

The Dynamics of Secondary Rules in Constitutional Adjudication: An Analysis of H.L.A. Hart's Theory on Indonesia's Constitutional Court Decision Number 90/PUU- XXI/2023

Salman Alfarisi ^a✉, Najwa Hanif Artfian Arrasyid Aulia Putra ^b,
Primerta Putri Hapsari ^c, Martitah ^d, Dewi Sulistianingsih ^e

^a Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
<https://orcid.org/0009-0004-8798-0490>

^b Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
<https://orcid.org/0009-0006-1653-0788>

^c Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
<https://orcid.org/0009-0007-2125-0112>

^d Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
<https://orcid.org/0000-0001-7398-1100>

^e Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
<https://orcid.org/0000-0003-4152-0590>

✉ Corresponding email: isll@students.unnes.ac.id

Abstract

This study aims to examine the constitutional validity and theoretical implications of Constitutional Court Decision Number 90/PUU-XXI/2023 concerning the age limit for presidential and vice-presidential candidates in Indonesia. The main issues raised are the inconsistency of legal reasoning and the shift in the role of the Constitutional Court, which acts as a positive legislator, triggering a substantive legitimacy crisis behind formal validity. The research method employed is a juridical-normative approach with a qualitative doctrinal orientation. The analysis was conducted using H.L.A. Hart's theoretical instrument regarding the dual rule system to dissect the relationship between primary and secondary rules. The research findings indicate that procedurally, the decision is a valid application of the rule of adjudication and the rule of change, as it is sourced from the highest rule of recognition, namely the 1945 Constitution. However, a substantial rift exists between the internal aspects of legal authority and the external aspects of public acceptance due to the open-ended nature of the legal language used by the judge. This study concludes that although the decision has binding legal force, this phenomenon indicates an expansion of secondary authority that can threaten legal certainty if not limited by objective parameters. The results of this study contribute to clinical legal education by enhancing understanding of the dynamics of norm change through judicial channels during the democratic transition process.

KEYWORDS

Constitutional Court, H.L.A. Hart's Theory, Rule of Recognition, Judicial Review, Legal Validity.

Introduction

The Constitutional Court is a judicial institution that plays a fundamental role in maintaining the balance of power and constitutional supremacy within the Indonesian state system. Based on the constitutional mandate stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the Court has

absolute authority to decide cases at the first and final levels, which are final in the judicial review of laws against the fundamental law¹. This position places the Court as a key element in judicial practice, functioning not only as a judicial resolver but also as a determinant of the direction of national legal policy through its judicial interpretation function². The operationalization of the Constitutional Court's authority in deciding cases directly impacts the stability of the legal system and the overall protection of citizens' constitutional rights. In legal discourse and the legal profession in Indonesia, every legal reasoning produced by constitutional judges serves as the benchmark for practitioners in carrying out legal procedures in the field. Therefore, consistency and integrity in every decision are absolute prerequisites for ensuring the creation of legal certainty and justice for all levels of society without exception³.

In recent developments, the history of Indonesian constitutional justice has been confronted with a significant dynamic with the issuance of Constitutional Court Decision Number 90/PUU-XXI/2023. This decision explicitly challenges the constitutionality of the minimum age requirement for presidential and vice-presidential candidates stipulated in Article 169, letter q of Law Number 7 of 2017 concerning General Elections.⁴ In its decision, the Court provided guidance regarding the minimum age requirement of forty years for individuals with experience as state officials elected through general elections. This legal phenomenon has created a paradigm shift in judicial procedures that has had a direct impact on political access and social justice for

¹ M Ali Safa'at et al., *Hukum Acara Mahkamah Konstitusi (Edisi Revisi)*, Kepaniteraan Dan Sekretariat Jenderal Mahkamah Konstitusi, 2019.

² Moh. Mahfud MD, *Membangun Politik Hukum, Menegakkan Konstitusi / Moh. Mahfud MD*, Depok: Rajawali Pers, 2006.

³ Satjipto Rahardjo, *Negara Hukum Yang Membahagiakan Rakyatnya*, 2nd ed. (Yogyakarta: Genta Publishing, 2009).

⁴ Muhammad Fathur Rizky, Edi Yuhermasyah, and Azmil Umur, "Konflik Kepentingan Putusan MK Nomor 90/PUU-XXI/2023 Tentang Batas Usia Capres Dan Cawapres Menurut UU Kekuasaan Kehakiman," *MAQASIDI: Jurnal Syariah Dan Hukum*, 2024, <https://doi.org/10.47498/maqasidi.v4i1.3452>.

Indonesia's younger generation⁵. This change in norms through judicial interpretation has sparked intensive discussion regarding the limits of the Court's authority to carry out its legislative function, often referred to as favorable legislation⁶. The impact of this decision extends not only domestically but also internationally, attracting the attention of the international legal community as part of the study of democratic development in the Southeast Asian region.

Central inconsistencies in legal reasoning became a point of controversy surrounding the decision-making process in Decision Number 90/PUU-XXI/2023. The public and legal experts highlighted the stark contrast in the Court's stance compared to a similar decision made on the same day⁷. This procedural irregularity poses a serious challenge to speculative institutions and threatens the fundamental principles of legal practice, which prioritize predictability of rules⁸. The emergence of debates regarding the validity of this decision presents an opportunity to evaluate how a legal norm is identified and accepted within a system undergoing transition⁹. A deep understanding of the mechanism of legal change through judicial channels is essential for analyzing how the validity of norms can shift fundamentally in a dynamic constitutional order¹⁰. This knowledge is needed to ensure that the development of the legal system remains on track in accordance with the principles of a stable rule of law.

⁵ Andy Omara, "The Indonesian Constitutional Court and the Democratic Institutions in Judicial Review," *Constitutional Review*, 2017, <https://doi.org/10.31078/consrev323>.

⁶ D Indrayana, "In Search for a Democratic Constitution: Indonesian Constitutional Reform 1999-2002," *Jurnal Media Hukum* 17, no. 1 (2010).

⁷ Andrea Morrone, "Constitutional Adjudication and the Principle of Reasonableness," in *Reasonableness and Law* (Springer, 2009), 215–42.

⁸ Achmad Ali, *Menguak Teori Hukum Legal Theory Dan Teori Peradilan Judicialprudence* (Makassar: Kencana, 2007).

⁹ Arfa'i Arfa'i, Bahder Johan Nasution, and Febrian Febrian, "Aktualisasi Pancasila Sebagai Sumber Hukum Dalam Pembentukan Undang-Undang," *Undang: Jurnal Hukum* 3, no. 2 (2020): 377–407.

¹⁰ Saldi Isra, "Titik Singgung Wewenang Mahkamah Agung Dengan Mahkamah Konstitusi (Authority Connectivity of Supreme Court and Constitutional Court)," *Jurnal Hukum Dan Peradilan* 4, no. 1 (2015).

To analyze this issue thoroughly, theoretical instruments are needed that can reach the deepest structures of modern legal operations. The legal theory presented by H.L.A. Hart, in his classic work, offers a relevant methodology for analyzing the duality of a country's legal system. Hart explains that the strength of a legal system lies in the relationship between primary rules governing behavior and secondary rules governing the procedures for changing those rules¹¹.

Applying Hart's perspective to Constitutional Court Decision No. 90/PUU-XXI/2023 allows for the identification of the operation of the rule of change within the Indonesian legal system¹². Through the rule of adjudication, the Constitutional Court is actually modifying primary norms by broadly exercising its secondary authority¹³. This analysis is crucial for providing the international community with a picture of how legal validity is maintained amidst the dynamic flow of political interests.

In addition, the concept of the rule of recognition serves as a standard for evaluating the extent to which a decision is accepted as valid law by legal officials and the broader community. The emergence of a substantive legitimacy crisis behind the formal validity of this decision indicates a crack in the foundation of legal recognition in Indonesia¹⁴. Through this theoretical analysis, scientific recommendations can be developed that will strengthen the legal education system and promote the practice of legal professionalism in upholding the dignity of the constitution in the future.

This research is a qualitative normative legal study with a primary focus on doctrinal analysis of legal texts and court decisions. This research method is designed to analyze the complexity of legal norms in

¹¹ I Wayan Budha Yasa, "Penalaran Hukum Dan Konsep Hukum HLA Hart Sebagai Solusi Untuk Meredakan Gejala Antinomi Dalam Penegakan Hukum Di Indonesia," *Jurnal Komunikasi Hukum (JKH)* 9, no. 1 (2023).

¹² M Rizqi Azmi, "Dinamika Perubahan Konstitusi Melalui Kebiasaan Ketatanegaraan Dan Putusan Hakim," *Jurnal Cahaya Keadilan* 7, no. 2 (2019), <https://doi.org/10.33884/jck.v7i2.1408>.

¹³ Wojciech Sadurski, "Judicial Review and the Protection of Constitutional Rights," in *Bills of Rights*, 2017, <https://doi.org/10.4324/9781315096339-14>.

¹⁴ Richard H. Fallon, "Legitimacy and the Constitution," *Harvard Law Review* 118, no. 6 (2005).

Constitutional Court Decision Number 90/PUU-XXI/2023 through a contextual and regulatory-statutory approach¹⁵. The selection of Constitutional Court Decision Number 90/PUU-XXI/2023 as the primary object of analysis is grounded in three substantive reasons. First, this decision is historically unprecedented in Indonesian constitutional practice, as it marks the first instance in which the Constitutional Court departed from its established doctrine that minimum age requirements for public office constitute an open legal policy of the legislature, a doctrine it had consistently upheld in five other petitions decided on the same day. This internal contradiction within a single day's adjudication makes it an ideal case for examining the operational limits of rules of adjudication and rules of change under Hart's framework. Second, the decision produced direct and immediate normative consequences by effectively adding a new qualification to Article 169 letter q of Law No. 7 of 2017, demonstrating a form of judicial legislation that is rarely as explicitly observable in other Constitutional Court decisions. Third, the decision's broad political impact and the subsequent public legitimacy crisis it triggered provide a unique empirical basis for testing Hart's distinction between formal validity and social acceptance, particularly the tension between the internal acceptance of legal officials and the external skepticism of the public. These three characteristics collectively make Decision No. 90/PUU-XXI/2023 the most analytically productive case for applying Hart's dual rule theory in the Indonesian constitutional context¹⁶.

The primary topic addressed in this study is the constitutional validity of the change in the age limit for presidential and vice-presidential candidates, which was determined through a judicial adjudication mechanism. The analysis focuses on the legal considerations (decision ratios) of constitutional judges to identify the reasoning patterns used in shifting the norm of open legal policy to a new, burdensome norm¹⁷. Specifically, this research suggests whether

¹⁵ Prasetijo Rijadi Jonaedi Efendi, *Metode Penelitian Hukum Normatif Dan Empiris*, (Jakarta, hlm 146: Kencana, 2022).

¹⁶ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat, Cet. 16, Raja Grafindo Persada*, 1995.

¹⁷ Munif Rochmawanto, Suisno, and Zainal Hamdan Sakuroikan, "Age Limit For Presidential and Vice Presidential Candidates in the Constitutional Court Decision

this shift in norms remains within the corridor of legal certainty or instead creates national and international legal discourse. The use of qualitative analysis methods enables researchers to examine the dimensions of substantive justice embedded in formal judicial procedures in Indonesia.¹⁸

The primary theoretical instrument used in this analysis is the analytical legal theory developed by H.L.A. Hart concerning the dual rule system. Hart's theory aims to examine the position of Decision Number 90/PUU-XXI/2023 as a secondary rule, specifically in the categories of rules of amendment and rules of adjudication¹⁹. Furthermore, the concept of the rule of recognition is applied to measure the extent to which the Constitutional Court's authority is legitimately recognized by legal officials and the public as a source of primary legal validity²⁰. This integration of modern legal theory is essential in providing a strong scientific foundation for global readers to understand the operationalization of Indonesia's complex legal system.

The data in this study were collected through a comprehensive literature review of primary, secondary, and tertiary legal materials. The primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 concerning General Elections, and the full text of Constitutional Court Decision No. 90/PUU-XXI/2023. Secondary legal materials include reputable scientific journal articles, legal textbooks, and research reports that provide critical reviews of constitutional issues in Indonesia. All collected data were then classified and explained using systematic interpretation techniques to ensure that the conclusions generated had a high degree of logical coherence.

Number 90/PUU-XXI/2023; A Legal Approach," *Jurnal Independent* 12, no. 2 (2024), <https://doi.org/10.30736/ji.v13i2.328>.

¹⁸ Reza Banakar, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, 2015, <https://doi.org/10.1007/978-3-319-09650-6>.

¹⁹ H. L.A. Hart, "Positivism and the Separation of Law and Moral," in *Law and Morality*, 2017, <https://doi.org/10.47772/ijriss.2023.7011096>.

²⁰ Matthew D. Adler, "Constitutional Fidelity, the Rule of Recognition, and the Communitarian Turn in Contemporary Positivism," in *Fordham Law Review*, vol. 75, 2006, <https://doi.org/10.2139/ssrn.897988>.

A. H.L.A. Hart's Legal Theory: Key Concepts

The analytical legal theory developed by H.L.A. Hart is an attempt to understand law not simply as enforced commands, but as a complex and structured system of social rules. Hart rejected the traditional positivist thesis that law consists solely of commands from rulers accompanied by threats of sanctions. Instead, he argued that the core of a legal system lies in a combination of various types of rules that serve different functions in organizing social life and state institutions²¹. Understanding this structure becomes crucial when attempting to analyze how a judicial institution, such as the Constitutional Court, exercises its substantive authority to change the prevailing primary normative system.

The first fundamental concept in Hart's thinking is the distinction between primary rules and secondary rules. Primary rules are norms that directly impose obligations on individuals to perform or refrain from performing specific actions in social life²². However, Hart recognized that complex modern societies cannot be governed solely by primary rules because they are static, inefficient, and challenging to determine their validity definitively. This inadequacy necessitates the presence of secondary rules that function as rules about rules, allowing a legal system to systematically adapt, change, and be enforced by competent authorities²³.

According to Hart, secondary rules consist of three main elements: the rule of change, the rule of adjudication, and the rule of recognition. The rule of change provides a mechanism for specific individuals or bodies to introduce new primary rules and abolish old ones, ensuring that the law remains rigid in the face of changing times.

²¹ Urip Giyono, "Kajian Kritis Hubungan Hukum Dan Moral Dalam Paradigma Positivisme Hukum," *Jurnal Yustitia* 21, no. 2 (2020), <https://doi.org/10.53712/yustitia.v21i2.992>.

²² Achmad Gunaryo, "Beberapa Catatan Tentang Konsep Hukum HLA Hart Dalam Buku the Concept of Law," *Jurnal Hukum Progresif* 3, no. 1 (2007): 69.

²³ Petrus Bello, "Sahkah Hukum Yang Buruk Secara Moral? Perdebatan Antara Lon Luvois Fuller Dan HLA Hart," *Honeste Vivere* 33, no. 2 (2023): 98–112.

Meanwhile, the rule of adjudication authorizes certain institutions, such as courts, to authoritatively determine whether a primary rule has been violated in a specific case²⁴. Together, these two types of secondary rules provide legitimacy for the Constitutional Court to carry out its interpretive function in determining the fate of a legal norm.

At the pinnacle of this system of rules, Hart introduced the concept of the Rule of Recognition as the ultimate criterion for identifying the validity of a law within a given system. The rule of recognition is not a written law, but rather a social fact in the form of collective acceptance by legal officials of the standards that must be met for a norm to be considered valid law²⁵. In the context of a state governed by the rule of law, the constitution is often considered the primary manifestation of this rule of recognition, where every legal product derived from it must be based on and align with recognized constitutional principles²⁶. The validity of law, therefore, does not depend on its morality, but rather on its compliance with the procedures and criteria established by the rule of recognition.

Hart also emphasized the importance of distinguishing between internal and external aspects in understanding compliance with the law. The internal aspect refers to the critical-reflective attitude of legal officials and members of society who view rules not merely as predictors of sanctions, but as standards of behavior to be followed²⁷. This is particularly relevant in analyzing judicial behavior, where judges are expected to act based on an internal commitment to the rule of law and the constitution. In contrast, the external aspect only views the law from the perspective of an observer who observes regularities of behavior

²⁴ FC Susila Adiyanta and CS Widyastuti, "Hukum Dan Proses Pengambilan Putusan Oleh Hakim: Menelusuri Khasanah Diskursus Tentang Teori-Teori Adjudikasi [Theories of Adjudication]," *Online Administrative Law & Governance Journal*, vol. 4, 2021.

²⁵ I Dewa Gede Atmadja, "Asas-Asas Hukum Dalam Sistem Hukum," *Kertha Wicaksana* 12, no. 2 (2018).

²⁶ Syafruddin Muhtamar and Muhammad Ashri, "Dikotomi Moral Dan Hukum Sebagai Problem Epistemologis Dalam Konstitusi Modern," *Jurnal Filsafat* 30, no. 1 (2020), <https://doi.org/10.22146/jf.42562>.

²⁷ Hikmah Nurhasanah and Irwan Triadi, "Positivisme Hukum Dan Karakter Formalistik Penegakan Hukum Di Indonesia," *Causa: Jurnal Hukum Dan Kewarganegaraan* 16, no. 2 (2025): 371–80.

without understanding the normative meaning behind such compliance²⁸.

Finally, Hart acknowledges the existence of an open texture in legal language, which allows room for judicial discretion when existing rules do not provide clear answers or are ambiguous. This condition often occurs in complex cases where judicial authorities must choose between various possible interpretations²⁹. This discretionary space demonstrates that, although the law is systematic, it still allows judicial institutions to adjust norms to achieve legal certainty that is relevant to the needs of society. Understanding this open texture will be crucial in analyzing how the Indonesian Constitutional Court exercises its authority in deciding controversial cases with broad social implications.

B. Analysis of Constitutional Court Decisions Based on Hart's Theory

On October 16, 2023, the Constitutional Court read out its decision on six cases testing the constitutionality of “Article 169 letter q of Law Number 7 of 2017 concerning General Elections”, namely in cases Number 29/PUU-XXI/2023, 51/PUU-XXI/2023, 55/PUU-XXI/2023, 90/PUU-XXI/2023, 91/PUU-XXI/2023, and 92/PUU-XXI/2023. Of the six cases, only Case Number 90/PUU-XXI/2023 was “partially granted,” while the other cases were “rejected.”

The petitioner in Case Number 90/PUU-XXI/2023 was Almas Tsaqibbirru, a student who, together with his legal counsel, filed a petition for a judicial review of the provision stipulating a minimum age limit of 40 years for presidential and vice-presidential candidates. In his petition, the petitioner argued that this provision contradicts Article 28D paragraph (3) of the 1945 Constitution of the Republic of

²⁸ Hasaziduhu Moho, “Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan, Dan Kemanfaatan,” *Jurnal Warta Universitas Dharmawangsa* 13, no. 1 (2019): 138–49.

²⁹ Himliah Hasibuan, “Kepastian Hukum Dalam Putusan Hakim: Studi Terhadap Inkonsistensi Yurisprudensi Mahkamah Agung,” *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan* 2, no. 3 (2024), <https://doi.org/10.59966/yudhistira.v2i3.1670>.

Indonesia, which guarantees the right of every citizen to equal opportunities in government.

In its legal considerations, the Court stated that although in principle the age limit regulation is an open legal policy of the legislature, under certain conditions the Court may conduct a review if the policy “clearly violates morality, rationality, and intolerable injustice.” The Court then considered that there were many elected regional heads under the age of 40 in the previous elections who demonstrated good leadership capacity.

The Constitutional Court’s ruling states that Article 169 letter q of Law Number 7 of 2017, insofar as it reads “at least 40 (forty) years of age,” is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force, unless it is interpreted to mean “at least 40 (forty) years of age or has held/is currently holding a position elected through general elections, including regional head elections.” This ruling provides an exception to the minimum age requirement for candidates who have experience as officials elected through general elections.

Controversy arose because the Court took a different stance on cases with the same substance. In cases No. 29/PUU-XXI/2023, 51/PUU-XXI/2023, and 55/PUU-XXI/2023, which were decided on the same day, the Court stated that the petition had no legal basis and was therefore rejected on the grounds that the regulation of the minimum age limit is an open legal policy. This difference in stance has drawn widespread criticism regarding the consistency and legitimacy of the Constitutional Court as the guardian of the constitution.

Primary rules in Hart’s theory are all regulations that directly govern behavior and establish rights and obligations for individuals. In the context of Constitutional Court Decision Number 90/PUU-XXI/2023, there are several principles that can be categorized as primary rules. First, Article 6 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that, “Candidates for President and Vice President must be Indonesian citizens since birth and must never have accepted another citizenship of their own volition, must never have betrayed the state, and must be mentally and physically capable of carrying out the duties and obligations of the President and Vice

President.” This provision is a primary rule that sets out the basic requirements for presidential and vice presidential candidates.

Second, Article 169 letter q of Law Number 7 of 2017 concerning General Elections, which before the Constitutional Court’s decision read: “at least 40 (forty) years of age.” This provision is a primary rule that directly regulates who can and cannot run for president or vice president based on age criteria. These primary rules are duty-imposing because they set qualifications that must be met by every individual who wishes to run for president or vice president. Those who do not meet the minimum age requirement of 40 years, based on the original provision, have an obligation not to run or will be declared ineligible.

Secondary rules can be interpreted as rules about rules that govern how primary rules are identified, changed, and applied. Hart distinguishes three types of secondary rules: Rule of Recognition, Rule of Change, and Rule of Adjudication. These three types of secondary rules are clearly manifested in Constitutional Court Decision Number 90/PUU-XXI/2023.

a. Rule of Adjudication

The Rule of Adjudication is a rule that grants authority to a specific institution to determine whether there has been a violation of primary rules and to issue a binding decision.¹⁴ In the Indonesian context, Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia is a Rule of Adjudication which states: “The Constitutional Court has the authority to adjudicate at the first and final level, whose decisions are final, to review laws against the Constitution.”

This means that the Constitutional Court is a manifestation of the principle of Rule of Adjudication because it gives the Constitutional Court the authority to assess the constitutionality and unconstitutionality of a legal norm (primary rules), decide whether a norm is contrary to the constitution, and issue a final and binding decision. In Case Number 90/PUU-XXI/2023, the Constitutional Court used its authority as the Rule of Adjudication to adjudicate a petition for constitutional review of Article 169 letter q of the Election Law. The Court’s decision to grant part of the petition was an exercise of its adjudicative

function in resolving disputes over the constitutionality of legal norms.

b. Rule of Change

The Rule of Change is a rule that grants the authority to create, amend, or repeal primary rules. Hart states that the Rule of Change allows the legal system to be dynamic and adaptive to social change. Constitutional Court Decision Number 90/PUU-XXI/2023 is a very clear example of the operation of the Rule of Change. Although the Court did not change the formal text of Article 169 letter q of the Election Law, the Court's decision substantively changed the meaning and application of this provision through constitutional interpretation. Before the ruling, the age limit provision was "40 (forty) years of age," but after the ruling, the age limit provision was interpreted as "at least 40 (forty) years of age or has held/is holding a position elected through general elections, including regional elections."

This change in meaning creates a new norm through judicial interpretation without going through a formal legislative process. This is a manifestation of the Rule of Change in a form that differs from traditional legislative change. The Constitutional Court, as the institution with final authority in interpreting the constitution, uses its authority to adapt the primary rule to suit the developments and needs of the legal system. This is in line with Hart's concept that the Rule of Change is not limited to formal changes in legal texts, but also includes mechanisms that allow the legal system to develop and adapt.

c. Rule of Recognition

The Rule of Recognition is the most fundamental rule in Hart's theory, serving as a criterion for determining which norms are valid in a legal system. Hart states that the Rule of Recognition provides the basis for the legitimacy of the entire legal system and determines the hierarchy of norms. In the Indonesian legal system, the Rule of Recognition is hierarchical and layered.

First, the 1945 Constitution of the Republic of Indonesia as the highest norm that serves as a reference for the validity of all legal norms below it. This is the ultimate rule of recognition in the Indonesian legal system. Second, Constitutional Court

Decision Number 90/PUU-XXI/2023 as an authoritative interpretation of the constitution. Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia in conjunction with Article 10 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court stipulates that the decisions of the Constitutional Court are final and binding. Third, laws and other regulations whose validity depends on their conformity with the constitution as interpreted by the Constitutional Court.

Constitutional Court Decision Number 90/PUU-XXI/2023 shows that the Court functions as a Rule of Recognition that determines the validity of legal norms. By declaring that Article 169 letter q of the Election Law “contradicts the 1945 Constitution of the Republic of Indonesia and has no binding legal force” as long as it is not interpreted in accordance with the Court’s decision, the Court explicitly uses its authority as a rule of recognition to determine which norms are valid and which are invalid in the Indonesian legal system.

Constitutional Court Decision Number 90/PUU-XXI/2023 clearly demonstrates how Hart’s dual-rule system operates in the practice of modern legal systems. The dynamics that occur can be explained as follows:

- a. The first stage involves *primary rules* (Article 169 letter q of the Election Law regarding the minimum age limit of 40 years) regulating direct behavior related to who can run for president or vice president.
- b. The second stage involves testing these primary rules through secondary rules (Rules of Adjudication), namely the judicial review authority of the Constitutional Court based on Article 24C of the 1945 Constitution of the Republic of Indonesia.
- c. The third stage involves the Constitutional Court, using rules of recognition (the constitution as the highest norm and the Court as the final interpreter), determining that the primary rules are unconstitutional unless interpreted with certain exceptions.

- d. In the fourth stage, through the rule of change (judicial interpretation), the Court changes the substantive meaning of the primary rule by adding exceptions, without changing the formal text.

Then, in the final result, the primary rules remain formally, but their meaning has been substantively modified through the operation of secondary rules. Thus, the current norm is the norm resulting from the interpretation of the Constitutional Court.

Hart explains that the Rule of Recognition is a fundamental rule that provides criteria for identifying which norms are valid in a legal system. Its existence is not determined by other rules, but arises from the acceptance of legal system officials, especially the courts. In the Indonesian context, the Rule of Recognition shows a clear hierarchical structure. First, the 1945 Constitution of the Republic of Indonesia functions as the ultimate rule of recognition, namely the highest norm that serves as a reference for the validity of all legal norms. This is confirmed in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty is exercised in accordance with the Constitution, affirming the supremacy of the constitution.

Second, the Constitutional Court acts as the final interpreter of the constitution. This authority is granted through Article 24C paragraph (1) of the 1945 Constitution to review laws against the Constitution, with final and binding decisions as stipulated in Article 10 paragraph (1) of Law Number 24 of 2003. This final characteristic places the Court as an integral part of the Rule of Recognition, which determines the authoritative interpretation of the constitution. Third, other laws and regulations are valid as long as they do not conflict with the constitution according to the interpretation of the Constitutional Court. This creates a clear hierarchy in the Indonesian legal system.

An important characteristic is that the Court does not merely determine the formal validity of a norm, but also provides an authoritative interpretation of constitutional norms. In Decision Number 90/PUU-XXI/2023, the Court not only declared unconstitutionality, but also provided a new interpretation that became part of the Rule of Recognition.

Hart distinguishes the concept of validity from efficacy. Validity refers to the fulfillment of the criteria of the Rule of Recognition, while efficacy refers to factual compliance with the norm. Constitutional Court Decision Number 90/PUU-XXI/2023 fulfills all the criteria of validity according to Hart's theory. First, the decision was made by an authorized institution as stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Second, the procedures followed were in accordance with Constitutional Court Regulation Number 2 of 2021, including preliminary examinations, hearings, and the pronouncement of decisions open to the public. Third, the decision is based on the applicable Rule of Recognition, using the 1945 Constitution of the Republic of Indonesia as the benchmark for constitutionality. Fourth, the decision is final and binding. With Hart's validity criteria emphasizing conformity with the Rule of Recognition, Decision Number 90/PUU-XXI/2023 is a valid decision in the Indonesian legal system. This validity is formal-procedural and does not depend on whether it is morally right or wrong, nor whether it is politically neutral or not.

C. Critical Reflection and Implications

From a legal positivism perspective, the applicability of a legal norm is determined solely by its formal and procedural aspects, without reference to the moral content it embodies. This school of thought views law as a set of rules that are valid because they are formed through mechanisms established by the prevailing legal system, not because the norms are considered fair or moral. In line with this view, Hans Kelsen asserts that law is an autonomous and independent system of normative rules, separate from considerations of substantive justice. According to Kelsen, the validity of every legal norm is not determined by the value of justice it contains, but by its conformity with higher norms in a hierarchy of norms, especially the basic norms that are the source of legitimacy for the entire legal system. Thus, as long as a norm is formed based on valid procedures, it is still considered valid even if it is morally debatable.

This view is reinforced by H.L.A. Hart, who explains that a legal system is composed of primary rules and secondary rules. Primary rules serve to regulate the behavior of society, while secondary rules serve to regulate the formation, change, and application of those primary rules. One of the most important secondary rules is the rule of recognition, which is a rule used to identify and determine whether a norm can be recognized by legal authorities, without the need to assess or examine the moral content of the norm. Thus, in both Hans Kelsen's and H.L.A. Hart's thinking, the rule of law can be understood as a normative system whose validity is based on procedural legitimacy, not on considerations of morality or substantive justice³⁰.

Hart, in his book entitled *The Concept of Law*, explains that all laws within a country's legal system are a combination of two types of rules. In line with Hart's thinking, "Rules of the first type impose duties. Rules of the second type confer powers, public or private."³¹ Primary rules are basically legal norms that directly regulate the behavior of legal subjects by establishing certain obligations, either in the form of a requirement to perform an action or a prohibition against performing a certain action. These obligations are directed at every individual or group within the scope of the law, making primary rules the main instrument for regulating social life. On the other hand, secondary rules do not directly regulate the behavior of society, but rather function as a regulatory framework that manages the existence and implementation of primary rules. Secondary rules contain the authority of certain legal subjects, especially state institutions, to formulate, amend, interpret, and enforce primary rules. Hart explains that secondary rules are divided into three types. First, rules of change, which are rules that provide mechanisms for the legislative, executive, and judicial branches to make changes, updates, or deletions to the applicable primary rules. Second, rules of adjudication, which are rules that regulate the authority and procedures for judicial institutions in resolving disputes and deciding

³⁰ Agus Panahatan Panjaitan et al., "Hukum Kekerasan Anak Dalam Perspektif Filsafat Hukum: Analisis Atas Keadilan Dan Hak Asasi Manusia Di Indonesia," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 4, no. 2 (2025), <https://doi.org/10.55606/jurrih.v4i2.5318>.

³¹ Leslie Green and H. L. A. Hart, "The Concept of Law Revisited," *Michigan Law Review* 94, no. 6 (1996), <https://doi.org/10.2307/1289966>.

legal cases. Third, rules of recognition, which serve as guidelines or criteria for identifying and determining whether a norm can be recognized as valid law in a legal system. Based on these three types of secondary rules, Hart asserts that modern legal systems work in a structured and continuous manner, with a division of functions between rules that impose obligations and rules that grant authority³².

In Constitutional Court Decision No. 90/PUU-XXI/2023, the object to be decided was Article 169 letter q of Law No. 7 of 2017 concerning Elections, which reads “at least 40 years of age”. In the verdict, the judges decided to grant the Petitioner’s request in part. Furthermore, the decision also stated that the sentence in Article 169 letter q is declared to have no binding legal force, as long as it is not interpreted as “at least 40 (forty) years of age or has held/is holding a position elected through general elections, including regional head elections”. Thus, the complete article reads: “at least 40 (forty) years of age or has held/is holding a position elected through general elections, including regional head elections.”

In the context of Constitutional Court Decision No. 90/PUU-XXI/2023, the norms that can be positioned as primary rules can basically refer to Pancasila or the 1945 Constitution of the Republic of Indonesia. However, if Pancasila is positioned as primary rules, this concept is not fully in line with the definition of primary rules as stated by H.L.A. Hart. This is because Pancasila essentially contains basic values and moral principles that are normative-philosophical in nature, but does not directly formulate provisions regarding concrete rights and obligations that are binding on society. Meanwhile, primary rules in Hart’s theory emphasize the existence of rules that directly regulate behavior and establish rights and obligations for legal subjects in social life. According to Hart, primary rules require acceptance of these rules, both by lawmakers and by the community as recipients of rights and obligations, without relying solely on coercion. In this case, the 1945 Constitution more closely fulfills the characteristics of primary rules because it explicitly contains provisions regarding the rights and

³² Zainal Arifin Mochtar and Eddy OS Hiariej, *Dasar-Dasar Ilmu Hukum : Memahami Kaidah, Teori, Asas Dan Filsafat Hukum* (Jakarta Selatan: Red & White Publishing, 2021).

obligations of citizens, while also reflecting a fundamental agreement between the state and society. The 1945 Constitution not only functions as a constitutional basic norm, but also as a form of acceptance of the rules governing the relationship between the state and its citizens, making it more in line with the concept of primary rules in H.L.A. Hart's framework of thought.

In addition to primary rules, secondary rules are also needed to strengthen the legal system as conceptualized by Hart. Hart divides secondary rules into three categories, namely rules of recognition, rules of change, and rules of adjudication. Rules of recognition are used to address the issue of legal uncertainty that arises in a system that relies solely on primary rules. This rule functions as the highest standard or benchmark in determining the legal validity of a norm in society. The rule of recognition can determine whether a rule is worthy of being recognized as valid law based on certain criteria that apply in the legal system. Hart emphasizes that the rule of recognition does not always take the form of a formally established written norm, but often takes shape through authoritative social practices that are widely accepted by public officials. These practices include the legislative process in parliament, executive actions such as presidential decrees, and court decisions that are consistently used as references in legal practice. In the context of Constitutional Court Decision Number 90/PUU-XXI/2023, the main focus of the decision relates to the determination of the requirements for presidential and vice-presidential candidacy. Hierarchically, the provisions regarding candidacy requirements originate from Law No. 7 of 2017 on General Elections. These provisions are then further elaborated in technical implementing regulations, namely General Election Commission Regulation No. 19 of 2023. The Constitutional Court's decision directly affects the applicability and validity of the norms regulated in the Election Law, thus giving rise to legal consequences in the form of the need to adjust the implementing regulations below it. This adjustment was then realized through the issuance of General Election Commission Regulation Number 23 of 2023 as a response to the changes in norms resulting from the Constitutional Court's decision. This series of events shows that Constitutional Court decisions not only serve as a means of resolving constitutional disputes, but also play a role as part of

authoritative practice in the legal system. Within the framework of Hart's theory, Constitutional Court decisions can be understood as an important element that influences and even shapes the rule of recognition, because through these decisions, the criteria for the validity of applicable legal norms are redefined.

The rule of change is one of the fundamental elements in the system of secondary rules proposed by H.L.A. Hart, as it serves to overcome the limitations of primary rules, which tend to be fixed and difficult to adapt to developments in society. Through the rule of change, the legal system provides a mechanism that allows for structured legal reform. This rule can be understood as a set of provisions that legally grant authority to certain institutions or subjects in a country to establish new norms, remove provisions that are no longer relevant, or make changes to previously applicable primary rules. In the context of Constitutional Court Decision Number 90/PUU-XXI/2023, the decision can be viewed as an instrument for changing primary law, because it directly modifies the provisions of Article 169 letter q of Law Number 7 of 2017 concerning General Elections. Normatively, the authority to formulate and amend laws lies primarily with the DPR and the President, as stipulated in Article 20 of the 1945 Constitution. This provision is further explained in Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives. Although constitutionally the legislative authority lies with the law-making institutions, the Constitutional Court, through its authority to review laws against the Constitution in substantive terms, also performs a function in line with the rule of change. Constitutional Court decisions do not merely declare a norm to be constitutional or unconstitutional, but are generally applicable. As a result, the substance of primary rules can be changed directly through court decisions, without having to go through conventional legislative procedures in the DPR. This condition shows a shift or expansion of the function of the rule of change in the Indonesian legal system, which on the one hand strengthens the role of constitutional courts, but on the other hand creates its own complexity in understanding the division of authority

between state institutions and the dynamics of law formation within the framework of the Indonesian legal state.

The final aspect of Hart's secondary rules is Rules of Adjudication, which serve to overcome inefficiencies in the enforcement of primary law. These rules grant judicial authority to individuals or specific bodies, namely the courts, to authoritatively determine whether a primary rule has been violated and to establish the procedures to be followed in the adjudication process. In the context of Constitutional Court Decision No. 90/PUU-XXI/2023, the Constitutional Court's authority to adjudicate judicial review cases is clearly guaranteed by Article 10 paragraph (1) letter a of Law No. 24 of 2003 on the Constitutional Court (as last amended by Law No. 7 of 2020), and reinforced by Article 29 paragraph (1) letter a of Law No. 48 of 2009 on Judicial Power. However, Constitutional Court Decision No. 90/PUU-XXI/2023 presents a serious anomaly in the established rules of adjudication. Although the Constitutional Court should only act as an interpreter and review constitutionality (which implicitly implements the limited Rules of Adjudication and Rules of Change), this decision is considered to exceed its authority. By adding phrases or sentences to Article 169 letter q of the Election Law, the Constitutional Court not only eliminated or invalidated rules (testing function), but also acted as a new rule maker (positive legislator). This action entered the legislative domain, which is exclusively the authority of the House of Representatives (DPR).

If viewed from Hart's theory, Constitutional Court Decision No. 90/PUU-XXI/2023 is not a problem. Within the framework of H.L.A. Hart's legal positivism, the correlation between law and morality is not seen as an absolute necessity. Hart firmly rejects the natural law view that considers the validity of law to depend on its conformity with morality. This rejection is based on Hart's view of morality as a pluralism of values. The diversity and potential for conflict between moral values in society make it difficult to establish a substantial and universal relationship between the positive legal system and certain moral standards. In Hart's view, the acceptance of law by society is an

indication that the law has at least met the prevailing standards of social morality³³.

Conclusion

An analysis of Constitutional Court Decision No. 90/PUU-XXI/2023 through the lens of H.L.A. Hart's dual rule theory yields a clear conclusion: the decision is formally valid, yet substantively expansive in its exercise of secondary authority. Measured against Hart's rule of recognition, the decision satisfies all criteria of legal validity, it was issued by a constitutionally authorized institution, through established procedures, with final and binding effect derived from the 1945 Constitution as the highest norm in the Indonesian legal hierarchy. Under a positivist framework, the decision therefore cannot be dismissed as legally illegitimate.

However, the simultaneous operation of rules of change and rules of adjudication in this decision reveals a significant structural tension. The Constitutional Court did not merely determine constitutionality, it effectively performed a legislative act by adding a new normative qualification to Article 169 letter q of the Election Law. This conflation of adjudicative and legislative functions represents an expansion of secondary authority beyond the institutional boundary that Hart's framework implicitly preserves, creating complexity in the division of authority between state institutions as identified in this study.

This phenomenon is further explained by Hart's distinction between the internal and external aspects of a legal system. Internally, legal officials accepted the decision as procedurally valid and enforceable. Externally, however, the wider public and legal community questioned its substantive legitimacy, producing precisely the substantive legitimacy crisis behind formal validity that this study identified at the outset. In conclusion, Decision No. 90/PUU-XXI/2023 stands as a valid but boundary-testing exercise of secondary authority, one that exposes a structural tension in Indonesia's dual rule

³³ Abdil Azizul Furqon et al., "Putusan Mahkamah Konstitusi No. 90/PUU-XXI/2023 Dalam Perspektif Filsafat Hukum Hla Hart Dan Ronald Dworkin," *Iblam Law Review* 4, no. 1 (2024): 416–26.

system and demonstrates that formal validity alone is insufficient to sustain the integrity of a rule of recognition under conditions of political pressure.

References

- Adler, Matthew D. "Constitutional Fidelity, the Rule of Recognition, and the Communitarian Turn in Contemporary Positivism." In *Fordham Law Review*, Vol. 75, 2006. <https://doi.org/10.2139/ssrn.897988>.
- Agus Panahatan Panjaitan, Adi Putra Prajitna, Ade Nugroho, and Agung Ramanto. "Hukum Kekerasan Anak Dalam Perspektif Filsafat Hukum: Analisis Atas Keadilan Dan Hak Asasi Manusia Di Indonesia." *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 4, no. 2 (2025). <https://doi.org/10.55606/jurrish.v4i2.5318>.
- Ali, Achmad. *Menguak Teori Hukum Legal Theory Dan Teori Peradilan Judicialprudance*. Makassar: Kencana, 2007.
- Arfa'i, Arfa'i, Bahder Johan Nasution, and Febrian Febrian. "Aktualisasi Pancasila Sebagai Sumber Hukum Dalam Pembentukan Undang-Undang." *Undang: Jurnal Hukum* 3, no. 2 (2020): 377–407.
- Atmadja, I Dewa Gede. "Asas-Asas Hukum Dalam Sistem Hukum." *Kertha Wicaksana* 12, no. 2 (2018).
- Azmi, M Rizqi. "Dinamika Perubahan Konstitusi Melalui Kebiasaan Ketatanegaraan Dan Putusan Hakim." *Jurnal Cahaya Keadilan* 7, no. 2 (2019). <https://doi.org/10.33884/jck.v7i2.1408>.
- Banakar, Reza. *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*. *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, 2015. <https://doi.org/10.1007/978-3-319-09650-6>.
- Bello, Petrus. "Sahkah Hukum Yang Buruk Secara Moral? Perdebatan Antara Lon Luvois Fuller Dan HLA Hart." *Honeste Vivere* 33, no. 2 (2023): 98–112.

- Fallon, Richard H. "Legitimacy and the Constitution." *Harvard Law Review* 118, no. 6 (2005).
- Furqon, Abdil Azizul, Jaury Douglas Pardomuan, Michael Geovani Joseph, and Iwan Erar Joesoef. "Putusan Mahkamah Konstitusi No. 90/PUU-XXI/2023 Dalam Perspektif Filsafat Hukum Hla Hart Dan Ronald Dworkin." *Iblam Law Review* 4, no. 1 (2024): 416–26.
- Giyono, Urip. "Kajian Kritis Hubungan Hukum Dan Moral Dalam Paradigma Positivisme Hukum." *Jurnal Yustitia* 21, no. 2 (2020). <https://doi.org/10.53712/yustitia.v21i2.992>.
- Green, Leslie, and H. L. A. Hart. "The Concept of Law Revisited." *Michigan Law Review* 94, no. 6 (1996). <https://doi.org/10.2307/1289966>.
- Gunaryo, Achmad. "Beberapa Catatan Tentang Konsep Hukum HLA Hart Dalam Buku the Concept of Law." *Jurnal Hukum Progresif* 3, no. 1 (2007): 69.
- Hart, H. L.A. "Positivism and the Separation of Law and Moral." In *Law and Morality*, 2017. <https://doi.org/10.47772/ijriss.2023.7011096>.
- Hasaziduhu Moho. "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan, Dan Kemanfaatan." *Jurnal Warta Universitas Dharmawangsa* 13, no. 1 (2019): 138–49.
- Hasibuan, Himlihah. "Kepastian Hukum Dalam Putusan Hakim: Studi Terhadap Inkonsistensi Yurisprudensi Mahkamah Agung." *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan* 2, no. 3 (2024). <https://doi.org/10.59966/yudhistira.v2i3.1670>.
- Indrayana, D. "In Search for a Democratic Constitution: Indonesian Constitutional Reform 1999-2002." *Jurnal Media Hukum* 17, no. 1 (2010).
- Isra, Saldi. "Titik Singgung Wewenang Mahkamah Agung Dengan Mahkamah Konstitusi (Authority Connectivity of Supreme Court and Constitutional Court)." *Jurnal Hukum Dan Peradilan* 4, no. 1 (2015).

- Jonaedi Efendi, Prasetijo Rijadi. *Metode Penelitian Hukum Normatif Dan Empiris*. Jakarta, hlm 146: Kencana, 2022.
- MD, Moh. Mahfud. *Membangun Politik Hukum, Menegakkan Konstitusi / Moh. Mahfud MD*. Depok: Rajawali Pers, 2006.
- Mochtar, Zainal Arifin, and Eddy OS Hiariej. *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum*. Jakarta Selatan: Red & White Publishing, 2021.
- Morrone, Andrea. "Constitutional Adjudication and the Principle of Reasonableness." In *Reasonableness and Law*, 215–42. Springer, 2009.
- Muhtamar, Syafruddin, and Muhammad Ashri. "Dikotomi Moral Dan Hukum Sebagai Problem Epistemologis Dalam Konstitusi Modern." *Jurnal Filsafat* 30, no. 1 (2020). <https://doi.org/10.22146/jf.42562>.
- Nurhasanah, Hikmah, and Irwan Triadi. "Positivisme Hukum Dan Karakter Formalistik Penegakan Hukum Di Indonesia." *Causa: Jurnal Hukum Dan Kewarganegaraan* 16, no. 2 (2025): 371–80.
- Omara, Andy. "The Indonesian Constitutional Court and the Democratic Institutions in Judicial Review." *Constitutional Review*, 2017. <https://doi.org/10.31078/consrev323>.
- Rahardjo, Satjipto. *Negara Hukum Yang Membahagiakan Rakyatnya*. 2nd ed. Yogyakarta: Genta Publishing, 2009.
- Rizky, Muhammad Fathur, Edi Yuhermasyah, and Azmil Umur. "Konflik Kepentingan Putusan MK Nomor 90/PUU-XXI/2023 Tentang Batas Usia Capres Dan Cawapres Menurut UU Kekuasaan Kehakiman." *MAQASIDI: Jurnal Syariah Dan Hukum*, 2024. <https://doi.org/10.47498/maqasidi.v4i1.3452>.
- Rochmawanto, Munif, Suisno, and Zainal Hamdan Sakuroikan. "Age Limit For Presidential and Vice Presidential Candidates in the Constitutional Court Decision Number 90/PUU-XXI/2023; A Legal Approach." *Jurnal Independent* 12, no. 2 (2024). <https://doi.org/10.30736/ji.v13i2.328>.
- Sadurski, Wojciech. "Judicial Review and the Protection of

- Constitutional Rights.” In *Bills of Rights*, 2017.
<https://doi.org/10.4324/9781315096339-14>.
- Safa’at, M Ali, Agus Riewanto, Pan M Faiz Kusuma W, Abdul Ghoffar, Andriani W Novitasari, Sunny Ummul Firdaus, Bayu Dwi Anggono, Bisariyadi, Helmi Kasim, and Luthfi Widagdo Eddyono. *Hukum Acara Mahkamah Konstitusi (Edisi Revisi). Kepaniteraan Dan Sekretariat Jenderal Mahkamah Konstitusi*, 2019.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif Suatu Tinjauan Singkat, Cet. 16. RajaGrafindo Persada*, 1995.
- Susila Adiyanta, FC, and CS Widyastuti. “Hukum Dan Proses Pengambilan Putusan Oleh Hakim: Menelusuri Khasanah Diskursus Tentang Teori-Teori Adjudikasi [Theories of Adjudication].” *Online Administrative Law & Governance Journal*. Vol. 4, 2021.
- Yasa, I Wayan Budha. “Penalaran Hukum Dan Konsep Hukum HLA Hart Sebagai Solusi Untuk Meredakan Gejala Antinomi Dalam Penegakan Hukum Di Indonesia.” *Jurnal Komunikasi Hukum (JKH)* 9, no. 1 (2023).

Acknowledgment

The authors wish to express their sincere appreciation to all parties whose encouragement, cooperation, and support contributed to the successful completion of this research and the preparation of this manuscript. The completion of this study was made possible by a collaborative academic environment that fostered constructive discussions, critical reflection, and continuous intellectual engagement at every stage of the research process.

Funding Information

None.

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Generative AI Statement

During the preparation of this manuscript, I used an artificial intelligence (AI) assisted writing tool to support language refinement, grammar correction, and readability improvement. All AI-generated outputs were carefully reviewed, edited, and verified by the author to ensure their accuracy, originality, and academic integrity. The author takes full responsibility for the final content of this manuscript. The AI tool was used solely as a supportive instrument and is not credited as an author.