



## THE INTEGRATION OF JUDICIAL REVIEW IN INDONESIA

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### Abstract

The judicial review is the essence of constitutional justice. Nowadays, Indonesia has adopted a dualism system in judicial review, which creates legal problems. This study aims to analyze the current judicial review system and examine the integration of judicial review by the Constitutional Court as *ius constituendum*. In reviewing the legal issues in this research, the Constitutional Court use the juridical-normative method. Furthermore, this research also uses a regulatory approach and a comparative study in Austria and Germany. The results shows that Articles 24A and 24C of the Indonesia Constitution have delegated the Supreme Court the right to judicial review of regulations under the law, while the Constitutional Court has judicial review against the Indonesia Constitution. This raises problems, from practice to the difficulty of guarding the hierarchy of norms from Regional Regulations to the Indonesia Constitution. Judicial review at the Supreme Court also still has problems, especially related to transparency and accountability principles, because they have a closed nature. If analyzed in Austria, the Constitutional Court has the authority to do judicial review the constitutionality of laws and the legality of administrative regulations (policies). In Germany, the Federal Constitutional Court has the authority to do judicial review the law against the constitution. Therefore, there is a need for an urgency to integrate the judicial review by the Constitutional Court through the Amendment to the Indonesia Constitution.

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## I. INTRODUCTION

The idea of establishing a legal state was born by the thoughts of philosophers since the days of Ancient Greece, such as Plato and Aristotle. In his work entitled "the Statement and the Law," Plato states that one of the ideal state formations is to make law the rule of law (Marquez, 2011). Furthermore, Aristotle also revealed that the rule of law could realize the state's goals (Dwisvimiari, 2011). The development of a modern legal state is currently known as "rechtsstaat" for civil law countries and "the Rule of Law" for common law countries. So, as a state of law, it will not be separated from the legal product itself. Theory-Based on Hans Kelsen states, "the science of hierarchical law is a normative relationship, not a sequence of cause and effect." (Kelsen, 1945). This theory is known as the Stufenbau theory, which analogizes the legal system as a tiered ladder. Hans Kelsen's theory became the basis for the birth of review legislation (Pratiwi, 2020). The mechanism for judicial review is the authority to assess statutory regulation's formal and material skills, whether appropriate or contradictory, and whether a specific power (specific institution) has the right to issue a

particular rule. Furthermore, based on the views of Prof. Jimly Asshidiqie said that the review of laws and regulations is a step to safeguard the implementation of the law and constitution in the community (Asshiddiqie, 2005).

Indonesia, a state of law, has a long history of judicial review carried out at the beginning of Indonesia's independence (Suparto, 2021). Mohammad Yamin was one of the figures who initiated the judicial review of the Indonesia Constitution, which was presented at the discussion of the draft Indonesia Constitution at the Investigative Agency for Preparations for Indonesian Independence (BPUPKI) (Faiz, 2016).

"...Esteemed Lord Chief, ...etc. For the Supreme Court to exercise judicial power and to compare laws following customary law, Islamic law (Shariah), and the Constitution and carry out the rules for canceling laws, the opinion of the Supreme Court -- meaning the Supreme Court -- is conveyed to the President, who reports the news to the House of Representatives. ..., etc."

"... The Great Hall should not only carry out the judiciary but should also be the body that compares whether the laws made by the House of Representatives do not violate the republican constitution, conflict with recognized customary law or do not conflict with Islamic sharia. So, civil and criminal bodies should be formed within the High Court, as well as the Customary Court and the Islamic Court."

"High, whose job is not only to run the judiciary but also to compare and report his opinion to the President of the Republic on all matters that violate basic law, customary law, and sharia rules; Regarding the other proposals, which relate to the articles, I will report later when we have discussed the articles one by one. I hope the honorable Mr. Chairman, my talk can be accepted ..., etc." (Putra, 2018)

However, the idea was postponed because, according to Soepomo, there was a need for a more in-depth study, and on the other hand, there were still few legal scholars in Indonesia at that time. In its development, the Constitution of the Republic of the United States of Indonesia in 1949 explicitly emphasized the Supreme Court's authority regarding reviewing laws and regulations to examine whether State Laws conflict with Federal Laws. (Badan Pengkajian MPR RI, 2017). The entry of the new order, the mechanism for reviewing laws and regulations based on Law Number 14 of 1970 is limited, meaning that the judicial review mechanism is only given to the Supreme Court to judicial review under the law. Furthermore, the judicial review authority of the Supreme Court is also stated in Article 31 of Law Number 14 of 1985 concerning Judicial Power and Supreme Court Regulation Number 1 of 1993 concerning the Right to Material Examination. Where in the regulation, the Supreme Court allows the district court to declare a statutory regulation under the law contrary to the legislation at a higher level so that it no longer has binding legal consequences.

In the course of the history of state administration in Indonesia, the urgency to conduct a judicial

review of the Indonesia Constitution is necessary. So that in the third amendment to the Indonesia Constitution, the Constitutional Court was formulated to establish the institution of the Constitutional Court, which one of its duties is as the sole interpreter and the guardian of the constitution which focuses on examining the constitutionality of laws against the Indonesia Constitution (Hasani et al., 2022).

So, at this time, there is a dualism in the judicial review, namely that it is given to the Constitutional Court and the Supreme Court (Putra, 2018). This raises a problem because the integral and comprehensive guarding and enforcement of the constitution, starting from laws to regulations under the law against the Indonesia Constitution, will be challenging to realize. In addition, the dualism of judicial review will also cause conflict due to differences in interpretation between the two institutions (Hidayat & Sari, 2018). Then, the judicial review examination at the Supreme Court was also considered ineffective. Another problem is that the Supreme Court cases increase and exceed their capabilities every year. This will undoubtedly hinder the judicial review process by the Supreme Court, considering that the Supreme Court is the culmination of the judiciary relating to the demands of the struggle for justice for individuals and legal entities. Moreover, under the Supreme Court, there are four judicial bodies, namely the general court, the religious court, the state administrative court, and the military court. Of course, these problems must be solved and find the best solution.

Efforts to integrate the review of laws and regulations in the Constitutional Court are urgent that must be carried out. This proposal is not new because, in the discussion of the amendment to the Indonesia Constitution, Prof. Jimly Asshiddiqie stated that "we give the Supreme Court the authority to make decisions regarding cases concerning justice for citizens, while the Constitutional Court will maintain the rule of law, orderly rules starting from the constitution to the regulations under it" (*Badan Pengkajian MPR RI, 2017*). The Ad Hoc Committee Member also approved the proposal, Soedijarto from the Group Envoy Fraction (FUG), who stated, "We agree with the Expert Team who suggested that the authority to judicial review under the law materially resides in one institution, namely the Court of Appeal. Constitution" (*Badan Pengkajian MPR RI, 2017*).

Furthermore, if examined in a comparative study in Austria, the Constitutional Court has the exclusive authority to control the constitutionality of centralized statutory regulation (Faber, 2008), with a focus on judicial review the constitutionality of laws and administrative regulations (policies) regulated in Article 140 of the Austrian Constitution, in which the authority of the Constitutional Court is not only to judicial review but also "the Constitutional Court pronounces on the constitutionality of federal acts upon application of a regional government (*Landesregierung*) and on the constitutionality of Land acts upon application of the Federal Government, without its judicial review being triggered by a specific case" (Armia, 2017). The application of one-roof statutory judicial review is also carried out in Germany, where the Constitutional Court has the authority to immediately judicial review statutory regulations under the Basic Law as regulated in Article 93,

paragraph 1 number 2 of the German Constitution, which states that the Constitutional Court has the authority to “in any disagreement or doubt regarding the formal or substantive conformity of federal law or Land law with this Basic Law, or the conformity of Land law with other federal laws, on the application of the Federal Government, of the Government of Land, or any of the four Bundestag Members.”(Lohse, 2015).

Indeed, research related to the integration of judicial review has been investigated several times, such as 1) Research conducted by Maruarar Siahaan entitled "Integration of the Judicial Authority of the Judicial Review of the Constitutional Court and the Supreme Court" (Siahaan, 2021). This study examines the separation of judicial review powers between the Supreme Court and the Constitutional Court. This study also reveals that the examination of legislation under the law, which is the authority of the Supreme Court, is odd. Thus, this study proposes the integration of judicial review in the Constitutional Court; 2) Research conducted by Sholahuddin Al-Fatih entitled "The One-Stop Legislation Examination Model Through the Constitutional Court" (Al-Fatih, 2017). This research reveals that the inconsistency of the function of examination legislation can lead to bureaucratic inefficiency. Thus, this study proposes that the examination of the statutory regulations be given to the Constitutional Court. In addition, this study proposes the digital concept of the Judicial Review System in Indonesia; and 3) Research conducted by Meidiana with the title "Integration of Examination Legislation by the Constitutional Court" (Meidiana, 2019). This study examines the proposed integration of regulatory examination under the authority of the Constitutional Court. This study states that if the examination system is not integrated, the Constitutional Court will cause confusion, cause conflict between the Constitutional Court and the Supreme Court, and result in asynchronous regulations from the bottom to the top.

Therefore, by looking at the research related to the integration of judicial review in the Constitutional Court has been carried out several times, the Constitutional Court to create new research (state of the art), this research will examine through a comparative study approach in Austria and Germany regarding the integration of examination laws and regulations in the Constitutional Court. Thus, through this comparative study, we can provide suggestions and the urgency of reforming the authority to review laws and regulations centrally in the Constitutional Court. By looking at the background exposure that has been presented previously, the Constitutional Court can formulate two problem formulations that will be studied in this research, namely: 1) What is the mechanism for judicial review in Indonesia?; 2) What is the design for the integration of the judicial review in the Constitutional Court?

## II. RESEARCH METHODS

In analyzing the legal problems raised in this study, the method used by the Constitutional Court is normative juridical (Soekanto & Mamudji, 2003). Furthermore, this research also uses a statutory and comparative study approach. The statutory approach is carried out to examine the currently applicable law relating to the legal issues under study, which in this case relates to the judicial review in Indonesia. Furthermore, a comparative study approach is carried out to examine legal regulations or policies in a country related to the judicial review so that they can become the basis for consideration to correct various legal problems that arise regarding the judicial review. In addition, to strengthen the analysis of this research, the Constitutional Court used secondary data covering primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations in Indonesia, Austria, and Germany, decisions of the Constitutional Court, the jurisprudence of the Constitutional Court, and others needed to analyze the legal issues studied. Secondary legal materials include books, journals, policy briefs, and others. Furthermore, tertiary legal materials include institutional websites, online news, and others. A literature study technique was used to obtain the legal material, followed by secondary data analysis through a deduction pattern.

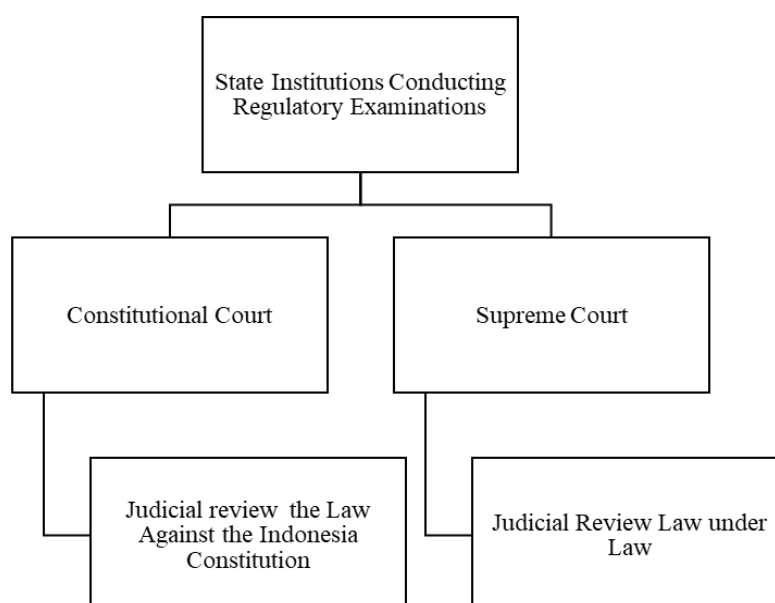
## III. RESULT AND DISCUSSION

### 3.1. Juridical Review in Indonesia

The Efforts to test a legal product are the answer to the many regulations that have low quality. Courts have the authority to examine the feasibility of laws and regulations both in formal and material terms. Based on its report, the Organization for Economic Co-operation and Development (OECD) reveals the need for urgency and Indonesia's commitment to creating quality legal products to create political stability and public welfare (Al-Fatih, 2017). Thus, testing legislation is the primary key that must be considered to creating quality laws and regulations.

**Table 1.**

**Juridical Review in Indonesia**



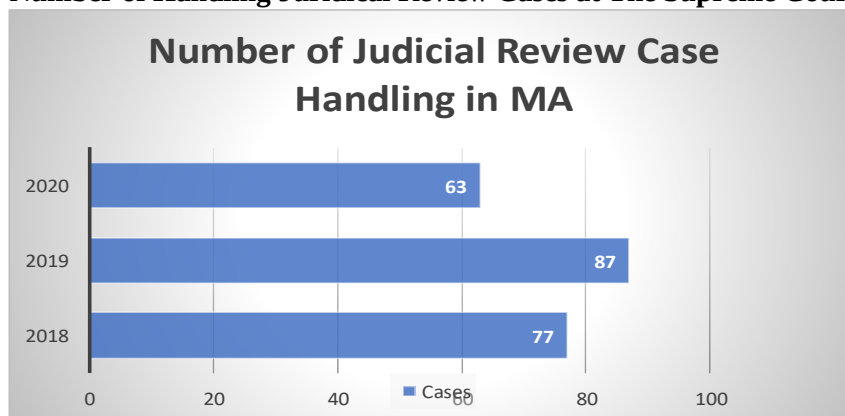
In the history of state administration in Indonesia, at this time, two-state institutions have the authority to judicial review, namely the Constitutional Court and the Supreme Court. The Constitutional Court is a new state institution born in the third amendment to the Indonesia Constitution under the urging of the importance of judicial review. Prof. Jimly Asshiddiqie said that the existence of the Constitutional Court was the brainchild of Hans Kelsen (Asshiddiqie, 2005, 2015). He also mentioned that in testing a legal product, the Constitutional Court needed an institution outside of the legislature to create effectiveness in testing (Qamar, 2014). The particular organ (in this case, the Constitutional Court) that carries out the review has the authority to abolish either part or all of the law, which is unconstitutional.

The granting of authority from Article 24C of the Indonesia Constitution, which gives the Constitutional Court the authority to judicial review law against the Indonesia Constitution, is the answer to overcoming the problems of laws that are not qualified. Until now, 1514 cases have been decided by the Constitutional Court regarding the judicial review of the Indonesia Constitution (Mahkamah Konstitusi, 2022). The procedural regulation of the Constitutional Court in conducting the judicial review is contained in Law Number 7 of 2020 concerning the Constitutional Court and Constitutional Court Regulation Number 6 of 2005 concerning Guidelines for Proceeding in Judicial Review.

The Supreme Court also has the authority to review laws and regulations regulated in Article 24A of the Indonesia Constitution. Supreme Court Number 1 of 2011 concerning the Right to Material Test. However, testing at the Supreme Court has a closed nature which results in problems related to transparency and accountability at trial hearings at the Supreme Court (Junaenah, 2016). In fact, at the trial for examining the application, the Supreme Court did not summon the applicant, the respondent, the witness or the expert (Aris, 2020; Tiara & Zuhri, 2017). Furthermore, the caseload of the Supreme Court is also increasing every year.

**Chart 1.**

**Number of Handling Juridical Review Cases at The Supreme Court**



Source: Supreme Court annual reports 2018, 2019 and 2020

(Mahkamah Agung RI, 2022)

The separation of powers of review between the Constitutional Court and the Supreme Court is also problematic in practice because the judicial review often intersects with the legislation under it. This is because the content of the law provides delegation to the legislation below to regulate in more detail the law. On the other hand, if testing the regulations on the object being tested, it hierarchically has legal relevance, but the decisions are different; of course, it will cause problems from implementation to law order. Furthermore, based on Prof. Jimly Asshiddiqie's view, four reasons cause the dualism of regulatory testing to be not ideal, namely: (Putra, 2018):

- 1) The granting of judicial authority to the Constitutional Court in the third amendment to the Indonesia Constitution suggests that the formulation only fills the existing legal vacuum. This gives rise to an indication that the judicial review rights that are in the hands of the Supreme Court do not affect the judicial review rights of the Constitutional Court. So that the deepening of the conception of the material test is not comprehensive;
- 2) The separation of authority after the amendment to the Indonesia Constitution has been based on checks and balances with the principle of horizontal separation of powers. Thus, the distinction between judicial review of laws and regulations under the law should no longer apply;
- 3) If examined hypothetically in practice, it will cause a substantive conflict between the decisions of the Supreme Court and the Constitutional Court. Thus, the Supreme Court can handle justice issues, while the Constitutional Court guarantees the constitutionality of laws and regulations;
- 4) If the judicial review of laws and regulations is given to the Constitutional Court in a centralized manner, the Constitutional Court may reduce the duties of the Supreme Court.

In addition to the views given by Prof. Jimly Asshiddiqie, the author also considers that the dualism of reviewing laws and regulations will also make it difficult to oversee the integration of norms both from the Regional Regulation level to the Indonesia Constitution as a form of safeguarding the constitution. Furthermore, the non-idealism in judicial review with institutional dualism can be related to the theory of authority and the theory of legal politics (Putra, 2018). For example, the author analyzes Decision Number 15 P/HUM/2009, in which the Supreme Court states that Article 22 letter c and Article 23 paragraphs (1) and (3) of General Election Commission Regulation Number 15 of 2009 concerning Technical Guidelines for Determination and Collection of General Election Results, Procedures for determining the acquisition of seats, determining the elected candidates and replacing the elected candidates in the 2009 general elections for members of the DPR, DPD, Provincial DPRD, and Regency/City DPRD do not have a strong legal standing because they are contrary to Article 205 paragraph (4) and Article 212 paragraph (3) of Law Number 10 of 2008 concerning the General

Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council (Putra, 2018). However, the Constitutional Court in 2009 issued Decisions Number 110, 111, 112, 113/PUU-VII/2009, stating that Article 205 paragraph (4) and Article 212 paragraph (3) of Law Number 10 the Year 2008 are constitutionally conditional. Thus, the decisions of the Supreme Court and the Constitutional Court have come into contact.

If examined based on the functions and objectives of the Constitutional Court as stated in the Law on the Constitutional Court, in which the Constitutional Court was born to handle constitutional or administrative cases so that they can be implemented responsibly based on the will of the people and democratic ideals. The presence of the Constitutional Court also has a positive impact, such as creating state stability and preventing the recurrence of two interpretations of the constitution (Polamolo, 2016). Therefore, in interpreting the original intent of the presence of the Constitutional Court as the sole interpreter and the guardian of the constitution, it should oversee examining the entire legislation against the Indonesia Constitution.

### **3.2. Judicial Review: Comparative Studies in Austria and Germany**

Austria is the originator of the birth of the Constitutional Court with the ideas of Hans Kelsen. The birth of the Constitutional Court was also accompanied by the authority to review regulations. Historically, regulatory testing in Austria was motivated by the authority of the United States Supreme Court. George Jellinek expressed this at the end of the 19th century, who put forward the idea that regulatory testing needed to be carried out in Austria, as John Marshall in America established in the Marbury case against Madison (Andalas, 2016). Furthermore, the Austrian Supreme Court 1867 handled juridical disputes about protecting political rights against the government (Qamar, 2014). Therefore, the Austrian State was compelled to embody Hans Kelsen's idea of giving the Constitutional Court an organ constitutional court that stands outside the structure of the Austrian Supreme Court.

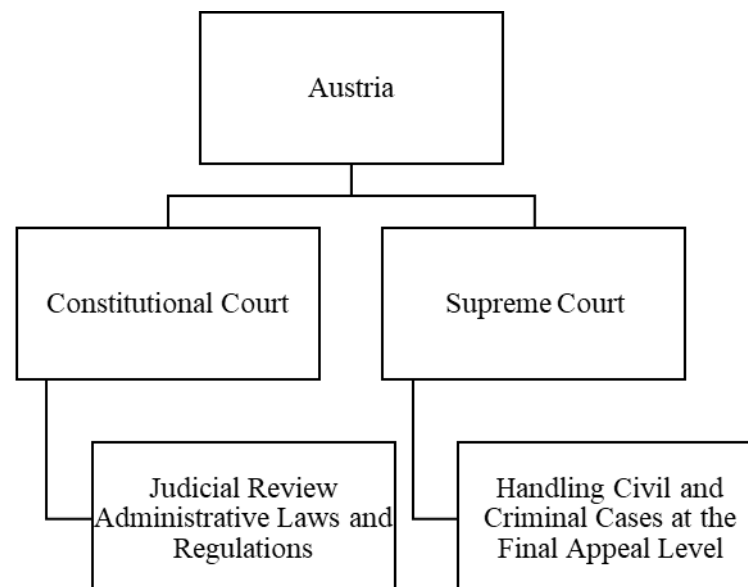
The review of statutory regulations is the essence of constitutional justice. However, the Austrian Constitutional Court is not free to review, at its discretion, any legal provisions for their constitutionality and to revoke them if found unconstitutional (Constitutional Court Austria, 2010). The Court's judicial review function is limited to cases where a judicial review has been filed by a competent state body or authorized individual or a provision to be applied by the Court in a pending lawsuit. The constitution is a legal provision that becomes the standard of review for the Austrian Constitutional Court and the basis for its decisions, while the political usefulness of a provision is not referred to as a material review criterion. The Austrian Constitutional Court, in judicial review, can conduct tests from abstract rules to concrete rules. (Corkin, 2011).

Furthermore, the authority of the Austrian Constitutional Court is to judicial review and administrative regulations, whether constitutional or unconstitutional, as stipulated in Article 140,

paragraph 1 of the Austrian Constitution. Article 140 paragraph 1 of the Austrian Constitution states "The Constitutional Court decides on the unconstitutionality of a Federal or Land Law on the application of the Administrative Court, the Supreme Court, a court which is competent to render a decision in the second instance, an independent Administrative Senate or the Federal Contract Awarding Office, but ex officio if the Constitutional Court were to apply such a law in a pending legal matter. It decides on the unconstitutionality of Land laws on the application of the Federal Government and on the unconstitutionality of Federal Laws on the application of the Land Government or of a third of the members of the National Council or by one-third of the members of the Federal Council. By means of [a] Land Constitutional Law, it may be stipulated that such a right of application (Antragsrecht) with respect to the unconstitutionality of Land laws belongs also to a third of the members of the Land legislature. The Constitutional Court decides, furthermore, concerning unconstitutionality of laws on the application of a person who claims to have been directly hurt in his [her] rights by this unconstitutionality, insofar as the law becomes effective for this person, without the rendering of a judicial decision or the issuance of a directive; for such applications Article 89, Paragraph 3 applies correspondingly". Furthermore, the Austrian Supreme Court only has powers that focus on the final level of appeal in civil and criminal cases.

**Chart 2.**

**The Powers of the Constitutional Court and The Supreme Court in Austria**



After the establishment of the Austrian Constitutional Court, one of its powers was the review of laws and regulations, which became the forerunner to the birth of the Constitutional Court throughout the world. Therefore, the Constitutional Court in Austria is the 'highest court.' Its powers are to determine the level of the constitutionality of Federal, Statutory regulations that are under the

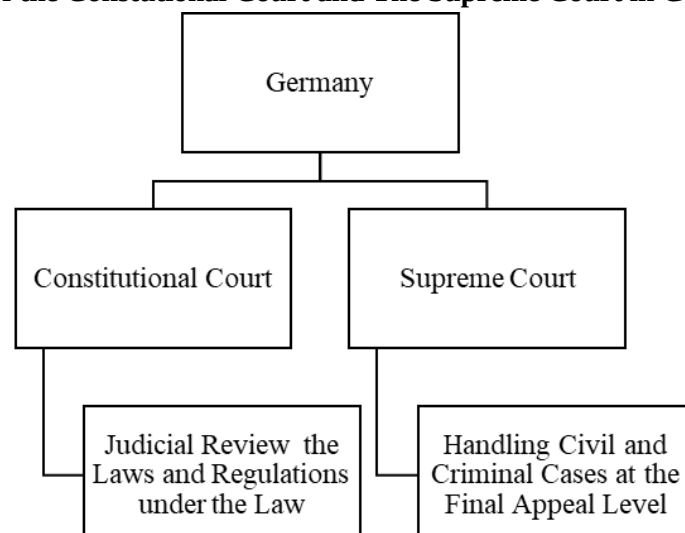
Act, to examine international agreements in general, to resolve disputes over the Presidential Election and Parliamentary Elections, to have the authority to decide competence disputes between the General Courts. with Administrative Courts or Administrative Courts against all other types of courts, and decide on Impeachment cases against high-ranking State officials suspected of violating the law.

After Austria, Germany also formed a Constitutional Court called the Federal Constitutional Court, which was born from the debate of legal experts, namely (Zaky, 2016): First, the emergence of a debate between legal experts in Germany regarding the authority to review regulations on federal and state statutes in 1830 as the implementation of the idea of "Rechtsstaat". However, the general courts have not tested the statutes since the days of the Weimar Republic. Furthermore, in the days of the Weimar Republic, the authority to review regulations was politically given to the legislative parliament. Therefore, German legal experts initiated the establishment of an independent judiciary to conduct a regulatory review of federal and state statutes by looking at the establishment of the Austrian Constitutional Court; Second, the idea of forming a new institution that has the authority to review regulations was agreed upon by the parliament, namely by establishing the Federal Constitutional Court in the 1940s (Aung, 2022; Dicosola et al., 2015).

*The Federal Constitutional Court has the authority to adjudicate constitutional disputes, namely the judicial review law and regulations under the law against the constitution (Chalid & Yaqin, 2019).* The decisions of the Federal Constitutional Court have legal force binding on federal, state, judicial bodies, and public officials and are published in the Federal Gazette, along with other federal statutes. Based on Ernst Benda's view, the former President of the Federal Constitutional Court of Germany stated that the main work of the Constitutional Court is: "The main task of the Constitutional Court is to control state power, ensure that constitutional laws are obeyed, and make the constitution more concrete and pay attention to its further development" (Kommers, 2019). Furthermore, similar to the authority of the Supreme Court in Austria, the authority of the Supreme Court in Germany also only focuses on being the highest court in civil and criminal cases.

**Chart 3.**

**Powers of the Constitutional Court and The Supreme Court in Germany**



### 3.3. Design of One-Stop Judicial Review by the Constitutional Court

The Constitutional Court as a new state organ in the world of state administration is still relatively new, so there are still countries that adhere to democracy but have not adopted the Kelsenian model by establishing a Constitutional Court that stands alone apart from the Supreme Court. In Indonesia, as a consequence of the amendments to the Indonesia Constitution, the constitutional system was changed, one of which was the establishment of the state organ of the Constitutional Court as stated in Article 24C of the the Indonesia Constitution. The presence of the Constitutional Court also had implications for the regulation of judicial power previously held by the Supreme Court (Butt, 2019). However, one of the exciting things about the judiciary at this time is the authority to judicial review. Article 24A paragraph 1 of the Indonesia Constitution has given the Supreme Court the authority for the right to judicial review of regulations under the law, and Article 24C paragraph 1 of the Indonesia Constitution by giving the Constitutional Court the authority to judicial review. This, of course, will raise problems, especially in testing these regulations.

Therefore, the urgency of integrating the testing of laws and regulations under one roof must be done to create an even better arrangement of legislation. The granting of the authority of the Constitutional Court in conducting a centralized review of statutory regulations on legislation products is based on several reasons:

1. In practice, the Constitutional Court has experience in testing laws that contradict the Indonesia Constitution;
2. In terms of effectiveness and efficiency, a centralized examination will have a positive impact on a faster testing process and using transparent and accountable Constitutional Court procedural law; and
3. In the analysis of comparative studies, many countries have adopted the Constitutional Court, especially Austria and Germany, which have combined regulatory testing under one roof.

Furthermore, based on Abdul Latif's view, the Judge for Corruption Crimes at the Supreme Court stated that the Constitutional Court has the authority to judicial review products made by Regional Governments in the form of Regional Regulations against the Indonesia Constitution based on Article 18 of the Indonesia Constitution and the *Legis Ratio* of the Indonesia Constitution. contents of local regulations that contradict the constitution (Qamar, 2014). To create a factual legal basis regarding the authority of the Constitutional Court in conducting a one-stop centralization of judicial review of the Constitutional Court's statutory regulations, amendments to the Indonesia Constitution as contained in Article 24C of the Indonesia Constitution can be added by adding the authority to review regulations under the law, as well as abolishing the authority of the Court. Agung, as stated in Article 24A of the Indonesia Constitution regarding the right to review regulations under the law. On the other

hand, there is a need for changes or revisions to the Law on Judicial Power, the Law on the Constitutional Court, and the Guidelines for Proceedings in Judicial Review.

**Table 1.**  
**Design of the Authority of the Constitutional Court**

| <b>Authority of the Constitutional Court</b>                          |                                                                                                   |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Ius Constitutum</b>                                                | <b>Ius Constituendum</b>                                                                          |
| Judicial review of the Indonesia Constitution                         | Judicial review of laws and regulations under the law against the Indonesia Constitution (Change) |
| Resolving disputes between state institutions                         | Permanent                                                                                         |
| Dissolution of political parties                                      | Permanent                                                                                         |
| Resolving election disputes                                           | Permanent                                                                                         |
| Giving a verdict of violation against the President or Vice President | Permanent                                                                                         |

#### IV. CONCLUSION

Currently, the mechanism for reviewing regulations in Indonesia is dualistic because it is conducted by two different institutions: the Supreme Court and the Constitutional Court. The dualistic nature of testing reaps problems, both from the practice of testing and causing difficulties in maintaining the hierarchy of norms. Therefore, the application of testing legislation under one roof must be carried out urgently for some reasons. First, The Constitutional Court has precedent for reviewing laws that conflict with the Indonesian Constitution. Second, a centralized examination will benefit from a quicker testing procedure and the application of transparent and accountable Constitutional Court procedural law in terms of efficacy and efficiency. Third, If we look at Austria and Germany, the two countries have combined the authority to review regulations under the authority of the Constitutional Court. The granting of the authority of the Constitutional Court as the central institution in reviewing laws and regulations is also based on practical, effective, and efficient reasons, as well as through comparative studies. Therefore, to realize the centralization of judicial review, the Constitutional Court needs an amendment to the Indonesia Constitution and the revision of several laws such as the Law on Judicial Power, the Constitutional Court Law, and Guidelines for Proceedings in Judicial Review.

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