is contradictory with the 1945 Constitution of the Republic of Indonesia conditional, as long as No interpreted that investigator must notify and submit the Notification Letter The Beginning Investigation (SPDP) to prosecutor general, reported, and victims/ reporters no later than 7 (seven) days after publication letter order investigation. Court evaluate that delay or No the submission of the SPDP gave rise to uncertainty law and conflict with the principle of due process of law and right on certainty just law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Hosaimah, 2023). Through decision this, the Court strengthen transparency and accountability at the stage beginning investigation, at the same time ensure rights of the parties For know and prepare his defense since early. As for the evidence against Article 14 letter b and letter i, Article 138 paragraph (1), and Article 139 of the Criminal Procedure Code are rejected, because Court evaluate mechanism pre-prosecution still constitutional and important in guard quality prosecution.

Constitutional Court Decision Number 118/PUU-XX/2022, Court Constitution grant the applicants ' application in a way part with states Article 79 number 1 of the Law Number 1 of 1946 concerning The Criminal Law Regulations (announced 26 February 1946) are contradictory with the 1945 Constitution of the Republic of Indonesia and not have strength law in a way

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conditional throughout No interpreted that grace period expired forgery or destruction currency starts valid on the day after counterfeit goods or damaged currency known, used, and generated loss, so that chapter the becomes : " Grace expired start valid on the day after actions done, except in things following : regarding forgery or destruction currency, grace period start valid on the day after counterfeit goods or damaged currency known, used, and generated loss ” (Huroiroh, 2025). The judge in decision the accept argument applicant that Article 79 paragraph (1) of the Criminal Code regarding expired forgery letter cause uncertainty law (Article 28D paragraph (1) of the 1945 Constitution), although meaning beginning expired different from establishment Court, so that application granted Partially. Other arguments, such as Article 137 letter a of the Criminal Code, were rejected. Because No relevant.

In Decision Court Constitution Number 59/PUU-XXI/2023, Court reject application provision, but grant application main For part with state the phrase “ only can conducted by investigators Financial Services Authority " in Article 8 number 21 of the Law Number 4 of 2023 is contradictory with the 1945 Constitution of the Republic of Indonesia conditional, as long as No interpreted to be “ able ” conducted by investigators Financial Services Authority ”. Through decision this, the Court evaluate that restrictions the potential cause disharmony with system investigation national and reduce position Indonesian National Police as investigator main in system justice criminal. Therefore that, the Court do correct in a way proportionally so that the authority investigation in the sector service finance still in harmony with principles of the rule of law, coordination inter-agency, and effectiveness enforcement law. As for the application related the phrase " employee" certain ” (Article 49 paragraph (1) letter c) stated constitutional, with reason harmonization of the Criminal Procedure Code and Constitutional Court Decision 109/PUU-XIII/2015, for synergy between OJK and the National Police remember complexity service finance, so that argument application stated No reasonable according to law.

In Decision Court Constitution Number 114/PUU-XXIII/2025, Court grant all over the applicants ' application with state the phrase “ or No based on assignment from Chief of Police " in Explanation of Article 28 paragraph (3) of the Law Number 2 of 2002 concerning The Republic of Indonesia National Police is in conflict with the 1945 Constitution of the Republic of Indonesia and

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not have strength law binding (Musyarofah & Septiani, 2024). Court evaluate phrase the nature multi-interpretable and potentially open room conflict interests, blurring the boundaries of assignment member Police outside structure police, as well as bother principle supremacy civil, certainty law and professionalism institutional. Decision this also shows attention Court to protection meritocracy position civil and prevention overlapping overlap role between institutions police and positions civilians outside police. Although There is 1 (one) judge with a concurring opinion, and 2 (two) judges with a dissenting opinion, because phrase coherent with basic norms, UU minutes, MPR Decrees, assignment data as well as opinion expert (principle Meritocracy in accordance with Law No. 20/2023 concerning ASN).

Type of Decision Granted

Implementation law responsive in activism judicial Court Constitution in the realm law police show distinctive character. Decisions Court Constitution in the field of This show trend strong on six category characteristics law responsive. Of the seven case testing the law that was passed, it appears existence diversity form responsiveness, good through protection right constitutional, correction on ambiguity of norms, as well as arrangement authority in system law police (Aji & Utama, 2025).

In Case Number 65/PUU-IX/2011, Decision Court Constitution show implementation law responsive through six characteristics main. First, orientation towards justice substantive looks in cancellation of Article 83 paragraph (2) of the Criminal Procedure Code which gave rise to treatment No equal, because give right of appeal only to investigators and prosecutors general in case pretrial. Second, the decision This show sensitivity to protection right basic humans and development need law, although Power its reach more focused on correction to inequality procedural than aspirations more social broad (Septiansyah et al., 2024). Third, the Court operate role active with choose interpretation that confirms equality of the parties, in line with philosophy pretrial as fast and effective mechanism. Fourth, as implementer power judiciary, court confirm principle equality in front of law for all over party in the pretrial process. Fifth, the decision This show capacity Court in build argumentation strong constitutional, especially in confirm the importance of

fair trial and balance procedural. Sixth, the Court show not quite enough answer institutional through proportional correction, with delete discriminatory appeal rights to prevent greater injustice wide in practice justice criminal.

In Case Number 21/PUU-XII/2014, Decision Court Constitution show implementation law responsive through six characteristics main. First, orientation towards justice substantive looks from expansion object pretrial until covers determination suspects, searches and seizures, as correct on limitations previous pretrial tends to be formal and post factum in nature. Second, the decision This show sensitivity to change social and protection right basic humans, in particular with confess existence potential violation right citizens in practice enforcement law. Third, the Court operate role active through interpretation constitutional which affirms that the phrase " evidence" beginning ", " evidence sufficient beginning ", and " sufficient evidence " must be interpreted as at least two tools proof as intended in Article 184 of the Criminal Procedure Code, as well as with expand scope of Article 77 letter a of the Criminal Procedure Code (Hubaib, 2026). Fourth, the decision This functioning as instrument control to power apparatus enforcer law with set a higher limit of proof clear, so that can prevent action arbitrary and strengthening protection of human rights. Fifth, the Court show capacity strong institutions in a way philosophical and theoretical in build argumentation constitutional, although effectiveness social decision still influenced by the level trust public to institutions enforcer law. Sixth, the Court show not quite enough answer institutional in build certainty proportional law, with ensure that determination suspects and actions effort force subject to standards adequate proof without cause loss more social wide.

In Case Number 130/PUU-XIII/2015, Decision Court Constitution show pattern law responsive through six characteristics main. First, orientation towards justice substantive looks from affirmation obligation submission of SPDP since beginning investigation to prosecutor general, reported, and victims or reporter, in order to protect rights of the parties in a way balanced. Second, the decision This show sensitivity to change social and reality empirical, especially practice protracted investigation, less transparent, and potential harm right citizens. Third, the Court operate role active through reconstruction of norms with set a time limit of no later than 7 (seven) days, so that strengthen

certainty law. Fourth, the decision This functioning limit power investigators so as not to executed in a way arbitrary, at the same time strengthen transparency and accountability of the criminal process. Fifth, the Court show capacity careful and systemic institutionalization in balance effectiveness investigation with protection right constitutional. Sixth, the Court show not quite enough answer institutional to impact more social wide, especially in prevent criminalization, guarantee right defense, and strengthening protection law for all over party since stage the beginning of the criminal process.

In Case Number 118/PUU-XX/2022, Decision Court Constitution show character law responsive through six aspect main. First, orientation towards justice substantive looks in interpretation that expired action criminal forgery or destruction currency is calculated since actions the known, used, and generated loss, so that protection law towards the victim to become more real. Second, the decision This show sensitivity to change social with adjust the previous expired norms stiff to stay relevant with complexity modern transactions. Third, the Court operate role active through formulation repeat meaning constitutional norms in general operational, so that give more guidelines clear in implementation law. Fourth, the decision This limit use expired as formal reasons that can be ignore victims' rights and principles equality in front of law. Fifth, the Court show capacity careful institutionalization in balance certainty law with justice substantive. Sixth, the decision This reflect not quite enough answer institutional Court in expand protection of victims, strengthening the sense of justice, and guaranteeing right citizens in general more effective (Terpstra, 2009).

In Case Number 59/PUU-XXI/2023, Decision Court Constitution show character law responsive through six characteristics main. First, orientation on justice substantive looks from interpretation return to the original norm put OJK investigators as the only one implementer investigation, so that No close access protection law through mechanism investigation in system criminal national. Second, the decision This show sensitivity to change social and reality empirical, especially to cases in the sector service demanding finances handling more effective and coordinated. Third, the Court operate role active through reconstruction of norms in a unconstitutional conditional on building synergy inter-enforcement law. Fourth, the decision This functioning as instrument

control power with reject monopoly authority investigation and confirm importance checks and balances in framework of the 1945 Constitution. Fifth, the Court show capacity systematic and consistent institutional with decisions previously, at the same time still proportional with reject arguments that are not reasoned. Sixth, the decision This reflect not quite enough answer social Court For ensure access effective and safeguarding laws trust public to system enforcement law.

In Case Number 114/PUU-XXIII/2025, Decision Court Constitution show character law responsive through six characteristics main. First, orientation towards justice substantive looks in correct against norms that open room placement member Police outside structure police without clear boundaries, so that potential cause injustice in filling position public and disturbing principle meritocracy of civil servants. Second, the decision This show sensitivity towards the reform and strengthening agenda supremacy civil post-dual function of ABRI. Third, the Court operate role active through correct against the norm of deviant explanation from the parent norm, so that interpretation law returned to the proper constitutional limits (Iman et al., 2022). Fourth, the decision This emphasize function Court as barrier power institutions police to remain walk in corridor of the 1945 Constitution. Fifth, the Court show capacity analysis comprehensive institutional framework, including through difference fixed opinion enrich quality argumentation constitutional. Sixth, the decision This show not quite enough answer institutional to impact more social wide, especially in promote governance position more public transparent, accountable, and aligned with principles of the rule of law democratic.

Direction / Vision of Activism Judicial Police Law at the Constitutional Court

Activism model judicial Court Constitution in law police must formulated in a way dynamic, harmonious with practice enforcement law empirical and interaction of norms with reality socio-institutional. This model measured through two dimensions. First, the dimension material, namely that correct normative must still is at in framework constitutional, including Article 30 paragraph (1) of the 1945 Constitution of the Republic of Indonesia and the Law Police, so that balance between legality, function police and protection right permanent citizens awake. Second, the dimension formal, namely that position

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law applicant must based on relationships real causal between the tested norm and the loss constitutional issues experienced, so that Court No stuck in abstract testing or speculative (Zariah Nur & Mahzaniar, 2022).

In Decision Court Constitution Number 65/PUU-IX/2011, Court confirm existence connection causal direct (causal verband) between the norm being tested and the loss constitutional issues experienced Applicant. Loss the arise from decision pretrial South Jakarta District Court which is assessed No give protection fair law, even though there is results laboratory criminalistics The Indonesian National Police showed existence forgery sign hand. In condition thus, the termination investigation Because reason not enough proof cause injustice real procedural for The applicant, so that need will appeal is considered as means For get more assessment objective. Consideration This show that testing constitutionality of norms does not done in a way abstract, but rather based on loss truly concrete experienced Applicant. With thus, the decision This confirm that activism judicial Court Constitution still must based on conditions formal in the form of loss real constitutional, so that protection right citizens can given without exceeding the limits of authority Court.

Constitutional Court Decision Number 21/PUU-XII/2014, Court state Applicant experience or potential experience loss constitutional due to the norms of the Criminal Procedure Code such as Article 1 number 2, 14 in conjunction with 17, 21(1), 77 letter a, and 156(2) which are open to multiple interpretations as well as No fulfil principle principle lex certa and lex stricta. Phrase such as “evidence” sufficient beginning”, “sufficient evidence”, as well as “circumstances giving rise to concern” is subjective, open room understanding authority investigator in set suspects and attempts forced, and limit narrow pretrial. This cause violation law, human rights violations against suspects, and injustice procedural, so that need intervention constitutional For balance enforcement law and human rights protection (Wantu et al., 2020).

In Decision Court Constitution Number 102/PUU-XIII/2015, Court evaluate that Applicant experience loss constitutional in nature specific and actual consequence implementation concrete a number of norms of the Criminal Procedure Code, especially Article 82 paragraph (1) letter d, in case pretrial Number 69/ Pid.Prap /2015/PN.JKT.SEL. Relationship causal between the tested norm and the loss Applicant seen in the meaning the phrase “ matter Already

start checked " which causes fall application pretrial in a way premature, so that limit access Applicant For get testing on legitimate or whether or not action investigation. Condition the assessed implications direct to right constitutional on recognition, guarantee, protection, and certainty just law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, as well principles of the rule of law and due process of law according to Article 1 paragraph (3) of the 1945 Republic of Indonesia Constitution. With Thus, testing constitutionality in case This fulfil condition formal Because based on real and related losses direct with the validity of the norm. Decision This confirm that intervention Court Constitution No nature abstract, but rather leave from need concrete For protect right constitutional citizen.

In Decision Court Constitution Number 130/PUU-XIII/2015, Court evaluate that the Applicants own position law Because the enactment of Article 14 letter b, Article 109 paragraph (1), Article 138 paragraph (1) and paragraph (2), Article 139, and Article 14 letter l of the Criminal Procedure Code has the potential to cause loss real to right constitutional on certainty just law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Losses the looks in ambiguity mechanism pre-prosecution, delay or No submission of SPDP, as well as weakness control regarding the investigation process that can harm reporter, victim, and reported. In case a quo, Court evaluate that condition the has cause connection sufficient causality clear between the tested norm and the loss constitutional issues experienced by the Applicants, including the prolonged suspect status and weak protection to rights procedural. Therefore that, testing constitutionality in case This fulfil condition formal, because leave from concrete losses and needs real For repair system justice criminal law to be more accountable, transparent, and protective right citizen.

In Decision Court Constitution Number 118/PUU-XX/2022, Court evaluate that the Applicants own potential loss real constitutional consequence the ambiguity of Article 79 number 1 of the Criminal Code regarding point beginning expired action criminal forgery. The norm open room multi-interpretable, is it expired counted since actions done, since used, or since cause consequence law certain. Loss This happen in a way concrete namely that Applicant I knows forgery of SKGR No. 24/595.3/KR/1995 (basis for SHM No.

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304) after case civil case 188/ Pdt.G /2019/ PN.Pbr, while Applicant II knows forgery sign hand in Deed of Sale and Purchase No. 3549/PPAT/1987 (based on SHM No. 912) after existence lawsuit 269/ Pdt.G /2019/ PN.Pbr, both on land owned by they. Uncertainty This looks concrete in the experience of the Applicants, which is new know existence suspicion forgery on documents that become base publishing certificate right owned by after the ongoing civil process. For the Court, the ambiguity of such norms hinder access towards the criminal process and in general direct implications for rights on certainty just law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia as well principles of the rule of law according to Article 1 paragraph (3) of the 1945 Republic of Indonesia Constitution. With Thus, there are connection clear causality between the tested norm and the loss constitutional as argued by the Applicants, so that application fulfil condition formal testing constitutionality (Prabandari et al., 2021).

In Decision Court Constitution Number 59/PUU-XXI/2023, Court evaluate that the Applicants postulate existence loss constitutional source from the provisions of Article 8 number 21 of the P2SK Law which place OJK investigators as the only one investigator action criminal law in the sector service finance. According to the Applicants, the arrangement the limit access to investigation through Indonesian National Police as investigator general, so that has implications for disruption right on certainty just law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia and the principles of the rule of law according to Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Losses the postulated in a way concrete by the Petitioners who experienced it obstacle in reporting and handling suspicion action criminal law in the sector service finances, good in case insurance and banking. For example, Petitioner I (worker affected Bumiputera Mutual Life Insurance case 1912), Applicant II (report of " dark bank " to Bali Police), and Applicants III–VI (obstacles reporting case banking / insurance in Jakarta and Bengkalis) experienced limitations access and effectiveness enforcement law. This norm cause loss actual / potential through concentration OJK's authority. In context this, the Court see existence connection causal between the norms being tested and the limitations access to enforcement effective law. Therefore that, the request assessed fulfil condition

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formal testing Constitution Because leave from loss constitutional in nature current or at least potential, as well as own relatedness direct with the validity of the a quo norm.

In Decision Court Constitution Number 114/PUU-XXIII/2025, Court confess position second legal standing Applicant Because existence loss constitutional that is real, specific, and has connection cause and effect direct with the tested norms, namely Explanation of Article 28 paragraph (3) of the Law Number 2 of 2002 concerning The Republic of Indonesia National Police. Applicant I, who works as a as advocate, argued experience loss constitutional Because the validity of the norm potential cause inequality position in mentoring law when face to face with officials active The police who occupied outside positions institutions police, so that can influence process integrity, objectivity enforcement law, and independence defense. Meanwhile that, Applicant II argued loss in the form of closed fair chance for inhabitant civil For occupy position public, because the a quo norm opens room for member Indonesian National Police active for fill in outside positions police without mechanism clear termination of status. Condition the assessed related with guarantee equality in front of law, certainty fair laws and equal opportunities in government as arranged in Article 27 paragraph (1), Article 28D paragraph (1), and Article 28D paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Thus, the Court evaluate there is connection sufficient causality clear between the application of the tested norms and losses constitutional as argued by the Applicants, so that application fulfil condition formal testing Constitution (Angelina et al., 2026; Lampatta & Sulaiman, 2020; Tomi et al., 2026; Zusmelia et al., 2026).

Through the activism model measurable judicial, which is based on testing formal and material, the Court Constitution No only confirm the supremacy of the 1945 Constitution of the Republic of Indonesia, but also prevents law police trapped in formalism rigid normative. In this model, testing formal emphasize existence connection causal between the tested norm and the loss real constitutional, whereas testing material evaluate alignment of norms with principles constitution. With Thus, intervention Court functioning in a way corrective and proportional. In perspective this, law police understood as an integral part of system the law that must be responsive to dynamics social,

political and rights basic human. The result is decisions that are not only guard certainty law, but also realize justice substantive in legal framework democratic.

4. Conclusion

Based on analysis to seven case testing laws in the field of law police, can concluded that activism judicial Court Constitution play a role significant in push formation law responsive policing. Decisions Court show that character law responsive No present in a way uniform, but rather develop in accordance context factual, needs protection right constitutional, and complexity the problem being tested. Through interpretation corrective and progressive constitutional court expand object pretrial, strengthening transparency investigation through SPDP, organize return calculation expired, limited monopoly authority investigation, and confirm assignment limits member Indonesian National Police in framework supremacy civil. Practice activism judicial MK in general majority reflect law Nonet and Selznick's responsive style explains about shift from formal compliance with norms towards adaptation social protection right basic human rights (HAM), clarifying multi-interpretable norms, expanding control judicial on abuse authority apparatus, and limit domination institutional for balance state administration so that the Constitutional Court is not just guard constitution formal, but agent transformation going to justice substantive.

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