

Assessing Crime Victims' Legal Standing in Judicial Review of Criminal Norms: A Normative Causality Model in Indonesia

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Abstract

This article examines the legal standing of crime victims in the judicial review of criminal norms before the Constitutional Court of Indonesia. Using normative legal research with statutory, case, and conceptual approaches, it analyses constitutional provisions, criminal law and criminal procedure norms, and four selected Constitutional Court decisions concerning direct and indirect victims. The findings show that victim status alone is insufficient. Applicants must demonstrate legally relevant victim status, impairment of constitutional rights, a specific and actual or reasonably foreseeable injury, a normative causal relationship between that injury and the challenged statutory norm, and the possibility of normative remedy through constitutional adjudication. The article contributes by operationalizing the established five-part doctrine of constitutional injury through a contextual normative causality framework

designed for claims arising from concrete criminal events. This framework explains how factual victimization can be translated into constitutionally cognizable injury without turning constitutional review into adjudication of individual criminal cases. Although developed from Indonesian jurisprudence, the model has broader relevance for constitutional review theory by clarifying how victim participation and access to constitutional justice may be accommodated within the institutional limits of a constitutional court. It therefore offers an analytical framework for balancing constitutional access and normative jurisdiction.

KEYWORDS *Crime Victims, Judicial Review, Criminal Norms, Constitutional Injury, Constitutional Court.*

Introduction

The discourse on the legal standing of crime victims as applicants in the judicial review of criminal norms before the Constitutional Court remains a compelling issue for contemporary legal scholarship. Judicial review of criminal norms before the Constitutional Court is not confined to abstract questions concerning the constitutionality of legal norms.¹ It also frequently intersects with the concrete experiences of parties affected by criminal law. In this context, crime victims, as parties who directly suffer the consequences of criminal acts, must be situated within the procedural framework of judicial review, particularly when the challenged criminal norm is alleged to fail to provide adequate protection, legal certainty, or access to justice for victims.²

Clarifying the meaning of judicial review of criminal norms is essential to ensure that the discussion of crime victims' legal standing remains within the framework of constitutional review. In this article, judicial review of criminal norms refers to reviewing statutory provisions governing criminal prohibitions, elements of criminal offenses, criminal sanctions, criminal procedure, or the

¹ Mohammad Mahrus Ali, 'Konstitusionalitas Dan Legalitas Norma Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945', *Jurnal Konstitusi* 12, no. 1 (2016): 172, <https://doi.org/10.31078/jk12110>.

² Lindelwa Beaulender Mhlongo and Buhle Angelo Dube, 'Legal Standing of Victims in Criminal Proceedings: Wickham v Magistrate, Stellenbosch 2017 1 BCLR 121 (CC)', *Potchefstroom Electronic Law Journal* 23 (May 2020): 1–18, <https://doi.org/10.17159/1727-3781/2020/v23i0a6022>.

rights of parties involved in criminal proceedings. Under this understanding, crime victims may possess a constitutional interest when the challenged criminal norm is alleged to impair their constitutional rights, whether because it fails to provide adequate protection, does not guarantee fair legal certainty, or does not open proper access to remedies for victims.³

The placement of crime victims within the framework of judicial review of criminal norms must remain grounded in the Constitutional Court's character as a court of norms. This means that judicial review of statutes against the 1945 Constitution of the Republic of Indonesia is not intended to adjudicate whether a norm has been correctly or incorrectly applied in a concrete case. Rather, it is intended to determine whether the challenged statutory norm is consistent with or contrary to the Constitution.⁴ Therefore, although victims' experiences may demonstrate constitutional injury, the Constitutional Court, in principle, does not examine the individual actions of officials, investigators, courts, or particular institutions, because its authority is limited to reviewing the constitutionality of statutory norms against the 1945 Constitution.

Nevertheless, the boundary between norm review and the applicant's concrete experience cannot always be understood rigidly. The Constitutional Court's judicial review practice shows that it does not always treat the separation between abstract norms and concrete circumstances dichotomously. In certain situations, particularly to protect citizens' constitutional rights and ensure fair legal certainty, the Constitutional Court has considered the concrete dimension of a norm's operation, provided that such consideration remains situated within the framework of abstract norm review. This is evident, among other things, in Decision Number 133/PUU-VII/2009 concerning the dismissal of Corruption Eradication Commission leaders who had become defendants, and Decision Number 101/PUU-VII/2009 concerning the advocate's oath.⁵

³ Robyn L. Holder and Elizabeth Englezos, 'Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review', *International Review of Victimology* 30, no. 1 (2024): 25–49, <https://doi.org/10.1177/02697580231151207>.

⁴ Bisariyadi Bisariyadi, 'Membedah Doktrin Kerugian Konstitusional', *Jurnal Konstitusi* 14, no. 1 (2017): 22, <https://doi.org/10.31078/jk1412>.

⁵ Pusat Kajian Hukum Konstitusi Fh Ujb, 'Implikasi Putusan Mahkamah Konstitusi Nomor 101/Puu-VII/2009 Terhadap Pelaksanaan Profesi Advokat Di Daerah Istimewa Yogyakarta', *Jurnal Konstitusi* 7, no. 6 (2016): 291, <https://doi.org/10.31078/jk768>.

The link between victims' concrete experiences and abstract norm review shapes the requirements for applicants' legal standing under the Constitutional Court's procedural law. Article 51 of the Constitutional Court Law regulates applicants' legal standing in judicial review. This provision requires that an applicant be a party who considers that their constitutional rights or authority have been impaired by the enactment of a statute, namely an individual Indonesian citizen, a customary law community, a public or private legal entity, or a state institution.⁶ In the development of the Constitutional Court's jurisprudence, this legal standing requirement has been refined through five criteria of constitutional injury: the existence of constitutional rights granted to the applicant by the 1945 Constitution, the applicant's claim that the challenged statute has impaired those rights, an injury that is specific and actual or at least potential according to reasonable reasoning, a causal relationship between the injury and the enactment of the challenged statute, and the possibility that the injury will not occur or will no longer occur if the petition is granted.

The development of the doctrine of constitutional injury shows that courts have not always applied the legal-standing standard consistently. This doctrine serves as a strategic gateway to examining a case's merits. In practice, however, it also contains theoretical and practical problems. One fundamental issue is the potential overlap between proving constitutional rights at the legal-standing stage and reviewing the norm on the merits.⁷ The concretization of the injury element often intersects with the assessment of the form of injury, the causal relationship, and the possibility of remedying the injury through a decision of the Constitutional Court.

The problem of applying the doctrine of constitutional injury gains particular relevance when connected to victims of crime. Legal standing in the review of criminal norms has thus far more often been understood in relation to

⁶ Fahmi Ramadhan Firdaus and Bayu Dwi Anggono, 'Safeguarding Constitutional Democracy: The Role Of The Indonesian Constitutional Court Through Formal Review', *LITIGASI* 26, no. 2 (2026): 199–237, <https://doi.org/10.23969/litigasi.v26i2.23285>.

⁷ Andriansyah Rahman and Muthi'ah Maizaroh, 'Strengthening Independence: Constitutional Interests As A Paradigm For Judicial Review In Indonesia', *Jurnal Hukum Dan Peradilan* 13, no. 1 (2024): 33, <https://doi.org/10.25216/jhp.13.1.2024.33-62>.

subjects who face the threat of criminal punishment, such as suspects, defendants, convicts, or parties who may potentially be subject to criminal sanctions. In reality, criminal norms may also cause constitutional injury to crime victims. Such injury may arise when criminal norms fail to provide adequate protection, close victims' access to legal proceedings, disregard victims' rights to information, recovery, restitution, compensation, or protection from revictimization, and create legal uncertainty in the criminal justice process.⁸

Studies on applicants' legal standing before the Constitutional Court have developed across various research objects. Bisariyadi discusses the doctrine of constitutional injury and shows that its five requirements serve to filter cases, although their application remains dynamic and problematic.⁹ Ajie Ramdan examines legal standing in Constitutional Court decisions, emphasizing that legal interest alone is insufficient as a basis for standing, since applicants must show an injury to constitutional rights or constitutional authority caused by a statute's enactment.¹⁰ Mohammad Mahrus Ali discusses the relationship between the constitutionality and legality of norms, and emphasizes the importance of distinguishing between abstract norm review and the concrete application of norms.¹¹

The mapping of prior studies also shows that legal standing concerns not only the general requirements of constitutional injury, but also the applicant's qualification as a legal subject. Irfan Nur Rahman, Anna Triningsih, Alia Harumdani W, and Nallom Kurniawan discuss the legal standing of customary law communities in judicial review by emphasizing the heavy burden of proving both the identity of the subject and the five requirements of constitutional injury.¹² A. Melantik Rompegading and Maemanah show that the Matteko

⁸ Paolina Massidda et al., 'Victims' Perspectives on Participation in the *Ongwen Case*', *Journal of International Criminal Justice* 22, no. 5 (2024): 777–83, <https://doi.org/10.1093/jicj/mqae035>.

⁹ Bisariyadi, 'Membedah Doktrin Kerugian Konstitusional', 2017.

¹⁰ Ajie Ramdan, 'Problematisasi Legal Standing Putusan Mahkamah Konstitusi', *Jurnal Konstitusi* 11, no. 4 (2016): 737, <https://doi.org/10.31078/jk1147>.

¹¹ Ali, 'Konstitusionalitas Dan Legalitas Norma Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945', 2016.

¹² Irfan Nur Rahman et al., 'Dasar Pertimbangan Yuridis Kedudukan Hukum (Legal Standing) Kesatuan Masyarakat Hukum Adat Dalam Proses Pengujian Undang-Undang Di Mahkamah Konstitusi', *Jurnal Konstitusi* 8, no. 5 (2016): 767, <https://doi.org/10.31078/jk856>.

customary law community lacked legal standing because it could not prove its recognition as a customary law community through a regional legal instrument.¹³ Dian Agung Wicaksono subsequently provides a comprehensive mapping of the dynamics of granting legal standing to customary law communities in judicial review decisions since the Constitutional Court's establishment.¹⁴

The range of studies on legal standing has continued to expand through discussions of applicants with distinctive characteristics. I Gede Yusa, Komang Pradnyana Sudibya, Nyoman Mas Aryani, and Bagus Hermanto propose granting legal standing to foreign citizens in constitutional review by situating the issue within human rights and the rule of law.¹⁵ Dian Agung Wicaksono and Enny Nurbaningsih examine the ratio legis behind recognizing taxpayers as having legal standing in judicial review and show that the taxpayer doctrine has its own dynamics in the Constitutional Court's reasoning. In another study, Dian Agung Wicaksono and Enny Nurbaningsih discuss the limitation of legal standing for lawmakers in judicial review, demonstrating that a person's formal status as a citizen is not always sufficient when the alleged injury relates to the institutional authority attached to the law-making function.¹⁶

The expansion of the objects of legal standing studies is also evident in research on state institutions and procedural law principles. Putra Perdana Ahmad Saifulloh, Beni Kurnia Illahi, and Sonia Ivana Barus propose granting the Corruption Eradication Commission legal standing to apply to the Constitutional Court to dissolve political parties.¹⁷ The study shows that

¹³ Andi Melantik Rompegading and Maemanah Maemanah, 'Pengakuan Kedudukan Hukum Masyarakat Hukum Adat Matteko Dalam Pengujian Undang-Undang Di Mahkamah Konstitusi', *Jurnal Konstitusi* 18, no. 3 (2022): 608, <https://doi.org/10.31078/jk1836>.

¹⁴ Dian Agung Wicaksono, 'Dynamics of Granting Legal Standing to the Indigenous Community in Constitutional Review of Law: Dinamika Pemberian Kedudukan Hukum Pemohon Bagi Masyarakat Hukum Adat Dalam Pengujian Undang-Undang', *Jurnal Konstitusi* 20, no. 3 (2023): 494–513, <https://doi.org/10.31078/jk2037>.

¹⁵ I. Gede Yusa et al., 'Gagasan Pemberian Legal Standing Bagi Warga Negara Asing Dalam Constitutional Review', *Jurnal Konstitusi* 15, no. 4 (2019): 752, <https://doi.org/10.31078/jk1544>.

¹⁶ Dian Agung Wicaksono and Enny Nurbaningsih, 'Ratio Legis Penetapan Pembayar Pajak (Taxpayer) Sebagai Kedudukan Hukum Dalam Pengujian Undang-Undang Oleh Mahkamah Konstitusi', *Jurnal Konstitusi* 17, no. 3 (2020): 461–94, <https://doi.org/10.31078/jk1731>.

¹⁷ Putra Perdana Ahmad Saifulloh et al., 'Legal Standing to the Corruption Eradication Commission as a Applicant for the Dissolution of a Political Party at the Constitutional Court: Legal Standing Komisi

limiting the category of applicants in certain cases may create barriers to constitutional access, thereby requiring a new formulation. Ilhamdi Putra and Khairul Fahmi situate legal standing in relation to the principle of *ne bis in idem*, arguing that in Constitutional Court procedural law, *ne bis in idem* does not automatically negate an applicant's legal standing because the object of dispute is a statutory norm, and constitutional injury may be experienced differently by different legal subjects.¹⁸

A close reading of prior studies shows that research on applicants' legal standing in judicial review has covered various categories, ranging from customary law communities, taxpayers, foreign citizens, lawmakers, and certain state institutions, to its relationship with the principle of *ne bis in idem*. However, no study has yet examined the legal standing of victims of crime as applicants in the review of criminal norms before the Constitutional Court. In fact, victims of crime have a direct relationship to criminal norms, both in the context of legal protection, the fulfilment of constitutional rights, and recovery from the consequences of criminal acts.

The gap in studies concerning victims of crime is important to address because victims cannot always be positioned simply as ordinary individual Indonesian citizens. In many criminal cases, victims' injuries differ from those experienced by citizens in general. Victims' injuries relate not only to the right to fair legal certainty, but also to the right to personal protection, security, recognition as subjects in the criminal justice process, and recovery. Accordingly, a more specific construction is needed regarding how victims of crime may prove the constitutional rights that have been impaired, the causal relationship between victims' injury and the criminal norm under review, and whether the Constitutional Court can remedy such injury through a decision.

Efforts to complete the study of applicants' legal standing in judicial review should therefore focus on the legal standing of victims of crime in the review of criminal norms before the Constitutional Court. This research is not intended

Pemberantasan Korupsi Sebagai Pemohon Pembubaran Partai Politik Di Mahkamah Konstitusi', *Jurnal Konstitusi* 20, no. 2 (2023): 318–39, <https://doi.org/10.31078/jk2028>.

¹⁸ Ilhamdi Putra and Khairul Fahmi, 'Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi', *Jurnal Konstitusi* 18, no. 2 (2021): 345, <https://doi.org/10.31078/jk1824>.

to draw the Constitutional Court into examining concrete cases, but rather to use victims' experiences as a basis for proving constitutional injury caused by the operation of criminal norms. Thus, this research seeks to identify a proportional boundary between the constitutional review of criminal norms and the protection of crime victims' constitutional rights.

Against this background, this study addresses three interrelated research questions: first, how should the legal standing and constitutional injury of crime victims be construed in the constitutional review of criminal norms before the Constitutional Court of Indonesia; second, how has the Constitutional Court assessed the legal standing of crime victims in its review of criminal law and criminal procedure norms; and third, what normative model should govern the determination of crime victims' legal standing so that factual harm arising from concrete criminal events may be transformed into constitutionally cognizable injury while preserving the Constitutional Court's institutional function as a court of norms?

This research employs a normative legal research method using statutory, case, and conceptual approaches.¹⁹ This method is selected because the study focuses on constructing the legal standing of victims of crime in the Constitutional Court's review of criminal norms. The research does not examine whether the law has been correctly or incorrectly applied in concrete criminal cases. Instead, it analyses how victims of crime may be positioned as constitutional subjects who suffer constitutional injury due to the operation of criminal law norms or criminal procedure norms. Accordingly, this study focuses on legal norms, Constitutional Court decisions, and the doctrine of constitutional injury.

This study uses a statutory approach to examine provisions concerning victims, applicants' legal standing, the Constitutional Court's authority, and relevant constitutional rights under the 1945 Constitution of the Republic of Indonesia, the Constitutional Court Law, the Criminal Code, and the Criminal Procedure Code. This case approach analyses Constitutional Court Decision

¹⁹ Achmad Irwan Hamzani et al., 'Implementation Approach in Legal Research', *International Journal of Advances in Applied Sciences* 13, no. 2 (2024): 380, <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>.

Number 118/PUU-XX/2022, Decision Number 20/PUU-XXII/2024, Decision Number 63/PUU-XXII/2024, and Decision Number 158/PUU-XXIV/2026. These cases were purposively selected as analytically illustrative cases rather than treated as an exhaustive set of all Constitutional Court decisions concerning the review of criminal norms. The selection focused on proceedings in which applicants were positioned as direct or indirect victims of alleged criminal conduct. It claimed that the operation of substantive criminal law or criminal procedure norms impaired their constitutional rights. The cases were further selected because they demonstrate meaningful variation in victim status, the type of norm challenged, the form of constitutional injury asserted, the causal relationship between the alleged injury and the challenged norm, and the possibility of normative relief through a Constitutional Court decision. This purposive variation also permits consideration of both cases in which victims' legal standing received substantive judicial assessment.

The conceptual approach focuses on victimhood, constitutional injury, normative causality, the institutional nature of the Constitutional Court as a court of norms and normative remedy. The five-stage model was not imposed on the material but developed systematically by synthesizing the statutory, jurisprudential, and conceptual sources analyzed in this study. The first phase, normative identification of victims' status, is based on the legal definition of victims and various statuses of both direct and indirect victims, as presented in the legal materials. The second stage, factual injury to constitutional injury, requires linking the factual harm to the rights protected by the constitution. The need to distinguish injury resulting from the challenged norm is one reason for screening for normative causality in the third step. The fourth stage involves classifying the victim's injury, building on the various types of constitutional injury identified in the legal materials, such as injuries connected with protection, procedure, recovery, dignity, and equality. The fifth stage, normative remedy, is based on the condition that the alleged constitutional injury must be remediable by a Constitutional Court decision. The legal materials include primary, secondary, and tertiary legal materials, obtained through library research and analyzed qualitatively using systematic, conceptual, and

prescriptive legal reasoning. In this view, the resulting normative causal model is an operational synthesis of the current constitutional injury doctrine and the patterns that emerged from the case analysis, thus maintaining the institutional nature of the Constitutional Court as a court of norms.

Construction of Legal Standing and Constitutional Injury of Victims of Crime in the Review of Criminal Norms before the Constitutional Court

The question of the victim's legal status before the Constitutional Court in reviewing criminal norms begins with clarifying the meaning of "victim" in criminal proceedings under the Criminal Procedure Code. Under Article 1 number 50 of Law Number 20 of 2025 on the Criminal Procedure Code, a victim of a crime is someone who has experienced physical or mental harm and/or economic losses due to a criminal act. This formulation also goes beyond the traditional view of victims as individuals who are only physically injured, as mental harm and economic damage are also legally relevant consequences that the Criminal Procedure Code recognizes. This recognition matters because it affects victims' right to recognition and protection, as well as the burden of proving the perpetrator's guilt.

The provisions on companions and restitution should be read in conjunction with the understanding of the victims provided by the Criminal Procedure Code. Article 1 number 27 recognizes a companion as a trusted person who has the competence to assist victims in accessing their rights to handling, protection, and recovery. Article 1 number 43 of the Criminal Procedure Code also recognizes restitution as compensation imposed on the perpetrator or a third party for material and or immaterial losses suffered by victims or their heirs. These two provisions show that, under the 2025 Criminal Procedure Code, victims are positioned as subjects who have an interest in both the process and the outcome of case handling, not merely as parties who provide testimony for evidentiary purposes. This shift is consistent with the

development of modern criminal law, which increasingly places victim protection as an important part of the criminal justice system.²⁰

Recognition of victims as legal subjects carries consequences for the need to distinguish the scope of victimhood. In the context of criminal offenses, victims may be divided into direct victims and indirect victims.²¹ Direct victims are persons who immediately experience the consequences of a criminal act, whether in the form of physical suffering, mental suffering, economic loss, or a combination of these forms of harm. Victims of sexual violence, rape, child molestation, illegal online lending, misuse of personal data, and environmental crime may be categorized as direct victims when the harm they suffer arises directly from the criminal act.²² In this view, direct victims have the closest factual relationship to the criminal event because the criminal act directly affects their body, dignity, property, personal data, environment, or sense of security.

In many cases, criminal offenses also cause suffering to other parties who have a close relationship with the direct victim. These parties may be understood as indirect victims. In a murder case, for example, the person who dies is the direct victim. At the same time, the surviving family members may be understood as indirect victims because they experience the loss of a family member, loss of financial support, mental suffering, social burdens, and the need for recovery after the criminal act occurs. Recognition of heirs as parties who may receive restitution under the Criminal Procedure Code further strengthens the view that the consequences of a criminal act may extend to parties other than the direct victim.²³ Therefore, the victim's family should not

²⁰ Aida Dewi et al., 'Legal Protection for Rape Victims in Indonesia: Seeking an Ideal Concept', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (2021): 121–30, <https://doi.org/10.30631/alrisalah.v21i1.791>.

²¹ Elizabeth A. Cook and Sally McManus, 'Indirect Victims of Violence: Mental Health and the Close Relatives of Serious Assault Victims in England', *Social Science & Medicine* 359 (October 2024): 117278, <https://doi.org/10.1016/j.socscimed.2024.117278>.

²² Angkasa Angkasa et al., 'Illegal Online Loans in Indonesia: Between the Law Enforcement and Protection of Victim', *Lex Scientia Law Review* 7, no. 1 (2023): 119–78, <https://doi.org/10.15294/lesrev.v7i1.67558>.

²³ Nurini Aprilianda, Febrianika Maharani, Nadhilah A. Kadir, Ardi Ferdian, and Solehuddin Solehuddin, 'Re-Conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System', *Jambura Law Review* 7, no. 2 (2025): 442–67, <https://doi.org/https://doi.org/10.33756/jlr.v7i2.30132>.

be viewed merely as parties who sympathize with the direct victim, but also as subjects who may suffer their own injury as a result of the criminal act.

The distinction between direct victims and indirect victims has important significance when victims are positioned as applicants in the review of criminal norms before the Constitutional Court. Direct victims can generally more readily demonstrate the relationship between the criminal norm under review and the injury they suffered because they are closest to the consequences of the criminal act. Indirect victims may still have legal standing if their injury is not merely derivative of the suffering of the direct victim, but can also be proven as a constitutional injury attached to themselves. The family members of a murder victim, for example, may have legal standing if the criminal norm under review obstructs the family's access to case information, closes the opportunity to seek restitution, eliminates protection for the victim's family, or creates legal uncertainty regarding recovery from the victim's death.

Determining whether victims have legal standing before the Constitutional Court must be distinguished from the position of victims in ordinary criminal proceedings. In criminal proceedings, victims have an interest in ensuring that the criminal event is revealed, that the perpetrator is proven guilty and sentenced, that victims receive protection from threats, and that they obtain restitution, compensation, or other forms of recovery.²⁴ However, in the review of criminal norms before the Constitutional Court, such interests are insufficient unless they are connected to constitutional injury arising from the operation of a statutory norm. The Constitutional Court is not a forum for assessing whether investigators, public prosecutors, or judges have correctly or incorrectly applied a norm in a concrete case. Rather, it reviews whether generally applicable criminal norms contravene the 1945 Constitution.²⁵ Therefore, victims' concrete experiences may still explain the existence of injury.

²⁴ Zico Junius Fernando et al., 'Transnational Environmental Crime in the Context of International Criminal Law and Victim-Centered Environmental Justice', *Lampung Journal of International Law* 7, no. 1 (2025): 15–30, <https://doi.org/10.25041/lajil.v7i1.4338>.

²⁵ Ahmad Siboy et al., 'Judicial Review in Indonesia: A Simplification Model', *Lex Scientia Law Review* 6, no. 2 (2022): 359–90, <https://doi.org/10.15294/lesrev.v6i2.54848>.

Still, the petition and the relief sought must remain directed toward reviewing statutory norms, not resolving of a particular criminal case.²⁶

The construction of victims' legal standing in the review of criminal norms should not be understood as an effort to displace the protection of suspects' or defendants' rights. In a constitutional criminal justice system, defendants' rights, such as the presumption of innocence, the right to judicial examination, the right against self-incrimination, and the right to privacy and dignity, remain essential components of a fair trial. Accordingly, strengthening victims' position must be part of an effort to balance the protection of rights in the criminal justice system, rather than a justification for reducing defendants' rights guarantees.²⁷

This framework positions victims as applicants who must satisfy two layers of requirements. The first layer concerns formal qualification as an applicant. At this level, victims may act as individual Indonesian citizens when they file a petition to protect their own constitutional rights. Victims may also act as a group of persons with the same interest when the injury suffered is similar in nature, such as groups of victims of sexual violence, victims of illegal online lending, victims of environmental pollution, or families of victims of particular criminal offenses.²⁸ When the victim is a child, a person with a disability, or a person unable to act independently, legal standing may be exercised through parents, guardians, family members, legal counsel, or lawful companions, provided that the petition remains directed toward the victim's constitutional injury.

This pattern shows that recognizing applicants in judicial review cannot rely solely on formal status; it must examine the relationship between the applicant's legal position, the concrete circumstances of injury, and the constitutional

²⁶ Sugeng Riyadi et al., 'The Urgency of Establishing Constitutional Court Procedural Law', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 27 December 2023, 209–23, <https://doi.org/10.24090/volksgeist.v6i2.9607>.

²⁷ Liliana Catan et al., 'Constitutional Discussion of Justice in the Context of Respecting the Defendants' Rights', *Journal of Law and Legal Reform* 7, no. 2 (2026): 489–516, <https://doi.org/10.15294/jllr.v7i2.22733>.

²⁸ Ikbil Ikbil and Gabriella Almasari Datuan, 'Right to Legal Assistance for Communities Unable to Obtain Justice According to Human Rights Perspective', *Lampung Journal of International Law* 5, no. 2 (2023): 101–12, <https://doi.org/10.25041/lajil.v5i2.3258>.

interests allegedly impaired. In customary law communities, Natasa and colleagues show that excessive reliance on state validation may transform inherent rights into administrative privileges.²⁹ A similar structural challenge is evident in Indigenous Peoples' litigation, where legal standing requirements may become barriers to justice when courts prioritize administrative recognition over historical continuity, sociological legitimacy, and lived realities.³⁰

The second layer concerns proof of constitutional injury. At this stage, victims must show that the criminal norm under review impairs their constitutional rights. Such injury cannot be based solely on victim status or on the experience of suffering caused by a criminal act. It must be proven as an injury that has a connection with the statutory norm. Thus, victims' legal standing is not constructed merely from the fact that they are victims, but from the relationship among victim status, the norm under review, the constitutional right impaired, the form of injury, the causal relationship, and the possibility of remedy through a decision of the Constitutional Court.

In assessing this second layer, the Constitutional Court refers to the standard developed in Decision Number 006/PUU-III/2005 and Decision Number 011/PUU-V/2007. These decisions form the jurisprudential basis for assessing applicants' legal standing in judicial review. In these decisions, the Court reaffirmed that applicants must have more than the formal qualification mentioned in Article 51 paragraph 1 of the Constitutional Court Law. Applicants must also demonstrate that they have suffered an injury to constitutional rights or constitutional authority under the operation of the statute that they seek to be reviewed.

Decision Number 006/PUU-III/2005 is important because it sets out more operationally, the connection between legal standing and constitutional injury. In that decision, the Court did not merely examine whether the applicant fell within the category of an individual Indonesian citizen, legal entity, customary

²⁹ Karolin Margaret Natasa et al., 'Recognition and Marginalization: The Paradox of Legal Politics in Indigenous Constitutional Rights in West Kalimantan', *Journal of Law and Legal Reform* 7, no. 2 (2026): 585–620, <https://doi.org/10.15294/jllr.v7i2.47755>.

³⁰ Adithiya Diar and Amanda Dea Lestari, 'The Legal Standing of the Anak Dalam Tribe in Initiating Class Action Lawsuits Regarding Land Disputes', *LITIGASI* 26, no. 2 (2025): 238–71, <https://doi.org/10.23969/litigasi.v26i2.29708>.

law community, or state institution. The Court went further by assessing whether the statutory norm genuinely impaired the applicant's constitutional rights. This decision produced five standards that courts have since applied consistently in judicial review cases.³¹

First, the applicant must have a constitutional right granted by the 1945 Constitution of the Republic of Indonesia.³² In the context of victims of crime, this requirement demands that victims not merely state that they have suffered as a result of a criminal act, but identify specific constitutional rights impaired by the operation of the criminal norm under review. These rights may include the right to recognition, guarantees, protection, and fair legal certainty as guaranteed under Article 28D paragraph 1; the right to protection of oneself, family, honor, dignity, and property as guaranteed under Article 28G paragraph 1; the right of children to protection from violence and discrimination as guaranteed under Article 28B paragraph 2; the right to equality before the law as guaranteed under Article 27 paragraph 1; or the right to a good and healthy environment as guaranteed under Article 28H paragraph 1. Thus, victims must appear not merely as parties who suffer from a criminal event, but as constitutional subjects whose rights are impaired by a statutory norm.

Second, those constitutional rights must be considered impaired by the operation of the statute petitioned for review.³³ In the context of legal standing, restrictions on access to the Constitutional Court are always related to the applicant's ability to demonstrate the relationship among constitutional rights, the injury suffered, and the norm under review.³⁴ This requirement obliges victims to build a bridge between their factual experience and the criminal norm

³¹ Bayu Mahendra, 'A Commentary: The Inadmissibility of Non-Indonesian Citizens in Judicial Review before the Indonesian Constitutional Court', *Constitutional Review* 3, no. 2 (2018): 208–31, <https://doi.org/10.31078/consrev324>.

³² Sri Warjiyati et al., 'Complaint Authority for Constitutional Complaint by Indonesia's Constitutional Court', *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (2022): 303–15, <https://doi.org/10.29303/ius.v10i2.1070>.

³³ Amancik Amancik et al., 'Breaking the Cycle of Injustice: Revolutionizing Human Rights Violations Resolution Through the 1945 Constitution', *Lex Scientia Law Review* 8, no. 2 (2024): 777–816, <https://doi.org/10.15294/lslr.v8i2.7460>.

³⁴ Riris Ardhanariswari et al., 'Upholding Judicial Independence through the Practice of Judicial Activism in Constitutional Review: A Study by Constitutional Judges', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 27 December 2023, 183–207, <https://doi.org/10.24090/volksgeist.v6i2.9565>.

being challenged. Victims' experience remains important as factual context, but the argument must remain centered on the norm. Victims must show that the injury they suffer does not arise solely from the offender's conduct or from official error, but from the design of a criminal norm that is too narrow, vague, incomplete, discriminatory, ineffective, or lacking adequate mechanisms of protection and recovery. For example, victims may argue that the norm under review restricts access to case information, obstructs assistance, fails to guarantee restitution, provides no space for victims' voices, or fails to protect vulnerable groups.

Third, the constitutional injury must be specific and actual, or at least potential according to reasonable reasoning. Specificity means victims' injury must be distinguishable from general public complaints about criminal law. The requirement of actuality means that the injury has occurred or is ongoing. Potential injury means that the injury has not yet occurred, but can rationally be expected to occur because of the operation of the norm under review.³⁵ In cases involving victims of crime, this form of injury may include obstructed access to recovery, the loss of opportunity to obtain protection, the closure of the right to obtain information, the emergence of a risk of revictimization, the absence of safe examination procedures, or the absence of special treatment for child victims, victims with disabilities, victims of sexual violence, victims of human trafficking, or victims of digital crime.

Fourth, a causal relationship must exist between the victims' constitutional injury and the criminal norm petitioned for review. In the doctrine of applicants' legal standing, this causal relationship corresponds to the doctrine of causation, namely the requirement of a connection between the injury suffered by the applicant and the norm petitioned for review.³⁶ This requirement distinguishes reviewing criminal norms from resolving concrete cases. Victims cannot merely state that they have experienced a criminal act or unfair treatment

³⁵ Novan Mahendra Pratama, 'The Recovery of Constitutional Losses By the Constitutional Court', *Trunojoyo Law Review* 2, no. 2 (2020): 126–39, <https://doi.org/10.21107/tlr.v2i2.9501>.

³⁶ Dian Agung Wicaksono and Andy Omara, 'Ratio Legis Kedudukan Hukum Pemohon Dalam Pengujian Undang-Undang Oleh Mahkamah Konstitusi', *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 487–510, <https://doi.org/10.30641/dejure.2020.V20.487-510>.

in criminal proceedings. They must show that the injury traces to the operation of the norm under review. A causal relationship may be established when the criminal norm limits the victims' right to be heard, closes access to protection, eliminates space for recovery, creates legal uncertainty, or opens the possibility of unequal treatment. Conversely, when the injury is caused entirely by the fault of the offender, investigator, public prosecutor, or judge, without any connection to the substance of the norm, the matter is more appropriately resolved through criminal, ethical, administrative, civil, or institutional oversight mechanisms.

Fifth, there must be a possibility that the constitutional injury will not occur, or will no longer occur, if the petition is granted.³⁷ This requirement requires victims to show that a Constitutional Court decision can provide a normative remedy for the alleged injury. In the context of judicial review, such a remedy need not take the form of individual recovery as in criminal or civil proceedings. Rather, it may take the form of removing normative barriers through annulment of the norm, constitutional interpretation, or a declaration of conditional constitutionality. Accordingly, the relationship between the relief sought and the constitutional injury becomes important because the Court's decision must be capable of preventing the same injury from continuing or recurring after the norm is corrected.³⁸

Decision Number 011/PUU-V/2007 subsequently strengthened the standard developed in Decision Number 006/PUU-III/2005. The significance of this decision lies in its affirmation that the formal qualification of the applicant and constitutional injury are two stages that must be examined sequentially. The Court first assesses whether the applicant falls within the category of parties entitled to file a petition under Article 51 paragraph 1 of the Constitutional Court Law. Next, the Court examines whether a constitutional injury satisfies the five requirements cumulatively. This approach avoids accepting legal standing merely because the applicant has a particular legal

³⁷ Karem Aboelazm, 'The Effects of Supreme Constitutional Court Decision of Unconstitutionality Legislative Omission: A Comparative Study', *Lex Scientia Law Review* 9, no. 2 (2025): 1446–83, <https://doi.org/10.15294/lslr.v9i2.8801>.

³⁸ Wiwit Pratiwi et al., 'Implications of Constitutional Defiance of Constitutional Court Decisions by Lawmakers', *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 734–59, <https://doi.org/10.29303/ius.v13i3.1837>.

status. Formal status is only the entry point, while the determining factor is whether there is a constitutional injury that can be connected to the statutory norm under review.³⁹

For victims of crime, these five requirements must be understood contextually. Victims do not always experience injury in forms that are easily measured through formal legal categories. In many cases, victims suffer layered injuries, such as trauma, threats, social stigma, economic dependency, power imbalance, loss of security, closure of access to information, obstacles to obtaining restitution, or the risk of revictimization. If the five requirements of constitutional injury are applied too formally, victims may fail to prove legal standing not because they do not suffer constitutional injury, but because their injury is not easily expressed in conventional forms of legal harm. Therefore, Decision Number 006/PUU-III/2005 and Decision Number 011/PUU-V/2007 should be read as general frameworks that must be developed with greater sensitivity to the particular character of injuries suffered by victims of crime.

Constitutional Court Practice in Assessing the Legal Standing of Victims of Crime in Cases Concerning the Judicial Review of Criminal Norms

The Constitutional Court's practice in assessing the legal standing of victims of crime shows that victims are not automatically positioned as applicants with legal standing. The Court continues to apply the framework of Article 51 paragraph 1 of the Constitutional Court Law and the five requirements of constitutional injury as developed in Decision Number 006/PUU-III/2005 and Decision Number 011/PUU-V/2007.⁴⁰ However, in

³⁹ Sartika Intaning Pradhani, 'Traditional Rights of Indigenous People in Indonesia: Legal Recognition and Court Interpretation', *Jambe Law Journal* 1, no. 2 (2019): 177–205, <https://doi.org/10.22437/jlj.1.2.177-205>.

⁴⁰ Bisariyadi Bisariyadi, 'Membedah Doktrin Kerugian Konstitusional', *Jurnal Konstitusi* 14, no. 1 (2017): 22, <https://doi.org/10.31078/jk1412>.

several cases concerning the review of the Criminal Code and the Criminal Procedure Code, the Court has begun to provide space for victims of crime to petition for the review of norms, provided that they can explain the relationship among the criminal event they experienced, the statutory norm under review, the constitutional rights impaired, and the possibility of remedy through a decision of the Court.

In constitutional cases, the Constitutional Court does not conduct only a formal review of the case object; it also considers the relationship between the legal process, the resulting harm, and the legitimacy of outcomes. This approach is comparable to regional head election disputes, where the Court evaluates vote-buying practices by examining factual evidence, assessing the integrity of voter choices, and determining the extent to which violations affect election results. Although the context differs from criminal norm review, this reasoning highlights the importance of causal connections between violations, constitutional harm, and the potential for corrective action through the Court's rulings.⁴¹

From 2022 to 2026, several cases may be used to examine this practice more concretely. These cases are limited in number because most reviews of the Criminal Code and the Criminal Procedure Code are filed by citizens, students, advocates, suspects, convicted persons, or parties concerned with criminal norms, but not specifically by persons positioned as crime victims. Therefore, the relevant cases must be selected carefully. The most suitable examples are Decision Number 118/PUU-XX/2022, Decision Number 20/PUU-XXII/2024, Decision Number 63/PUU-XXII/2024, and Decision Number 158/PUU-XXIV/2026. These four cases show variations in victims' positions, ranging from direct victims and indirect victims to victims of document forgery, victims of theft of valuable documents, and victims of abuse or physical violence.

First, Decision Number 118/PUU-XX/2022 shows that victims of crime may have legal standing when the criminal norm under review obstructs their

⁴¹ Adithiya Diar et al., 'Money Politics in Indonesian Regional Election Disputes: Constitutional Court Reasoning and Electoral Integrity', *Jambe Law Journal* 9, no. 1 (2026): 159–203, <https://doi.org/10.22437/1e65hh11>.

access to law enforcement. In this case, the applicants challenged Article 79 (1) of the Criminal Code on the statute of limitations for prosecution. The applicants alleged a constitutional injury because the statute-of-limitations provision made the alleged crime of document forgery that harmed them impossible to prosecute effectively. The Court viewed the applicants as individual Indonesian citizens with rights to recognition, guarantees, protection, and fair legal certainty, and it found a relationship between the alleged injury and the operation of the limitation norm in the Criminal Code. In this case, the Court did not stop at the applicants' formal status as citizens, it examined how the limitation norm affected victims' ability to obtain criminal law protection. This decision matters because the Court ultimately granted the petition in part by interpreting how to calculate the limitation period for document forgery.

From Decision Number 118/PUU-XX/2022, one important principle may be drawn: victims' injury does not always lie solely in the offender's conduct, but may also arise from the design of a criminal norm that prevents the state from processing a criminal offense that harms the victim. Accordingly, victims may construct legal standing not to ask the Court to resolve a concrete criminal case, but to show that the statutory norm under review contains a constitutional problem because it closes or restricts victims' access to legal certainty. In this context, victims' experiences serve as an entry point for assessing a norm's constitutional consequences, not as a request for the Court to determine the correctness or incorrectness of a concrete criminal event.

Second, Decision Number 20/PUU-XXII/2024 shows the expansion of victims' position through the figure of indirect victims or victims' family members. This case also concerned Article 79 of the Criminal Code on the statute of limitations for prosecution. The applicant alleged injury because the operation of the limitation norm allowed the perpetrator to remain at large and created insecurity for the applicant and the applicant's family. In the summary of the decision, the Court noted that the applicant was an Indonesian citizen who believed the limitation period for prosecution impaired their constitutional rights, particularly regarding personal protection, security, and legal certainty.

This case shows that victims' legal standing does not always have to be based on a direct victim who personally experienced the criminal act. In certain circumstances, victims' family members may construct a constitutional injury when the norm under review affects their sense of security, legal protection, and access to law enforcement for a criminal event suffered by a family member. However, this construction requires caution. Indirect victims must be able to explain that their injury is not merely a moral concern over a criminal event, but a real constitutional injury or at least a potential one according to reasonable reasoning. Thus, this case shows that the category of victims in judicial review may include both direct and indirect victims, provided they can prove their constitutional relationship to the norm under review.

Third, Decision Number 63/PUU-XXII/2024 shows another pattern; victims of crime who challenge criminal procedure norms because they believe available legal remedies no longer provide a path to restoring justice. In this case, one of the applicants, Hartati as Applicant II, was explicitly alleged to be a victim of document forgery involving documents related to the sale and purchase of PT Bali Rich Mandiri's assets. The offender was initially convicted at the cassation level, but was later acquitted through judicial review. Applicant II argued that the loss of the prosecutor's authority to file judicial review obstructed victims from obtaining justice. In the summary of the decision, the Court stated that Applicant I and Applicant II described a specific and actual injury to constitutional rights, as well as a causal relationship with the norm under review.

Decision Number 63/PUU-XXII/2024 is important because the object of review was not a substantive criminal norm, but a criminal procedure norm. In this case, victims' injury was constructed through the limited mechanism for correcting a criminal judgment that, according to the victim, did not reflect justice. Thus, the Court opened space for victims to have a constitutional interest not only in the formulation of offenses, criminal sanctions, or limitation periods for prosecution, but also in the procedural design of the Criminal Procedure Code. For victims, criminal procedure law is not merely a technical

mechanism for the state and defendants, but also an instrument that determines whether victims obtain protection, legal certainty, and access to justice.⁴²

Fourth, Decision Number 158/PUU-XXIV/2026 provides a particularly significant development in the Constitutional Court's assessment of crime victims' legal standing because the Court expressly distinguished between applicants whose alleged constitutional injuries were insufficiently connected to the challenged norm and applicants who could demonstrate actual or reasonably foreseeable victim-related injury. The case concerned the constitutional review of Article 36 paragraph 1 of Law Number 20 of 2025 on the Criminal Procedure Code, which regulates the recording and signing of statements in an examination report. The applicants argued that the provision was constitutionally deficient because it did not require investigators to provide a copy of the examination report to a witness who was simultaneously a victim. Among the five applicants, Applicant IV had personally experienced alleged minor assault, had reported the incident to the police, had been examined as a victim, and had signed an examination report without receiving a copy containing his own statement. Applicant V, who had reported an alleged document forgery, claimed a reasonably foreseeable constitutional injury because he could subsequently be examined as a witness or victim without being entitled to obtain a copy of his statement.

The Court's reasoning is particularly significant for developing the position of victims. It opined that Applicants I, II and III did not have standing as their alleged injuries were not sufficiently specific, actual, or reasonably foreseeable and that they had failed to create an adequate causal link between the alleged injury and Article 36 paragraph 1. Applicants IV and V, in contrast, were able to establish a basis for the Court's jurisdiction, with Applicant IV establishing an actual factual injury as a direct victim who had personally suffered the examination but not received the examination report, and Applicant V establishing a sufficient specificity of potential injury from an ongoing criminal complaint. The Court expressly found a causal relationship between these

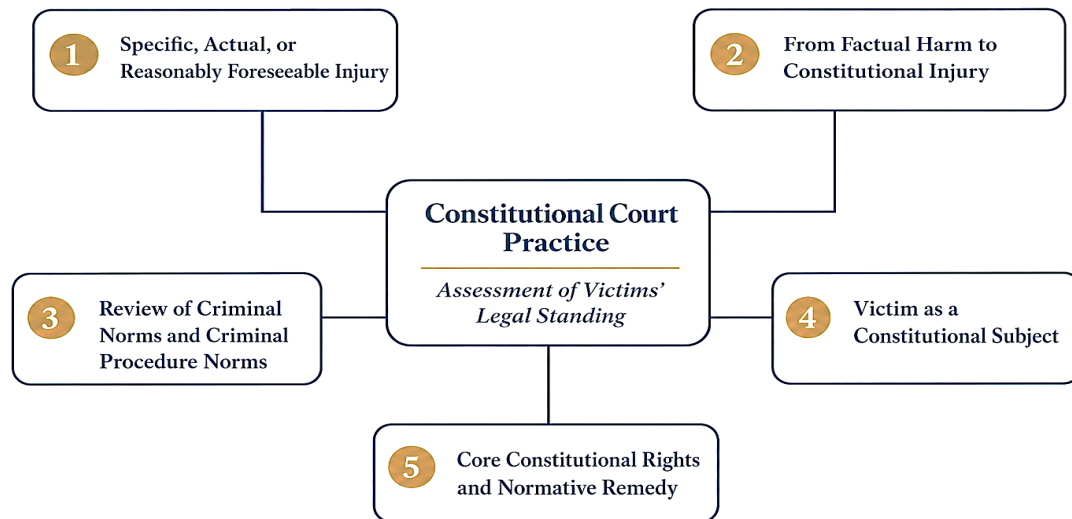
⁴² S. Zappala, 'The Rights of Victims v. the Rights of the Accused', *Journal of International Criminal Justice* 8, no. 1 (2010): 137–64, <https://doi.org/10.1093/jicj/mqq001>.

injuries and the operation of the challenged norm. It also acknowledged that, if the petition is granted the alleged injuries can be prevented or remedied. Therefore, in Decision Number 158/PUU-XXIV/2026, the victim's status was not enough to grant legal representation. The key issue is whether the applicant can show that the victimization experience constitutes a particular type of constitutional injury that can be normatively connected to the constitutional law provision in question.

Importantly the Court's establishment of legal standing did not decide the constitutionality of the challenged norm. On the merits, the Court rejected the petition. It held that the Criminal Procedure Code does not ensure that both ordinary witnesses and victim witnesses receive copies of examination reports, and it noted the private nature of criminal investigation. The Court held that unrestricted access to such documents would reveal confidential investigative information, and that this might "affect the effective investigation of criminal offenses." The Court also noted that the witness is given the chance to read and understand the statements which they are asked to sign in the examination report. The Court, thus, found that Article 36 paragraph 1 does not infringe on the constitutional guarantee of a fair legal certainty provided in Article 28D paragraph 1 of the Constitution of 1945. It is analytically significant that the distinction between standing and merits is the basis for a victim to obtain access to constitutional review despite the ultimate holding of a challenged norm to be constitutional.

These four cases allow us to identify certain patterns in the Court's practice as they are shown in Figure 1 below:

Figure 1. Patterns in the Constitutional Court Assessment of Victims' Legal Standing in Criminal Norm Review



Source: Developed from Constitutional Court Decisions No. 118/PUU-XX/2022, 20/PUU-XXII/2024, 63/PUU-XXII/2024, and 158/PUU-XXIV/2026.

Figure 1 identifies five interrelated patterns in the Constitutional Court's assessment of the legal standing of crime victims in constitutional review proceedings. These patterns emerge from Decision Number 118/PUU-XX/2022, Decision Number 20/PUU-XXII/2024, Decision Number 63/PUU-XXII/2024, and Decision Number 158/PUU-XXIV/2026. Taken together, these decisions indicate that the Court does not recognize legal standing merely on the basis of an applicant's status as a victim. Instead, the Court requires the applicant to establish a constitutionally cognizable injury attributable to the statutory norm under review.

First, the Court emphasizes that there must be an actual, specific or at least reasonably foreseeable injury. This pattern appears in Decision Number 118/PUU-XX/2022 and Decision Number 63/PUU-XXII/2024, where the applicants didn't claim harm resulting from criminal conduct. They wanted to show that the impugned provisions of substantive criminal law or criminal procedure impeded their access to legal protection, legal certainty, or to mechanisms that can restore justice. Decision Number 158/PUU-XXIV/2026 further illustrates the significance of this requirement. In that regard, the Court

distinguished Applicants I, II and III, who were unable to demonstrate sufficiently precise and causally linked constitutional harm and Applicants IV and V, who demonstrated that their actual or reasonably foreseeable harm was sufficiently related to Article 36 paragraph 1 of the Criminal Procedure Code.

Second, the Court treats victims' factual experiences as the starting point for establishing legal standing, but then abstracts them normatively from the victim's experience. A victim's standing is not created by showing that a criminal act occurred or that the act caused him or her personal suffering. The question here is whether that factual experience is a restriction of a constitutional right arising from the operation, defect, omission, ambiguity or restrictive effect of the statutory norm in question. This distinction helps to safeguard the institutional nature of the Constitutional Court as a court of norms, and not a fact-finding court. Factual victimization, therefore, needs to be reworded as a constitutional argument about the lack of norms, legal clarity, appropriate procedural safeguards or legislation to protect constitutionally guaranteed interests.

Decision Number 158/PUU-XXIV/2026 offers a clear illustration of this distinction. The fact that Applicant IV was a victim of alleged minor assault would not be sufficient to grant him standing. The Court found that he had been personally examined and had signed an examination report but no copy with his statement had been given to him. The Court thus established a factual connection between the injury allegedly suffered and the operation of the challenged provision and a causal connection between the two. In contrast, Applicants I, II, and III proffered more general and contingent claims that were insufficient to establish such a relationship. The difference shows that suffering becomes constitutionally relevant to the subject of the statute only when it can be connected normatively to the statute itself.

Third, the Court's case law shows that victims can challenge both criminal norms and criminal procedure norms. Decision Number 118/PUU-XX/2022 and Decision Number 20/PUU-XXII/2024 address the limitation period for prosecuting a crime under substantive criminal law. In Decision Number 63/PUU-XXII/2024, the design of a procedural remedy was discussed, and it

was shown that, in addition to a constitutional interest in access to justice, victims also have a constitutional interest in the procedural arrangements that determine access to justice. This is enhanced by Decision Number 158/PUU-XXIV/2026, which has a procedural dimension, in which the constitutional challenge was raised over Article 36 paragraph 1 of Law Number 20 of 2025 on the Criminal Procedure Code and the lack of a right for a witness to be a victim to receive a copy of the examination report containing the victim's statement. Therefore, victims' constitutional interests are not limited to the definition of criminal offences, sanctions, and limitation periods, but also extend to the criminal justice process.

Fourth, the Court sets a clear difference between a victim as a constitutional subject and a victim as a "victim" who is only "disaffected with the result or the proceedings of a specific criminal action. This boundary matters to ensure that constitutional review is not a further appellate process for criminal prosecutions. When victims can show that at least normatively the source of their alleged constitutional injury is the statutory provision being the subject of the complaint, not the offending conduct alone or a mistake made by investigators, prosecutors, judges or other government officials, they may get a footing to seek legal standing. The constitutional question must thus relate to the form or functioning of the norm. Thus, in this context, the victims' rule is a crucial factual and legal status, but it alone does not grant legal standing.

This is particularly seen in Decision Number 158/PUU-XXIV/2026. The Court found that the alleged injuries of Applicants IV and V were sufficiently related to the review of the statutory provision under which they claimed to suffer injury to have their legal standing established. However, the Court dismissed their petition on the merits. The Court concluded that Article 36 paragraph 1 did not create a right for witnesses or victim witnesses to obtain examination reports and for this reason did not make that provision unconstitutional, noting that criminal investigations are generally a confidential process and that there are wider interests which must also be considered in relation to the effectiveness of law enforcement. The case thus reaffirms that legal standing does not mean the challenged provision is constitutionally invalid.

Access to constitutional adjudication turns on standing; the merits turn on whether the challenged norm is unconstitutional.

Fifth, the cases reveal a recurring connection between victims' legal standing, core constitutional rights, and the availability of normative relief. There is a special place for the right to recognition, guarantees, protection and fair legal certainty under Article 28D paragraph 1 of the 1945 Constitution. Claims may also involve personal security, legal protection, equality before the law, dignity and access to justice, depending upon the type of case. However, the invocation of a constitutional right is not sufficient in itself. The applicant must also demonstrate that the alleged injury is capable of being prevented, reduced, or remedied through a decision of the Constitutional Court. The remedial dimension therefore operates as a jurisdictional filter that distinguishes constitutional injury from grievances that should instead be resolved through ordinary criminal, civil, administrative, ethical, or institutional mechanisms.

The four decisions accordingly suggest that the Court's assessment of victims' legal standing may be understood through several connected elements. The applicant must first demonstrate a legally recognizable position as a constitutional subject, including where relevant, a factual position as a direct or indirect victim. The applicant must then identify the constitutional right allegedly impaired and explain the specific, actual, or reasonably foreseeable character of the injury.⁴³ Most importantly, the applicant must establish a normative causal relationship between the injury and the challenged statutory provision. Finally, the applicant must demonstrate that the alleged injury is susceptible to a normative remedy within the constitutional jurisdiction of the Court.

Jurisprudence from 2022 to 2026 therefore indicates that constitutional review can accommodate victims of crime without converting the Constitutional Court into a forum for reconsidering individual criminal cases. Decision Number 118/PUU-XX/2022 and Decision Number 63/PUU-XXII/2024 illustrate circumstances in which victims or directly

⁴³ Andriansyah Rahman and Muthi'ah Maizaroh, 'Strengthening Independence: Constitutional Interests As A Paradigm For Judicial Review In Indonesia', *Jurnal Hukum Dan Peradilan* 13, no. 1 (2024): 33, <https://doi.org/10.25216/jhp.13.1.2024.33-62>.

affected parties were able to connect their injuries to deficiencies in substantive or procedural criminal norms. Decision Number 20/PUU-XXII/2024 demonstrates the relevance of injuries asserted by persons positioned as indirect victims or family members, while also underscoring the need for such applicants to establish their own constitutional injury rather than relying solely on moral or familial concern. Decision Number 158/PUU-XXIV/2026 provides the clearest contemporary illustration because the Court differentiated, within a single proceeding, between applicants who failed to establish legal standing and applicants who successfully demonstrated an actual or reasonably foreseeable constitutional injury linked to the challenged norm.

The selected decisions provide a basis for testing the proposed five-stage model's explanatory capacity. Decision Number 118/PUU-XX/2022 most clearly demonstrates the sequence for a direct victim. The applicants occupied a legally recognizable victim position because the alleged document forgery directly affected their legal interests. Their factual injury became a constitutional injury through the alleged impairment of legal certainty and access to effective law enforcement. Normative causality was established because the alleged impairment linked not merely to the offender's conduct, but to the operation of the statutory limitation rule that prevented effective prosecution. The injury may therefore be characterized principally as a protection and procedural injury, while the possibility of constitutional interpretation concerning the calculation of the limitation period demonstrated normative remediability. Decision Number 20/PUU-XXII/2024 presents a more complex application because the applicant was positioned as an indirect victim. In that context, the decisive question was whether the applicant could establish an individualized constitutional injury concerning security, legal protection, and access to law enforcement rather than relying solely upon familial or moral concern arising from the criminal event.

Decision Number 63/PUU-XXII/2024 further demonstrates that the model may operate in relation to criminal procedure norms. The relevant applicant was positioned as a victim of document forgery and asserted a specific and actual constitutional injury arising from the procedural structure governing

judicial review in criminal proceedings. The factual experience of victimization was therefore translated into a constitutional claim concerning access to justice and legal certainty. The normative causal inquiry focused on whether the procedural norm itself restricted access to a legal mechanism that could correct a criminal judgment alleged to impair the victim's constitutional interests. The resulting injury may principally be classified as procedural and recovery-related. At the same time, the availability of normative relief depended upon whether constitutional correction of the procedural arrangement could meaningfully affect the alleged impairment. This case therefore illustrates that normative causality is not confined to substantive criminal prohibitions, sanctions, or limitation rules, but may also operate where the alleged constitutional injury arises from the criminal justice system's procedural architecture.

Decision Number 158/PUU-XXIV/2026 provides the strongest internal test of the model because different applicants in the same proceeding produced different standing outcomes. Applicants I, II, and III failed principally at the stages concerning the transformation of factual circumstances into sufficiently specific constitutional injury and the establishment of normative causality, since their alleged injuries were not sufficiently actual, specific, or reasonably foreseeable and lacked an adequate connection with Article 36 paragraph 1. By contrast, Applicant IV demonstrated an actual injury arising from having been examined as a victim and having signed an examination report without receiving a copy. In contrast, Applicant V demonstrated a sufficiently specific potential injury arising from an ongoing criminal complaint. For these applicants, the alleged injuries could be normatively attributed to the challenged provision and were potentially susceptible to constitutional remedy, even though the Court ultimately rejected the petition on the merits. The contrasting outcomes within a single decision demonstrate the analytical value of the five-stage model: it explains not only why victim status alone is insufficient, but also where the chain connecting victim status, constitutional injury, normative causality, injury classification, and normative remediability becomes sufficient or fails.

Table 1 compares the application of the five analytical stages to the selected Constitutional Court decisions. The table shows how each stage

determines whether the alleged injury is constitutionally cognizable and whether the applicant has established sufficient normative causality between the injury and the challenged statutory provision. It also shows where the standing analysis succeeds or fails in each case, demonstrating the proposed five-stage model's explanatory capacity across different forms of victimization and types of challenged criminal law norms.

TABLE 1. Systematic Application of the Five-Stage Normative Causality Model to Selected Constitutional Court Decisions

Decision	Victim status	Transformation into constitutional injury	Normative causality	Injury classification	Normative Remediability	Standing outcome
<i>Decision Number 118/PUU-X/2022</i>	Direct victim	Harm arising from document forgery was translated into impairment of legal certainty and access to effective law enforcement	The alleged injury was linked to the operation of the statutory limitation rule, not solely to the offenders conduct	Protection injury and procedural injury	Constitutional interpretation of the limitation period could materially affect the alleged injury	Standing recognized
<i>Decision Number 20/PUU-XX/II/2024</i>	Indirect victim	Familial consequences were framed as individualized injury concerning security, legal protection, and access to law enforcement	The causal inquiry depended on whether the limitation norm affected the applicants own constitutional position rather than merely generating moral or familial concern	Protection injury and legal certainty injury	Normative correction could potentially affect the continuing constitutional consequences of the limitation rule	Standing depended on proof of individualized constitutional injury
<i>Decision Number 63/PUU-XX/II/2024</i>	Direct victim	Harm arising from document forgery was translated into a claim concerning access to justice and fair legal certainty	The alleged injury was attributed to the procedural design governing the	Procedural injury and recovery injury	Constitutional correction of the procedural arrangement could potentially address the alleged impairment	Standing recognized

<i>Decision Number 158/PUU-X XIV/2026, Applicants I to III</i>	Claimed victim-related position	The alleged harm was not sufficiently transformed into a specific, actual, or reasonably foreseeable constitutional injury	availability of legal remedies An adequate causal relationship with Article 36 paragraph 1 was not established	Insufficiently established	The remedial connection remained weak because the constitutional injury itself was not sufficiently demonstrated	Standing denied
<i>Decision Number 158/PUU-X XIV/2026, Applicant IV</i>	Direct victim	Actual factual harm arising from examination without receiving a copy of the examination report was translated into a specific constitutional injury	The Court found a sufficient causal relationship between the injury and the operation of Article 36 paragraph 1	Procedural injury and legal certainty injury	The alleged injury was capable of being prevented or addressed through constitutional review	Standing recognized
<i>Decision Number 158/PUU-X XIV/2026, Applicant V</i>	Potential victim related position	An ongoing criminal complaint supported a sufficiently specific and reasonably foreseeable constitutional injury	The potential injury was sufficiently connected to the operation of the challenged provision	Procedural injury and legal certainty injury	The injury could potentially be prevented if the challenged normative arrangement were corrected	Standing recognized

Source: Author (2026)

This development also reveals the methodological limitations of the general legal standing doctrine established in Decision Number 006/PUU-III/2005 and Decision Number 011/PUU-V/2007. Those decisions remain fundamental because they establish the cumulative requirements of constitutional injury, namely the existence of a constitutional right, an alleged impairment of that right, a specific and actual or reasonably foreseeable injury, a causal relationship between the injury and the challenged norm, and the possibility that the injury will cease or be prevented if the petition is granted. Decision Number 158/PUU-XXIV/2026 confirms that the Court continues to apply this framework. The difficulty lies not in the validity of that doctrine, but in its level of generality when applied to the distinctive position of victims of crime.

The injuries sustained by victims are often layered and not easily identifiable and quantifiable in traditional legal models of harm. Insecurities,

trauma, stigmatization, unequal power relations, limited access to information, access barriers, procedural exclusion and the risk of multiple victimization may be examples of such injuries.⁴⁴ The general five-requirement doctrine can't, in isolation, account for the manner in which these factual consequences are manifested as constitutional injury for purposes of judicial review. That means that a victim could have a valid constitutional complaint that the court is unlikely to see as evidence of a failure to distinguish the constitutional complaint from the effects of the criminal act or from irregularity in the application of the criminal law.

The principal methodological challenge therefore concerns the relationship between factual victimization and normative causation. The Court's jurisprudence demonstrates that a statutory norm need not necessarily constitute the sole factual cause of the victim's suffering. In criminal cases, injury may arise simultaneously from the offender's conduct, the response of law enforcement authorities, and the structure of the applicable statutory regime. The constitutionally relevant inquiry should therefore be whether the challenged norm creates, reinforces, permits, or fails to prevent an impairment of the victim's constitutional rights. This approach preserves the requirement of a causal connection while adapting it to the complex ways constitutional injury may arise in criminal victimization.

Decision Number 158/PUU-XXIV/2026 provides an especially instructive illustration of this normative causality inquiry. The Court rejected the standing of Applicants I, II, and III because their asserted potential injuries did not demonstrate a sufficiently convincing causal relationship with the challenged provision. By contrast, the Court accepted the standing of Applicants IV and V because their factual circumstances enabled the alleged injury to be connected more directly to Article 36 paragraph 1. The decision therefore confirms that normative causality is not merely an abstract conceptual proposition but a practical mechanism through which the Court distinguishes a

⁴⁴ Antony Pemberton and Eva Mulder, 'Bringing Injustice Back in: Secondary Victimization as Epistemic Injustice', *Criminology & Criminal Justice* 25, no. 4 (2025): 1181–200, <https://doi.org/10.1177/17488958231181345>.

constitutionally cognizable injury from a generalized concern regarding criminal justice policy.

Accordingly, the limitation of Decision Number 006/PUU-III/2005 and Decision Number 011/PUU-V/2007 does not lie in the inadequacy of their basic legal standing requirements, but in the absence of a sufficiently operational framework for applying those requirements to victims whose constitutional claims originate in concrete criminal experiences. More recent jurisprudence shows the need for an analytical bridge between factual victimization and constitutional injury.⁴⁵ Such a bridge must remain sufficiently strict to prevent every criminal grievance from becoming a constitutional case, while also remaining sensitive enough to ensure victims are not excluded merely because their constitutional injury originates in a concrete criminal event.

The patterns identified in Figure 1 therefore provide the jurisprudential foundation for developing a more contextual framework for assessing victims' legal standing. Such a framework should not replace the established five requirements of constitutional injury. Rather, it should operationalize those requirements by clarifying how victim status is identified, how factual harm is transformed into constitutional injury, how normative causality is established, how different forms of victim injury are classified, and how the availability of normative relief is assessed. In this manner, legal standing may continue to function as a jurisdictional filter while also providing a principled constitutional pathway through which victims can challenge criminal law and criminal procedure norms that allegedly impair their constitutional rights.

A Contextual Normative Causality Model for Determining the Legal Standing of Crime Victims in Judicial Review

As the preceding analysis shows, the main challenge to deciding who is a "victim" of a crime is not a lack of a general doctrine of constitutional injury. The Constitutional Court has already established a framework for access to

⁴⁵ Ajie Ramdan, 'Problematisasi Legal Standing Putusan Mahkamah Konstitusi', *Jurnal Konstitusi* 11, no. 4 (2016): 737, <https://doi.org/10.31078/jk1147>.

constitutional adjudication in Decision Number 006/PUU III/2005 and Decision Number 011/PUU V/2007. The more specific question is how such a general framework should work in the case the alleged constitutional harm comes from a specific criminal transaction, and how such a framework would work where the alleged harm is not just to the norms of criminal justice, but also to the conduct of a criminal offender and to the actions of public authorities. The analytical task is therefore not to construct an alternative doctrine of standing, but to provide a method through which the existing doctrine can distinguish constitutionally relevant injury from factual grievances that remain within the jurisdiction of ordinary legal mechanisms. The jurisprudential analysis conducted in this study confirms this need because the Court has required victims to demonstrate an injury attributable to the statutory norm rather than relying upon victim status alone. On this basis, this article proposes a contextual model based on normative causality as an analytical framework for determining when victimization may generate constitutionally cognizable standing.

Normative causality should not be understood as a new doctrinal test of constitutional standing. The established doctrine of constitutional injury already requires a causal relationship between the injury alleged by an applicant and the statutory norm under review. The contribution of normative causality therefore does not lie in adding a new requirement to that doctrine or in replacing the existing element of causal relationship. Instead, it is a more specific analytic challenge when a crime victim's constitutional harm stems from a specific criminal act, and the nature of the harm can also be related to the actions of the criminal, the actors of law enforcement, and the level of the statutory norm itself. When those are the facts, the fact of factual causation is not sufficient to determine if the alleged constitutional injury is properly attributed to legislation.

Thus, normative causality is a frame of interpretation and a method of juridical attribution used to apply the causal-relationship requirement to the special features of a crime victim's case. It aims to determine whether the disputed norm is sufficiently legally significant to establish, facilitate, strengthen,

sustain, or fail to prevent the alleged infringement of constitutional rights. Unlike a simple fact-based cause the inquiry in this order cannot be considered to be the sole factual cause of the victim's suffering if the required statutory norm is satisfied. The issue of the constitution is whether the design, omission, fuzziness, limiting effect, or failure of the statutory norm is a legally significant factor in the constitutionally hurt claim. When an injury emerges only from a violation of a constitutionally adequate norm, it is not subject to constitutional review. On the other hand, if the law provides for, allows, establishes, or fails to specify and limit the conditions leading to the impairment clearly, the injury could be legally assigned to the law.

The five-stage contextual model suggested in this article should thus be regarded as the working process for applying normative causality, not as a different doctrine of constitutional harm. The stages provide an analytical framework for the victim's legal position, the transition from factual to constitutional injury, normative attribution, clarification of the injury's constitutional dimension, and the possibility of a normative remedy for the alleged injury. In this way, the model complements current constitutional doctrine by providing analytical rigor to its rules on constitutional injury when they overlap with actual victimization and normative responsibility. The novelty is not that it adds an extra condition of standing, but that it establishes a system for assessing when a factual harm becomes constitutional and thus ascribable to the impugned statutory rule, thereby meriting constitutional adjudication.

The proposed model starts with the distinction between the “factual” and “juridical” cause of an injury. The factual background of a norm does not have to be a single criminal event to be of concern to a constitutional claim. On the other hand, one might not be entitled to a constitutional injury just by invoking a constitutional right. The constitutional question is in between these two. This requires evaluating the role the challenged statutory norm plays in creating, enabling, reinforcing, prolonging or preventing the impairment claimed by the victim, and whether that impairment is of legally significant. This aligns with the Court's jurisprudence, where factual victimization is a foundational element that must then be translated into an impairment of

constitutional rights traceable to a statute's operation, non-operation, lack of clarity, or lack of effect. Normative causality is therefore the conceptual hub of the proposed framework, as it shifts the focus from the narrow causal question of who, in fact, caused the initial suffering to a more constitutionally relevant one: whether the legal set-up under which the victim suffers an impairment could meaningfully be called legislation.

The model follows five linked, sequential stages. Based-on this concept, the model runs in five linked, sequential stages. These stages are not extra requirements alongside the 5 elements of constitutional injury. Instead, they are analytical tools that help explain how the current requirements might be applied in cases involving victims of crime. The first is about the normative determination of victim status. The second concerns transforming factual injuries into constitutional injuries. The third concerns screening normative causality. The fourth is in relation to the classification of the injury in the constitution. The 5th relates to normative remediation. These stages constitute a continuous analytical line that starts with the legal character of the applicant, continues to the constitutional injury of a claim, and then to attribution of the injury to the impugned norm, and then to clarification of the constitutional nature of the norm and finally to the capacity of constitutional adjudication to offer an appropriate normative response. In this context, the framework builds on the analytical linkage already mandated by the constraints of the general doctrine of constitutional injury applied to crime victims.

In that sequence, the first question concerns the narrativization of the concept of a victim. It does not re-examine whether the alleged criminal act took place or address disputed criminal facts. Instead, this stage seeks to determine the status quo ante from which the applicant takes his claim to the Constitution. Victim status thus becomes a basis for attribution legal purposes, not a right to constitutional standing. The applicant must show that the applicable legal system recognizes the relationship between the person and the incident of crime and that this relationship confers a sufficiently personalized interest in the operation of the challenged legal system. This matters because the Court has already held that victim status alone does not create standing. It is not

important whether the victim can turn the status into a particular constitutional injury associated with the statute being challenged, but rather whether victims can do so.

The legal significance of victim status may nevertheless vary depending on the applicant's position. Direct victims ordinarily possess the closest relationship between the criminal event and its legal consequences. In contrast, indirect victims must show an injury that attaches to their own constitutional position rather than relying solely on another person's suffering. Similarly, collective victims must identify an injury that is sufficiently connected to a particular group rather than presenting an abstract concern shared by society as a whole. Where vulnerability is structural, the applicant must demonstrate that the legal framework contributes to the continuation or reinforcement of that vulnerability. These distinctions are not intended to create separate categories of constitutional standing. Their purpose is to identify different argumentative routes through which the applicant may establish the relationship among victim status, constitutional rights, and the challenged norm. In this respect, victim status begins the inquiry, but does not determine its outcome.⁴⁶

Once a legally relevant victim status has been established, the analysis must proceed to transform factual injury into constitutional injury. This stage is necessary because crime victims almost inevitably experience factual harm, yet constitutional adjudication cannot treat every consequence of criminal victimization as a constitutional matter. The applicant must therefore move beyond a narrative of suffering and identify its constitutional significance. The inquiry should ask what consequence of victimization is legally relevant, which constitutional guarantee protects the interest affected by that consequence, and what characteristic of the challenged norm makes that guarantee materially relevant to the applicant's position. Through this process, experiences such as insecurity, restricted access to information, inability to obtain protection, barriers to recovery, stigmatization, or risks of repeated victimization are not treated as constitutional injuries by themselves. They gain constitutional

⁴⁶ Efa Rodiah Nur et al., 'Restorative Justice in Settling Criminal Case: A Normative-Empirical Study of the Law', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 9 December 2025, 539–52, <https://doi.org/10.24090/volksgeist.v8i2.13017>.

significance only if they are linked to rights guaranteed by the Constitution and to a statutory scheme that intrudes on those rights.

This change also clarifies who is responsible for the law in the institution. A single criminal incident can result in multiple injuries, each subject to a different legal mechanism. The offender's actions may establish criminal liability; the conduct may lead to administrative or ethical liability; financial loss may raise civil remedies; and a faulty statute may raise a constitutional issue. A single factual occurrence can thus generate several different legal claims. The latter is the only type of constitutional review that exists. The victim must recognize the injury they suffered; and the qualified constitutional dimension created by the challenged norm. This requirement separates constitutional review of a law from ordinary adjudication. It prevents the law from being struck down simply because it derives its factual basis from a specific criminal act.

The call for differentiation brings us into the third and most central step of the suggested model: screening normative causality. The Court's jurisprudence shows that the constitutionality of victimization relies heavily on the ability to link the alleged harm sufficiently to the statute under consideration. Normative causality is more accurate than ordinary factual causation because a statutory norm will not more often than not be the sole factual cause of the victim's suffering. The process of criminal victimization typically starts with the behavior of an offender and can be influenced by the actions of law enforcement, institutions and the design of relevant laws. However, constitutional standing raises a different question: whether the challenged norm has sufficient jurisdictional significance in establishing, maintaining, developing, or preventing the alleged constitutional difficulty.

Normative attribution can occur in several ways. A statute can limit a constitutionally protected interest, create a 'procedure' that undermines the constitutionally protected position of the victims, include an ambiguous provision that allows constitutionally questionable treatment, or leave a regulatory gap that undermines constitutional protection. The causal inquiry should not be limited to whether the norm caused the actual factual harm that

was suffered. Instead of considering the constitutional harm it should ask whether this harm would be substantially the same if the alleged constitutional defect were struck down. quickly becomes tenuous where correcting the challenged norm has no meaningful connection to with the alleged injury. On the other hand, if there is a constitutional reading that could render the constitutional impairment null and void, or if there is an omission of a legally significant relationship that can be rectified, or if there is a restrictive relationship that can be eliminated, the normative relationship becomes much stronger.

This type of inquiry also provides a principled way to separate constitutional review from complaints about the application of law. If the conduct is in itself an inadequate norm, but the injury is caused solely by the conduct, the response is not constitutional review. When, however, the behavior complained of is made possible, recurring, or constitutionally significant by legislation which authorizes, permits, structures or leaves unconstrained such behavior, the dimension of the constitution is not a matter of implementation. It is not, however, the difference between abstract norms and concrete facts as totally distinct, separate spheres of existence that is important. It lies between injury which may be constitutionally referred to the norm and injury which can only be referred to circumstances beyond the content of the norm. This distinction is significant because the Court has already held that a plaintiff can have standing if his or her circumstances are sufficiently particular and of a causal nature with respect to a challenged provision, but not have such a causal connection when it comes to another provision in the same case.

Once the cause of the injury is determined to be normative, the analysis must be more precise about the nature of the injury and its constitutional implications. The classifications of protection injury, procedural injury, recovery injury, dignity injury, and equality injury should therefore be understood as analytical categories rather than autonomous constitutional rights or independent grounds of standing. Protection injury concerns a normative deficiency affecting victims' security or legal protection. Procedural injury concerns the position afforded to victims within processes affecting their

constitutionally protected interests. Recovery injury concerns statutory barriers to legally recognized forms of restoration. Dignity injury concerns legal arrangements that facilitate degrading treatment, stigmatization, or repeated victimization. Equality injury concerns a statutory structure that produces constitutionally relevant unequal treatment or fails to accommodate vulnerabilities where constitutional equality requires differentiated protection. These categories let the constitutional argument identify the precise nature of the alleged impairment, rather than reducing all consequences of victimization to an undifferentiated claim of injustice.⁴⁷

The categories should nevertheless remain flexible because a single normative deficiency may affect more than one constitutional interest. A statutory restriction on access to information, for example, may have procedural implications while also affecting legal certainty or a victim's ability to pursue recovery. The purpose of classification is therefore not to confine constitutional injury within rigid categories, but to strengthen the relationship among the right invoked, the injury alleged, the norm challenged, and the remedy sought. Such precision is necessary because an excessively broad characterization of injury risks transforming constitutional standing into a generalized grievance, in contrast, an excessively narrow characterization may fail to capture the constitutional consequences of a legal structure that affects victims in multiple dimensions.

This analytical sequence culminates in a normative inquiry into remediability. The final inquiry asks whether the alleged constitutional injury can be meaningfully remedied through the Court's exercise of constitutional authority. Remediability is important not merely as a final procedural requirement but as the element that completes the chain of juridical attribution. If correction of the challenged norm would have no meaningful effect upon the constitutional injury asserted by the applicant, the relationship between the applicant's position and constitutional adjudication becomes doubtful. By contrast, where removal of a normative barrier, constitutional interpretation, or

⁴⁷ Robyn L. Holder and Elizabeth Englezos, 'Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review', *International Review of Victimology* 30, no. 1 (2024): 25–49, <https://doi.org/10.1177/02697580231151207>.

another form of constitutionally permissible correction could prevent, reduce, or discontinue the alleged impairment, the remedial relationship strengthens the claim to standing. The Court's existing jurisprudence similarly treats the possibility of preventing or remedying constitutional injury as a jurisdictional filter separating constitutional claims from grievances that belong to criminal, civil, administrative, ethical, or other institutional processes.⁴⁸

The form of normative remedy must correspond to the character of the alleged defect. Where the problem concerns the meaning of a provision, constitutional interpretation may constitute the relevant form of correction. Where the problem concerns a norm that imposes an unconstitutional restriction, constitutional adjudication may address the validity or permissible operation of that restriction. Where the constitutional concern arises from regulatory incompleteness, the inquiry must focus upon whether and to what extent the Court can address the deficiency while remaining within its institutional competence. The key standing question is not whether the applicant will ultimately obtain the requested remedy. Legal standing and the merits remain analytically distinct. Rather, the question is whether a rational and legally defensible relationship exists between correction of the challenged norm and the constitutional injury alleged.

Normative remediability is also essential for defining the institutional limits of constitutional adjudication. In exercising its authority to review statutes against the Constitution, the Constitutional Court is principally concerned with the constitutional validity and normative effect of statutory provisions rather than with granting individualized criminal or compensatory relief. Its remedial authority therefore focuses on normative correction, including invalidating or constitutionally interpreting statutory provisions, rather than determining criminal liability, reassessing the factual merits of individual criminal proceedings, or substituting its judgment for that of

⁴⁸ Dian Ayu Widya Ningrum et al., 'Format Ideal Tindak Lanjut Putusan Mahkamah Konstitusi Untuk Mengefektifkan Asas Erga Omnes', *Jurnal Konstitusi* 19, no. 2 (2022): 314, <https://doi.org/10.31078/jk1924>.

ordinary criminal courts.⁴⁹ This limitation does not diminish the significance of constitutional remedies for victims. Normative correction may prevent similar constitutional injuries from recurring and may improve the broader legal architecture governing victim protection. Accordingly, the remedial stage ensures meaningful constitutional access while preventing the constitutional forum from becoming an additional avenue for reconsidering individual criminal disputes.

Viewed as an integrated structure, these stages reveal the proposed model's distinctive contribution. Existing doctrine identifies the general requirements an applicant must satisfy. In contrast, the contextual normative causality model explains how those requirements may be analytically processed when the constitutional injury originates in criminal victimization. Its contribution therefore does not lie in creating a special standing privilege for victims. Instead, it provides a method of juridical attribution through which the Court can determine whether factual harm has acquired constitutional significance, whether that injury is attributable to legislation, and whether it is susceptible to constitutional remedy. Accordingly, the inquiry progresses from a legally cognizable victim position, through identification of a constitutional interest, toward normative causality, precise characterization of injury, and finally remedial competence. Failure at any point identifies where the alleged constitutional relationship becomes insufficient.

This structure also addresses the two opposite risks inherent in determining victims' standing. An excessively restrictive approach may treat the concrete origin of an injury as sufficient reason to exclude constitutional review even when the statutory structure contributes to the impairment. An excessively permissive approach may treat victim status and factual suffering as sufficient to establish standing even though the alleged injury has no meaningful relationship with the challenged norm. The proposed framework avoids both outcomes by making constitutional access dependent upon continuity in the juridical relationship among victim status, constitutional right, injury, normative

⁴⁹ Mohammad Mahrus Ali, 'Konstitusionalitas Dan Legalitas Norma Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945', *Jurnal Konstitusi* 12, no. 1 (2016): 172, <https://doi.org/10.31078/jk12110>.

causality, and remedy. The victim, then, is the point where the inquiry begins and the question of normative attribution is the one that decides if the claim falls within the constitutional adjudicatory field.

The theoretical implication does not only concern the particular role of the victim of crime. Constitutional standing should not be considered just as a doctrine that focuses on whether a person has been injured; it should be looked at as a process by which one can determine whether there is factual harm that is attributable to a legal norm, and whether it can be meaningfully addressed through judicial interpretation of the Constitution. According to this view, the standing function has at least three related roles. It defines the constitutional subject that may benefit from judicial protection, clarifies whether the alleged injury falls within the 'normative responsibility' of the challenged legislation, and ensures that constitutional adjudication has the institutional capacity to respond to the injury without assuming the functions of ordinary courts. Injury, causality, and remedy are therefore not isolated elements, but components of a continuous constitutional relationship. This understanding gives the proposed model broader theoretical relevance because constitutional courts in other systems may face a comparable challenge whenever claims arising from concrete experiences must be accommodated within a jurisdiction centered upon the review of norms.⁵⁰

The model's practical relevance also raises an institutional question. Rather than leaving the analytical process entirely implicit in case-by-case adjudication, the Constitutional Court could consider incorporating elements of the proposed framework into a Constitutional Court Regulation or an internal technical guideline on assessing legal standing in proceedings involving applicants who claim victim status. Such an instrument would not replace the established jurisprudential requirements of constitutional injury. Its purpose would be to provide more transparent analytical guidance concerning how victim status should be identified, how factual harm should be translated into constitutional injury, how normative causality should be evaluated, how the

⁵⁰ Toon Moonen and Laurens Lavrysen, 'Abstract but Concrete, or Concrete but Abstract? A Guide to the Nature of Advisory Opinions under Protocol No 16 to the ECHR', *Human Rights Law Review* 21, no. 3 (2021): 752–85, <https://doi.org/10.1093/hrlr/ngaa065>.

constitutional character of injury should be articulated, and how the relationship between injury and normative remedy should be assessed. Greater analytical transparency could also help applicants and legal representatives construct petitions that remain directed toward constitutional defects in statutory norms rather than toward dissatisfaction with the handling of individual criminal cases.

Nonetheless, courts must retain discretion when they incorporate the framework into an institution. Differences like the crime and the legal system shape the connection between victimization, statutory norms, constitutional rights, and judicial remedies. The proposed model should serve as an analytical tool, not a set of mechanical rules for determining legal standing. More significantly, however, this study is normative and doctrinal, and the framework should not be suggested as having been tested in practice by the judiciary. The framework draws on the jurisprudence of the selected Constitutional Court cases; however, the Court has not formally tested the proposed five-stage structure, and it cannot guarantee outcomes under it. Its practical capacity, therefore, needs further exploration through Constitutional Court case law, comparative constitutional analysis, and empirical research on victims' petitions.⁵¹

In sum, the contextual normative causality model aims to balance constitutional access and the discipline of norm review. The model does not presume that victims have 'standing' just because they have suffered serious harm; nor does it presume that victims are excluded just because 'concrete' criminal event caused the harm. Rather, it poses the questions of whether the applicant is in a legally cognizable position, whether the factual consequences involve a constitutional right, whether the constitutional injury can be attributed juridically to the challenged norm, whether it is sufficiently precise to be identified as a constitutional injury and whether constitutional adjudication can meaningfully address its normative source. Through this construction, legal standing remains a jurisdictional filter while simultaneously providing a

⁵¹ Rosalind Dixon and Po Jen Yap, 'Responsive Judicial Remedies', *Global Constitutionalism* 14, no. 2 (2025): 323–48, <https://doi.org/10.1017/S2045381724000200>.

principled pathway through which constitutionally significant victimization may enter constitutional review. The model's principal contribution therefore lies not in expanding standing out of sympathy for victims, but in providing a structured method for transforming concrete harm into a constitutionally cognizable claim without displacing the Constitutional Court's institutional character as a court of norms.

Conclusion

This study concludes that victims of crime may possess legal standing as applicants in the constitutional review of criminal norms before the Constitutional Court of Indonesia when they can establish a legally relevant relationship among their status as victims, the constitutional rights allegedly impaired, the statutory norm under review, the constitutional injury asserted, and the possibility of obtaining a normative remedy through constitutional adjudication. Victimhood therefore cannot operate as an automatic basis for constitutional standing, yet the fact that an injury originates from a concrete criminal event should not, by itself, exclude a victim from constitutional review. What is decisive is whether the factual consequences of victimization can be translated into a constitutionally cognizable injury that is specific, actual or reasonably foreseeable, normatively attributable to the challenged statutory provision, and capable of being addressed through a decision of the Court. In theoretical terms, this study demonstrates that constitutional standing should not be conceptualized solely as an inquiry into whether an individual has suffered harm, but also as a structured juridical inquiry into whether factual harm can be attributed to a legal norm and meaningfully remedied through constitutional adjudication. This understanding contributes to the broader theory of constitutional standing by positioning causality and remedial capacity as central elements in determining when concrete harm may legitimately be transformed into a constitutional claim without converting constitutional adjudication into ordinary dispute resolution.

To operationalize this theoretical proposition in the context of crime victims, this study proposes a contextual model based on normative causality

consisting of five sequential and interconnected stages, namely the normative identification of victim status, the transformation of factual injury into constitutional injury, the screening of normative causality, the classification of victim injury, and the formulation of normative remedy. The model is not intended to replace the established doctrine of constitutional injury developed by the Constitutional Court, but rather to provide a more contextual and operational analytical framework for applying that doctrine to victims whose constitutional claims originate in concrete criminal experiences. In this sense, the model provides an analytical bridge between factual victimization and constitutional injury by requiring courts to distinguish harm arising from criminal conduct or errors in law enforcement from harm that is juridically attributable to the design, omission, ambiguity, restrictive effect, or inadequacy of the statutory norm itself. Because this study is normative and doctrinal, however, the proposed model should not be understood as empirically or institutionally validated. Its practical effectiveness remains subject to further judicial application, comparative constitutional analysis, and empirical examination concerning whether the framework can improve access to constitutional justice while maintaining the institutional boundaries of norm review.

At the institutional level, the Constitutional Court may consider formalizing relevant elements of this five-stage contextual model through a Constitutional Court Regulation or an internal technical guideline governing the assessment of legal standing in statutory review proceedings involving victims of crime. Such formalization could provide clearer criteria for judges, applicants, and legal representatives to identify victim status, translate factual injury into constitutional injury, assess normative causality, classify the constitutional character of the alleged injury, and determine whether the requested remedy falls within the Court's normative jurisdiction. Any institutional adoption should nevertheless remain sufficiently flexible to preserve judicial discretion and to accommodate variations in the forms of victimization and constitutional injury. Ultimately, the proposed framework advances a conception of constitutional standing that functions simultaneously

as a jurisdictional filter, a method of juridical attribution, and a mechanism for determining whether concrete harm is constitutionally remediable. Future research should therefore examine the framework through comparative studies of constitutional courts, different categories of criminal victimization, subsequent Constitutional Court jurisprudence, and empirical assessment of its possible application in practice.

References

- Aboelazm, Karem. 'The Effects of Supreme Constitutional Court Decision of Unconstitutionality Legislative Omission: A Comparative Study'. *Lex Scientia Law Review* 9, no. 2 (2025): 1446–83. <https://doi.org/10.15294/lslr.v9i2.8801>.
- Adithiya Diar, and Amanda Dea Lestari. 'The Legal Standing of the Anak Dalam Tribe in Initiating Class Action Lawsuits Regarding Land Disputes'. *LITIGASI* 26, no. 2 (2025): 238–71. <https://doi.org/10.23969/litigasi.v26i2.29708>.
- Ali, Mohammad Mahrus. 'Konstitusionalitas Dan Legalitas Norma Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945'. *Jurnal Konstitusi* 12, no. 1 (2016): 172. <https://doi.org/10.31078/jk12110>.
- Amancik, Amancik, Putra Perdana Ahmad Saifulloh, Ali Masyhar, Asrul Ibrahim Nur, and Sonia Ivana Barus. 'Breaking the Cycle of Injustice: Revolutionizing Human Rights Violations Resolution Through the 1945 Constitution'. *Lex Scientia Law Review* 8, no. 2 (2024): 777–816. <https://doi.org/10.15294/lslr.v8i2.7460>.
- Angkasa, Angkasa, Filep Wamafma, Ogiandhafiz Juanda, and Bhanu Prakash Nunna. 'Illegal Online Loans in Indonesia: Between the Law Enforcement and Protection of Victim'. *Lex Scientia Law Review* 7, no. 1 (2023): 119–78. <https://doi.org/10.15294/lesrev.v7i1.67558>.

- Ardhanariswari, Riris, Eko Nursetiawan, Syarafina Dyah Amalia, Enny Dwi Cahyani, and Rozlinda Mohamed Fadzil. 'Upholding Judicial Independence through the Practice of Judicial Activism in Constitutional Review: A Study by Constitutional Judges'. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 27 December 2023, 183–207. <https://doi.org/10.24090/volksgeist.v6i2.9565>.
- Arsil, Fitra, and Qurrata Ayuni. 'Kedudukan Hukum Khusus Dalam Pengujian Undang-Undang Di Mahkamah Konstitusi'. *Jurnal Konstitusi* 19, no. 4 (2022): 957–80. <https://doi.org/10.31078/jk19410>.
- Bisariyadi, Bisariyadi. 'Membedah Doktrin Kerugian Konstitusional'. *Jurnal Konstitusi* 14, no. 1 (2017): 22. <https://doi.org/10.31078/jk1412>.
- Catan, Liliana, Alexandru Sosna, Iurie Frunză, Serghei Zaharia, and Lilia Stefu. 'Constitutional Discussion of Justice in the Context of Respecting the Defendants' Rights'. *Journal of Law and Legal Reform* 7, no. 2 (2026): 489–516. <https://doi.org/10.15294/jllr.v7i2.22733>.
- Cook, Elizabeth A., and Sally McManus. 'Indirect Victims of Violence: Mental Health and the Close Relatives of Serious Assault Victims in England'. *Social Science & Medicine* 359 (October 2024): 117278. <https://doi.org/10.1016/j.socscimed.2024.117278>.
- Dewi, Aida, Khudzaifah Dimyati, Natangsa Subakti, Absori Absori, and Siti Syahida Nurani. 'Legal Protection for Rape Victims in Indonesia: Seeking an Ideal Concept'. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (2021): 121–30. <https://doi.org/10.30631/alrisalah.v21i1.791>.
- Diar, Adithiya, A. Zarkasi, Sayuti Sayuti, Saidatul Nadia Abd Aziz, and Rr. Rina Antasari. 'Money Politics in Indonesian Regional Election Disputes: Constitutional Court Reasoning and Electoral Integrity'. *Jambe Law Journal* 9, no. 1 (2026): 159–203. <https://doi.org/10.22437/1e65hh11>.

- Dixon, Rosalind, and Po Jen Yap. 'Responsive Judicial Remedies'. *Global Constitutionalism* 14, no. 2 (2025): 323–48. <https://doi.org/10.1017/S2045381724000200>.
- Efa Rodiah Nur, Zainudin Hasan, and Harapandi Dahri. 'Restorative Justice in Settling Criminal Case: A Normative-Empirical Study of the Law'. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 9 December 2025, 539–52. <https://doi.org/10.24090/volksgeist.v8i2.13017>.
- Fernando, Zico Junius, Firdaus Arifin, Muhamad Adystia Sunggara, and Fardana Kusumah. 'Transnational Environmental Crime in the Context of International Criminal Law and Victim-Centered Environmental Justice'. *Lampung Journal of International Law* 7, no. 1 (2025): 15–30. <https://doi.org/10.25041/lajil.v7i1.4338>.
- Fh Ujb, Pusat Kajian Hukum Konstitusi. 'Implikasi Putusan Mahkamah Konstitusi Nomor 101/Puu-VII/2009 Terhadap Pelaksanaan Profesi Advokat Di Daerah Istimewa Yogyakarta'. *Jurnal Konstitusi* 7, no. 6 (2016): 291. <https://doi.org/10.31078/jk768>.
- Firdaus, Fahmi Ramadhan, and Bayu Dwi Anggono. 'Safeguarding Constitutional Democracy: The Role Of The Indonesian Constitutional Court Through Formal Review'. *LITIGASI* 26, no. 2 (2026): 199–237. <https://doi.org/10.23969/litigasi.v26i2.23285>.
- Hamzani, Achmad Irwan, Tiyas Vika Widyastuti, Nur Khasanah, and Mohd Hazmi Mohd Rusli. 'Implementation Approach in Legal Research'. *International Journal of Advances in Applied Sciences* 13, no. 2 (2024): 380. <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>.
- Holder, Robyn L., and Elizabeth Englezos. 'Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review'. *International Review of Victimology* 30, no. 1 (2024): 25–49. <https://doi.org/10.1177/02697580231151207>.

- Holder, Robyn L., and Elizabeth Englezos. 'Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review'. *International Review of Victimology* 30, no. 1 (2024): 25–49. <https://doi.org/10.1177/02697580231151207>.
- Ikbal, Ikbal, and Gabriella Almasari Datuan. 'Right to Legal Assistance for Communities Unable to Obtain Justice According to Human Rights Perspective'. *Lampung Journal of International Law* 5, no. 2 (2023): 101–12. <https://doi.org/10.25041/lajil.v5i2.3258>.
- Mahendra, Bayu. 'A Commentary: The Inadmissibility of Non-Indonesian Citizens in Judicial Review before the Indonesian Constitutional Court'. *Constitutional Review* 3, no. 2 (2018): 208–31. <https://doi.org/10.31078/consrev324>.
- Massidda, Paolina, Joseph Akwenyu, and Luke Moffett. 'Victims' Perspectives on Participation in the *Ongwen Case*'. *Journal of International Criminal Justice* 22, no. 5 (2024): 777–83. <https://doi.org/10.1093/jicj/mqae035>.
- Mhlongo, Lindelwa Beaulender, and Buhle Angelo Dube. 'Legal Standing of Victims in Criminal Proceedings: Wickham v Magistrate, Stellenbosch 2017 1 BCLR 121 (CC)'. *Potchefstroom Electronic Law Journal* 23 (May 2020): 1–18. <https://doi.org/10.17159/1727-3781/2020/v23i0a6022>.
- Moonen, Toon, and Laurens Lavrysen. 'Abstract but Concrete, or Concrete but Abstract? A Guide to the Nature of Advisory Opinions under Protocol No 16 to the ECHR'. *Human Rights Law Review* 21, no. 3 (2021): 752–85. <https://doi.org/10.1093/hrlr/ngaa065>.
- Natasa, Karolin Margaret, Abdul Mukti Ro'uf, Sopian Lubis, and Abu Bakar Munir. 'Recognition and Marginalization: The Paradox of Legal Politics in Indigenous Constitutional Rights in West Kalimantan'. *Journal of Law and Legal Reform* 7, no. 2 (2026): 585–620. <https://doi.org/10.15294/jllr.v7i2.47755>.

- Ningrum, Dian Ayu Widya, Al Khanif Al Khanif, and Antikowati Antikowati. 'Format Ideal Tindak Lanjut Putusan Mahkamah Konstitusi Untuk Mengefektifkan Asas Erga Omnes'. *Jurnal Konstitusi* 19, no. 2 (2022): 314. <https://doi.org/10.31078/jk1924>.
- Nur Rahman, Irfan, Anna Triningsih, Alia Harumdani W, and Nallom Kurniawan. 'Dasar Pertimbangan Yuridis Kedudukan Hukum (Legal Standing) Kesatuan Masyarakat Hukum Adat Dalam Proses Pengujian Undang-Undang Di Mahkamah Konstitusi'. *Jurnal Konstitusi* 8, no. 5 (2016): 767. <https://doi.org/10.31078/jk856>.
- Nurini Aprilianda, Febrianika Maharani, Nadhilah A. Kadir, Ardi Ferdian, Solehuddin Solehuddin. 'Re-Conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System'. *Jambura Law Review* 7, no. 2 (2025): 442–67. <https://doi.org/https://doi.org/10.33756/jlr.v7i2.30132>.
- Pemberton, Antony, and Eva Mulder. 'Bringing Injustice Back in: Secondary Victimization as Epistemic Injustice'. *Criminology & Criminal Justice* 25, no. 4 (2025): 1181–200. <https://doi.org/10.1177/17488958231181345>.
- Pradhani, Sartika Intaning. 'Traditional Rights of Indigenous People in Indonesia: Legal Recognition and Court Interpretation'. *Jambe Law Journal* 1, no. 2 (2019): 177–205. <https://doi.org/10.22437/jlj.1.2.177-205>.
- Pratama, Novan Mahendra. 'The Recovery of Constitutional Losses By the Constitutional Court'. *Trunojoyo Law Review* 2, no. 2 (2020): 126–39. <https://doi.org/10.21107/tlr.v2i2.9501>.
- Pratiwi, Wiwit, Saldi Isra, Charles Simabura, and Khairul Fahmi. 'Implications of Constitutional Defiance of Constitutional Court Decisions by Lawmakers'. *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 734–59. <https://doi.org/10.29303/ius.v13i3.1837>.

- Putra, Ilhamdi, and Khairul Fahmi. 'Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi'. *Jurnal Konstitusi* 18, no. 2 (2021): 345. <https://doi.org/10.31078/jk1824>.
- Rahman, Andriansyah, and Muthi'ah Maizaroh. 'Strengthening Independence: Constitutional Interests As A Paradigm For Judicial Review In Indonesia'. *Jurnal Hukum Dan Peradilan* 13, no. 1 (2024): 33. <https://doi.org/10.25216/jhp.13.1.2024.33-62>.
- Ramdan, Ajie. 'Problematika Legal Standing Putusan Mahkamah Konstitusi'. *Jurnal Konstitusi* 11, no. 4 (2016): 737. <https://doi.org/10.31078/jk1147>.
- Riyadi, Sugeng, Muhammad Fauzan, Idamatussilmi Idamatussilmi, and Asep Budiman. 'The Urgency of Establishing Constitutional Court Procedural Law'. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 27 December 2023, 209–23. <https://doi.org/10.24090/volksgeist.v6i2.9607>.
- Rompegading, Andi Melantik, and Maemanah Maemanah. 'Pengakuan Kedudukan Hukum Masyarakat Hukum Adat Matteko Dalam Pengujian Undang-Undang Di Mahkamah Konstitusi'. *Jurnal Konstitusi* 18, no. 3 (2022): 608. <https://doi.org/10.31078/jk1836>.
- Saifulloh, Putra Perdana Ahmad, Beni Kurnia Illahi, and Sonia Ivana Barus. 'Legal Standing to the Corruption Eradication Commission as a Applicant for the Dissolution of a Political Party at the Constitutional Court: Legal Standing Komisi Pemberantasan Korupsi Sebagai Pemohon Pembubaran Partai Politik Di Mahkamah Konstitusi'. *Jurnal Konstitusi* 20, no. 2 (2023): 318–39. <https://doi.org/10.31078/jk2028>.
- Satriawan, Iwan, and Tanto Lailam. 'Open Legal Policy Dalam Putusan Mahkamah Konstitusi Dan Pembentukan Undang-Undang'. *Jurnal Konstitusi* 16, no. 3 (2019): 559. <https://doi.org/10.31078/jk1636>.
- Siboy, Ahmad, Sholahuddin Al-Fatih, Asrul Ibrahim Nur, and Nur Putri Hidayah. 'Judicial Review in Indonesia: A Simplification Model'. *Lex*

Scientia Law Review 6, no. 2 (2022): 359–90.
<https://doi.org/10.15294/lesrev.v6i2.54848>.

Warjiyati, Sri, Kayode Muhammed Ibrahim, Safrin Salam, and Umar Faruq. ‘Complaint Authority for Constitutional Complaint by Indonesia’s Constitutional Court’. *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (2022): 303–15. <https://doi.org/10.29303/ius.v10i2.1070>.

Wicaksono, Dian Agung. ‘Dynamics of Granting Legal Standing to the Indigenous Community in Constitutional Review of Law: Dinamika Pemberian Kedudukan Hukum Pemohon Bagi Masyarakat Hukum Adat Dalam Pengujian Undang-Undang’. *Jurnal Konstitusi* 20, no. 3 (2023): 494–513. <https://doi.org/10.31078/jk2037>.

Wicaksono, Dian Agung, and Enny Nurbaningsih. ‘Ratio Legis Penetapan Pembayar Pajak (Taxpayer) Sebagai Kedudukan Hukum Dalam Pengujian Undang-Undang Oleh Mahkamah Konstitusi’. *Jurnal Konstitusi* 17, no. 3 (2020): 461–94. <https://doi.org/10.31078/jk1731>.

Yusa, I. Gede, Komang Pradnyana Sudibya, Nyoman Mas Aryani, and Bagus Hermanto. ‘Gagasan Pemberian Legal Standing Bagi Warga Negara Asing Dalam Constitutional Review’. *Jurnal Konstitusi* 15, no. 4 (2019): 752. <https://doi.org/10.31078/jk1544>.

Zappala, S. ‘The Rights of Victims v. the Rights of the Accused’. *Journal of International Criminal Justice* 8, no. 1 (2010): 137–64. <https://doi.org/10.1093/jicj/mqq001>.

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During the preparation of this manuscript, the authors used ChatGPT to assist in refining language, improving readability, translating selected parts of the manuscript, and supporting the academic clarity of the writing. Following this process, the authors critically reviewed, edited, and validated the output to ensure accuracy, consistency, and scientific integrity. The authors maintain full accountability for the final content of the manuscript. Generative AI was used solely as a supportive tool and is not credited with authorship. No original data analysis, legal interpretation, or substantive research conclusion was performed by generative AI without human oversight.