



## The Urgency of Budget Independence for the Constitutional Court in Strengthening the Independence of the Judiciary

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### Abstract

*This study analyzes the importance of budgetary independence for Indonesia's Constitutional Court (Mahkamah Konstitusi or MK) to strengthen its independence as a judicial institution. Budgetary independence is deemed essential for MK to perform its functions without political pressure or intervention from the executive and legislative branches. This research employs a normative legal method with a descriptive-analytical approach to examine relevant regulations, legal literature, and international practices related to budgetary independence for constitutional courts. The results show that budgetary independence plays a significant role in enhancing operational flexibility, safeguarding institutional autonomy, and strengthening MK's credibility in the public eye. With an independent budget, MK can allocate resources according to its needs without political influence. This study also provides strategic recommendations, such as the formulation of specific policies, the establishment of an independent oversight body, a special budget model, and capacity-building for MK's financial management. These recommendations are expected to support a more independent and accountable judicial system. Budgetary independence will enable MK to perform its duties effectively and uphold its integrity as a neutral guardian of the constitution.*

**Keywords:** Budgetary Independence; Constitutional Court; Judicial Independence; Financial Management; Judicial System.

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### INTRODUCTION

The Constitutional Court (sometimes referred to as a constitutional tribunal or constitutional council) is an institution that may take the form of a court, holding judicial authority and conducting court procedures, or it may be a constitutional council or court that is responsive to ideas rooted in democratic countries.<sup>1</sup> The Constitutional Court is a state body established constitutionally and independently, whose primary purpose is to uphold the normative superiority of constitutional law within the legal order.<sup>2</sup>

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<sup>1</sup> L. Garlicki, "Constitutional courts versus supreme courts," *International Journal of Constitutional Law* 5, no. 1 (1 Januari 2007): 45–47, <https://doi.org/10.1093/icon/mol044>.

<sup>2</sup> Alec Stone Sweet, "Constitutional Courts," in *The Oxford Handbook of Comparative Constitutional Law*, ed. oleh Michel Rosenfeld and András Sajó (United Kingdom: Oxford University Press, 2015), 816.

In Indonesia, this institution is called the Constitutional Court of the Republic of Indonesia (MK), which was established based on the third amendment to the 1945 Constitution of the Republic of Indonesia (UUD 1945) as a judicial body tasked with safeguarding and upholding constitutional principles.<sup>3</sup> As the "guardian of the constitution," the Constitutional Court is tasked with ensuring that every law and government policy aligns with constitutional values and protecting the constitutional rights of citizens.<sup>4</sup>

To effectively perform this function, the independence of the Constitutional Court must be guaranteed, both institutionally and operationally. Article 24 paragraph (1) of the 1945 Constitution affirms that "Judicial power shall be independent in administering justice to uphold law and justice." This independence encompasses structural, functional, and financial aspects. However, in practice, budgetary autonomy for judicial institutions, including the Constitutional Court, still faces significant challenges.

Currently, the process of drafting and approving the Constitutional Court's budget must go through the approval of the executive and legislative branches. Although this mechanism is designed to ensure accountability and transparency in the use of state funds, such dependence can open opportunities for political intervention or pressure, which may threaten the Court's independence. For example, inadequate budget allocations or delays in fund disbursement can hinder the Constitutional Court's operations in carrying out its constitutional duties.

Budgetary independence for judicial institutions has become a concern in various countries as an effort to strengthen judicial independence. Some countries have implemented models where the judiciary has autonomy in managing its budget, ensuring that operational needs and work programs can be met without interference from other branches of power. Such a model enables judicial institutions to plan and implement capacity-building programs, human resource development, and innovations in the judicial system more effectively.

In Indonesia, efforts to achieve budgetary independence for judicial institutions have been recognized as one of the essential conditions for the implementation of an independent judiciary. This aligns with the view that budgetary independence will provide the judiciary with the flexibility to manage its priorities and operational needs, as well as reduce the potential for pressure from the executive or legislative branches regarding fund allocation. Thus, budgetary independence serves not only as an administrative mechanism but also as an instrument to uphold the integrity and credibility of judicial institutions in the eyes of the public.

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<sup>3</sup> Adam Ilyas dan Dicky Eko Prasetio, "Problematika Peraturan Mahkamah Konstitusi dan Implikasinya," *Jurnal Konstitusi* 19, no. 4 (2022): 794–818, <https://doi.org/10.31078/jk1943>.

<sup>4</sup> Pan Mohamad Faiz dan M. Lutfi Chakim, *Peradilan Konstitusi: Perbandingan Kelembagaan dan Kewenangan Konstitusional di Asia* (Depok: Raja Grafindo Persada, 2020), 9.

In the context of the Constitutional Court, budgetary independence becomes even more crucial given its strategic role in safeguarding the constitution and democracy in Indonesia. As an institution that often has to decide cases related to political interests and public policies, the Constitutional Court needs assurance that its operations and work programs are not disrupted by political dynamics or fiscal policy changes that could affect budget allocation.<sup>5</sup> Therefore, strengthening budgetary independence for the Constitutional Court has become an urgent matter that requires serious attention from policymakers and relevant stakeholders.

Several previous studies have discussed the importance of budgetary independence for judicial institutions in Indonesia. For example, in the article "Legal Review of the Independence and Autonomy of the Supreme Court in the Indonesian Constitutional System" by Restu Permadi and Fifiana Wisnaeni, it is discussed that the independence and autonomy of the Supreme Court, particularly in terms of human resource and budget management, still face intervention from the executive branch.<sup>6</sup> The study highlights that, in financial management, the Supreme Court has not yet fully achieved independence in formulating its organizational budget.

Another study, "The Ideal Concept of Judicial Power in Indonesia to Achieve Complete Judicial Independence" by Ardyansyah Jintang, also emphasizes that the independence and autonomy of judicial power, particularly within the Supreme Court, have not been fully guaranteed in Indonesia's state system.<sup>7</sup> This is evident from the recruitment and appointment patterns of first-level judges, which still involve the executive branch, as well as in financial and budget management, which has not yet achieved full independence.

Although these studies have discussed budgetary independence in the context of the Supreme Court, specific research on the urgency of budgetary independence for the Constitutional Court remains limited. This study aims to fill that gap by focusing on the importance of budgetary independence for the Constitutional Court in strengthening the independence of judicial institutions. Thus, this research is expected to make a significant contribution to efforts to realize a more independent and accountable judicial system in Indonesia.

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<sup>5</sup> Saiful Risky, Sholahuddin Al-Fatih, dan Mabaroh Azizah, "Political Configuration of Electoral System Law in Indonesia from State Administration Perspective," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* VI, no. 40 (2023): 119–30, <https://doi.org/10.24090/volksgeist.v6i1.7940>.

<sup>6</sup> F. Wisnaeni R. Permadi, "Tinjauan Hukum Kemandirian Dan Independensi Mahkamah Agung Didalam Sistem Ketatanegaraan Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 399–415.

<sup>7</sup> Ardyansyah Jintang, "Idealitas Konsep Kekuasaan Kehakiman Di Indonesia Untuk Mewujudkan Independence Of Judiciary Secara Paripurna," *Jurnal Hukum Peraturan* 6, no. 2 (2023): 140–66.

## RESEARCH METHODS

This study employs a normative legal method with a conceptual approach. The analysis is conducted through a literature review, encompassing primary legal materials such as relevant legislation, secondary legal materials in the form of legal literature and scholarly journals, and tertiary legal materials such as encyclopedias and legal dictionaries. The collected legal materials are analyzed qualitatively to address the research problem formulation.

## ANALYSIS AND DISCUSSION

### A. Budgetary Independence and Its Impact on the Independence of the Constitutional Court

The submission of budgets for judicial institutions, including the Constitutional Court (MK), follows the procedures and guidelines set by the Indonesian government through Law No. 25 of 2004 on the National Development Planning System and Law No. 17 of 2003 on State Finance. The technical regulations are further detailed in Government Regulation No. 90 of 2010 concerning the Preparation of Work Plans and Budgets for Ministries/Institutions (PP 90/2010).<sup>8</sup> This process involves several key stages: the preparation of the Work Plan and Budget of Ministries/Institutions (RKA-K/L), the review and approval of the RKA-K/L, and the budget approval by the House of Representatives (DPR). Initially, each judicial institution is required to draft an annual RKA-K/L that outlines the work plan and budgetary needs for the upcoming fiscal year. This document is prepared based on the indicative budget ceiling provided by the Ministry of Finance, following the preparation guidelines outlined in the Minister of Finance Regulation No. 49/PMK.02/2023 on Input Cost Standards for Fiscal Year 2024. Once the RKA-K/L is drafted, it is submitted to the Ministry of Finance and the National Development Planning Agency (Bappenas) for review, which aims to ensure that the proposed work plan and budget align with national policies and the country's financial capabilities. The results of this review serve as the basis for drafting the State Budget Bill (RAPBN). Subsequently, once the RAPBN is approved by the DPR, the budget for judicial institutions is ratified and formalized in the Budget Implementation List (DIPA). The DIPA serves as the foundation for executing activities and utilizing the budget throughout the fiscal year.

The budget submission practices described above do not fully reflect budgetary independence for judicial institutions, including the Constitutional Court. The relationship pattern between ministries/institutions and the DPR in the budgeting process may not pose an issue for ministries and agencies that are part of the executive branch.

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<sup>8</sup> Willa Wahyuni, "Proses Perencanaan Anggaran Badan Peradilan Dipertanyakan," Hukum Online, 2024, <https://www.hukumonline.com/berita/a/proses-perencanaan-anggaran-badan-peradilan-dipertanyakan-lt65fde9da27857/>.

However, when it comes to institutions overseeing the judiciary – which holds authority over judicial power – it becomes a significant issue for judicial independence. The involvement of the Ministry of Finance, Bappenas, and the DPR in budget determination, particularly through indicative ceilings and DPR approval, creates a dependency of judicial institutions on the executive and legislative branches. This dependency has the potential to impact the independence of judicial bodies in carrying out their functions and raises the risk of external intervention in budget management.

In fact, budgetary independence is a fundamental requirement for maintaining and strengthening the Constitutional Court's independence as the highest judicial institution in constitutional interpretation. This independence refers to the Court's ability to operate without influence, pressure, or intervention from other branches of power, particularly the executive and legislative branches.<sup>9</sup> With an independent budget, the Constitutional Court can avoid situations where its financial needs are influenced by parties with specific political interests, which could threaten the neutrality and credibility of the institution.<sup>10</sup>

Theoretically and practically, budgetary independence allows the Constitutional Court to set its operational priorities more flexibly. For example, autonomous budget management enables the Court to allocate funds to critical sectors such as developing information technology for trial transparency, enhancing human resource capacity, and implementing a management system that is more responsive to the dynamics of cases it handles. Without this independence, these vital programs could be hindered if the legislature or executive decides to reduce funding allocations based on considerations that may not always align with the Constitutional Court's legal or constitutional needs.

Furthermore, in his book *\*Two Treatises on Civil Government\**,<sup>11</sup> John Locke divided the powers of a state into three parts: the power to make laws (legislative power), the power to execute laws (executive power), and the power to establish relationships and alliances and take actions with foreign entities (federative power). Later, Montesquieu, in his book *\*L'Esprit des Lois\** (The Spirit of the Laws),<sup>12</sup> stated that every government has three types of power: legislative, executive, and judicial. These three powers function independently in accordance with the authority granted to

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<sup>9</sup> Melissa Crouch, "The challenges for court reform after authoritarian rule: The role of specialized courts in indonesia," *Constitutional Review* 7, no. 1 (2021): 1-25, <https://doi.org/10.31078/consrev711>.

<sup>10</sup> Suryati Sundari, "Realisasi Demokrasi Dan Konstitusi Dalam Upaya Penguatan Mahkamah Konstitusi Di Indonesia," *Solusi* 21, no. 1 (2023): 36.

<sup>11</sup> J Locke, *Two Treatises on Civil Government: Preceded by Sir Robert Filmer*, Morley's universal library (George Routledge and Sons, 1884), <https://books.google.co.id/books?id=zEIqAAAAYAAJ>.

<sup>12</sup> C L de Secondat Montesquieu, *De l'esprit des lois*, De l'esprit des lois (Lebigre Frères, 1834), <https://books.google.co.id/books?id=2cWR3RQ9VhMC>.

them. According to Montesquieu, freedom can only be guaranteed if these three functions of power are held by different individuals or bodies. This concept of the separation of powers in a state governance system is known as *trias politica*. These powers must be separated both in terms of function (duties) and the organs that execute them.

Empirically, dependence on budget approval by the legislature and executive not only opens opportunities for external influence on the decisions of the Constitutional Court but also limits the Court's flexibility to respond to urgent needs. A real example is when judicial institutions in various countries have to deal with a surge in cases or constitutional issues sensitive to political dynamics. Budgetary independence allows these institutions to quickly adapt and respond to such needs without having to undergo approval processes that could delay their operations.

In terms of the independence of state institutions, according to Jack M. Beermann, independent state institutions have the following characteristics:<sup>13</sup>

- a. Led by a commission or council consisting of several members.
- b. The leaders of the institution serve a term that is generally longer than the President's term.
- c. The leaders of the institution cannot be dismissed without a valid reason.
- d. The institution must be bipartisan, with the general rule that no more than half plus one of its members (e.g., three out of five) belong to the same political party. (The state institution must be supported by political parties under certain conditions, with no more than half plus one of the members, for example: three out of five, so the commissioners may consist of members from the same political party).

Jimly Asshiddiqie, an Indonesian constitutional law expert, conceptualizes the independence of judicial power in three different dimensions:<sup>14</sup>

- a. Structural Independence: This refers to the institutional autonomy of the judiciary, ensuring that its organizational structure is separate and distinct from other branches of government, such as the executive and legislative.

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<sup>13</sup> Jack M. Beermann, *Inside Administrative Law: What Matters and why*, Inside (Wolters Kluwer) (Aspen Publishers, 2011), 7, <https://scholarship.law.bu.edu/books/65>.

<sup>14</sup> Jimly Asshidiqie, *Penguatan Sistem Pemerintahan dan Peradilan* (Jakarta: Sinar Grafika, 2015).

- b. Functional Independence: This aspect emphasizes the judiciary's freedom to carry out its duties without external interference, safeguarding the impartial execution of judicial functions from outside influences.
- c. Financial Independence: This pertains to the judiciary's authority to manage its own budget, so that financial autonomy supports its ability to operate independently and effectively.

These three components collectively uphold the role of the judiciary as an impartial and independent pillar within the state structure. Furthermore, according to John McElroy, budgetary independence of the judiciary focuses on strengthening five aspects, namely:<sup>15</sup>

- a. enhancing the optimal use of public funds;
- b. improving the quality of management and accountability of the judicial budget;
- c. increasing transparency and openness in the decision-making process;
- d. strengthening judicial independence and autonomy; and
- e. achieving a fair and impartial judiciary.

From an international perspective, there are several models for interpreting judicial budgetary independence that reflect various approaches to ensuring judicial independence while maintaining accountability for the use of public funds. One basic model is the explicit protection of judges' salaries, as implemented in the United States, where the constitution guarantees that judges' salaries will not be reduced during their tenure. This protection focuses on the financial stability of individual judges but does not encompass full autonomy over the judiciary's overall budget.<sup>16</sup>

Some countries provide a higher degree of independence through a model of autonomous budgeting for judicial institutions, allowing courts to manage their budgets without executive or legislative intervention. Bolivia, for instance, stipulates that budgetary autonomy is an integral part of the guarantee of judicial independence.<sup>17</sup> On the other hand, there is a model where judges' budgets and remuneration are determined by specific regulations or statutes, as seen in Greece. Although this does not

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<sup>15</sup> John McElroy, *Developing the Judicial Budget: An Analysis, Empowerment, Security And Opportunity Through Law and Justice* (Saint Petersburg: World Bank Conference, 2001), 3.

<sup>16</sup> United States, "Constitution of the United States" (1787) art. III, § 1.

<sup>17</sup> Bolivia, "AC. tit. III, ch. 1, art. 178," n.d.

grant full autonomy, this approach ensures budgetary certainty for judicial institutions.<sup>18</sup>

A less common model, but one that ensures stable financing, is the allocation of the judicial budget as a fixed percentage of national revenue, as implemented in Honduras. In this model, the judicial budget is set at a minimum of three percent of total national revenue, reducing the judiciary's dependence on the annual budgeting process influenced by the executive or legislative branches.<sup>19</sup>

In several European countries, the Judicial Council plays a central role in managing the judiciary's budget, acting as an intermediary between judicial institutions and the government. This council has the autonomy to determine and manage budget distribution while also overseeing its use to ensure the operational independence of the courts. This model is evident in Northern European countries, where the Judicial Council handles administration, court management, and budget administration.<sup>20</sup>

Additionally, there is the lump-sum approach or total budget allocation without specification, as seen in Sweden. In this model, once the parliament approves the budget, the funds are handed over to the judiciary in one large sum, which can be managed flexibly according to internal priorities. Thus, the lump-sum model provides the judiciary with the freedom to determine budget use without specific directives from the legislature, thereby strengthening judicial independence. Each of these models reflects varying degrees of autonomy, from basic financial protection to full control over budget management. The choice of model implemented in a country depends on the need to balance judicial independence with accountability for the use of public funds.<sup>21</sup>

The importance of budgetary independence is also closely related to public perception of the Constitutional Court's independence. The public expects a fully independent judiciary, both operationally and financially, so that its decisions can be seen as manifestations of objective and fair law enforcement. In situations where the Constitutional Court depends on budget approval from the executive or legislative branches, the public might question the institution's neutrality, especially in cases involving political interests. With budgetary independence, the Constitutional Court can

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<sup>18</sup> "1975 SYNTAGMA [SYN.] [CONSTITUTION] 88 (Greece)," n.d.

<sup>19</sup> "HONDURAS CONST. tit. V, ch. 12, art. 318," n.d.

<sup>20</sup> W. J. M. Voermans, "Councils for the Judiciary in Europe: Trends and Models," in *The Spanish Constitution In The European Constitutional Context* (Netherlands: Universiteit Leiden, 2003), <https://hdl.handle.net/1887/3708>.

<sup>21</sup> Alexander Rosselli, "Judicial Independence and the Budget: A Taxonomy of Judicial Budgeting Mechanisms," *Indiana Journal of Constitutional Design* 5, no. 2 (2020): 15-16, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1016&context=ijcd>.

assure the public that every decision is made free from external influence, thereby maintaining public trust in the judiciary.

Another perspective from the constitutional law, budgetary independence can strengthen the Constitutional Court's position within Indonesia's state system. Article 24 paragraph (1) of the 1945 Constitution states that judicial power must be independent. The term "independent" in this context does not only refer to freedom in decision-making but also to freedom in carrying out institutional functions, which include resource and budget management. If the Constitutional Court does not have budgetary independence, it would be difficult for the institution to be fully independent in fulfilling its mandate, as financial dependence on other parties could disrupt the smooth execution of its constitutional functions. In this regard, budgetary independence is not merely an administrative requirement but a fundamental necessity aligned with the constitutional mandate.

## **B. Strategic Recommendations for Achieving Budgetary Independence for the Constitutional Court in Indonesia**

To achieve budgetary independence for the Constitutional Court (MK) in Indonesia, a series of comprehensive and measurable strategies are needed. These strategies should include policy reforms and institutional arrangements that allow the Constitutional Court full autonomy in budget planning, management, and oversight. Here are some strategic recommendations that can be implemented:

### **1. Formulating a Specific Policy on Budgetary Independence for Constitutional Judicial Institutions**

The first crucial step is to establish a specific policy that explicitly governs budgetary independence for the Constitutional Court (MK). This policy should be enacted in the form of a law or government regulation that stipulates the MK's right to manage its budget independently, without executive or legislative intervention. This policy will provide a legal foundation for the MK to regulate the allocation, utilization, and reporting of its budget in accordance with the unique institutional needs of the Constitutional Court.

In its implementation, this policy should incorporate the MK's budget as a fixed component of the State Budget (APBN), ensuring that the MK's budget allocation is not affected by political changes or unilateral decisions from the executive or legislative branches. This means that the MK's budget would be formulated and approved automatically based on internal needs and evaluations, which are periodically reported to the public. Additionally, the policy should include budget management procedures that allow flexibility in planning and allocating funds, particularly for priority

needs such as information system development, staff training, and urgent requirements related to handling constitutional cases.

With this specific policy in place, the MK will not only have budgetary stability to support its institutional functions but also reduce potential conflicts of interest between the MK and other branches of power. The existence of clear and specific regulations on budgetary autonomy for the MK will also serve as tangible evidence that the government respects the principle of judicial independence within a democratic state system. Ultimately, this policy will strengthen the MK's position as an institution capable of carrying out its mandate neutrally and free from political pressure.

## **2. Establishment of an Independent Body for Monitoring and Evaluating the MK's Budget**

Budgetary independence does not eliminate the need for transparent financial oversight. Therefore, an independent supervisory body should be established, specifically responsible for auditing and evaluating the MK's budget usage. This body must operate free from executive and legislative influence and should ideally consist of financial experts, legal professionals, and independent track-record specialists. The independent oversight body will ensure that every expenditure made by the MK aligns with principles of efficiency and accountability while safeguarding the institution's independence.

This oversight body could conduct periodic audits and produce public reports that accurately reflect the MK's budget utilization. The oversight should not interfere with or hinder internal decision-making processes within the MK but should simply ensure that allocated funds are used appropriately and efficiently. With independent and transparent monitoring, both the executive and legislative branches can be assured that the MK's budget is managed according to high standards, preventing budgetary independence from being used as a justification for interference by other branches of power.

The establishment of this independent oversight body will not only uphold budget transparency but also protect the MK from potential accusations or negative perceptions regarding the management of public funds. The transparency resulting from this oversight mechanism will enhance public trust in the MK and ensure that the Court's financial independence is genuinely utilized for the broader public interest in fulfilling its constitutional functions.

## **3. Implementation of a Special Budget Model for Judicial Institutions**

Adopting a special budget model for the MK is an effective strategy to ensure financial autonomy. This model can emulate practices from developed countries, where constitutional judicial institutions have fixed budget allocations regulated through mechanisms that prevent sudden cuts or alterations. This approach is often referred to as the "Judicial Budget as a Percentage of GDP." With this model, the MK's budget is incorporated as a mandatory part of the State Budget (APBN), for example, allocating 3% of the APBN specifically for the MK's budget.

With this model, the MK would not need to go through budget negotiation or approval procedures each year, reducing its dependence on executive or legislative approval. Such budget allocation enables the MK to plan and manage its finances more strategically and over the long term, for initiatives like human resource capacity development, strengthening technology systems, or implementing programs to enhance access to justice for the public. This is crucial because the MK often deals with sensitive constitutional cases that require financial independence without the risk of external pressure.

#### **4. Enhancing the Financial Management Capacity of the MK**

Managing an independent budget requires strong internal capacity in financial management. Therefore, it is essential for the MK to enhance the competencies of staff responsible for budget management by providing intensive training focused on budget planning, execution, and evaluation. During this training, financial staff should be equipped with knowledge of good governance principles, accountability, and budget management efficiency strategies.

Additionally, the MK can recruit financial experts or experienced auditors specifically assigned to the budget management division. The presence of these experts will aid in formulating sound financial policies and ensure that every allocated fund is utilized to support the MK's essential functions. With effective financial management, the MK will demonstrate to the public and stakeholders that budgetary independence not only provides financial flexibility but is also managed professionally and transparently.

#### **5. Developing a Framework for Transparency and Accountability in the MK's Budget Management**

To maintain public trust and accountability, the MK needs to establish a transparency framework that includes regular and open budget reporting. These reports should detail the use of funds for various activities and programs and be presented in a format easily accessible to the public. This transparency system allows the public to see that the budget is managed appropriately according to the institution's needs.

The transparency framework also facilitates independent oversight by supervisory bodies or external audit agencies. Open and detailed financial reports not only enhance the MK's credibility in the eyes of the public but also provide assurance that every fund allocation is made efficiently. This transparency will strengthen public confidence in the MK as a judicial institution that is not only independent but also accountable in managing state funds.

## **6. Support from the Executive and Legislative Branches in the Form of Long-Term Policies**

Political support from the executive and legislative branches is crucial to ensure that the MK's budgetary independence can be sustained without obstacles. This commitment needs to be realized in the form of long-term policies that support the MK's financial autonomy and fully recognize the principle of judicial independence. The executive and legislative branches must understand that the MK's financial independence is an integral part of a healthy and democratic legal system.

These policies will provide the MK with the assurance that its budgetary autonomy is protected from political shifts or short-term adjustments. With this support, the MK's budgetary independence can become part of sustainable state governance, strengthening the MK's position as the guardian of the constitution, capable of carrying out its duties without being influenced by political interests.

## **7. Public Awareness and Outreach on the Importance of the MK's Budgetary Independence**

Public outreach on the importance of budgetary independence for the MK is crucial for building strong public support. Raising public awareness about the urgency of the MK's financial independence will encourage people to support and monitor these efforts. An informed public will back the MK's steps to maintain its independence and carefully oversee the management of state funds.

Awareness campaigns can be conducted through seminars, educational campaigns, media publications, and discussion forums involving academics, legal practitioners, and civil society organizations. With a well-informed public, support for the MK will increase, prompting the executive and legislative branches to expedite policies related to the MK's budgetary independence. Strong public support will serve as a catalyst for the optimal implementation of the MK's financial independence.

## **CONCLUSION**

1. Budgetary independence for the Constitutional Court (MK) holds significant urgency in strengthening the judiciary's independence, especially in facing external pressures that may influence the MK's neutrality and credibility as the

guardian of the constitution. Although previous studies have extensively discussed budgetary independence in the context of the Supreme Court, this research fills the gap by focusing specifically on the MK. Thus, budgetary independence is viewed not merely as an administrative need but as a fundamental prerequisite for establishing a judiciary system that is genuinely free from political interference.

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3. The analysis shows that budgetary independence allows the MK to allocate and manage resources according to its needs without requiring legislative or executive approval, which often involves political interests. It also provides the MK with the opportunity to strengthen internal management and ensure that funds are used effectively to enhance the quality of professional judicial services. Furthermore, budgetary independence can increase public trust in the MK as an objective and fair judicial institution.

4. This study offers several strategic recommendations, including drafting specific policies that guarantee the MK's budgetary autonomy, establishing an independent oversight body, implementing a special budget model, enhancing the MK's internal capacity, and raising public awareness about the importance of budgetary independence. Political support from the executive and legislative branches in the form of long-term policies is also needed to ensure the sustainability of the MK's financial autonomy. With the implementation of these recommendations, it is hoped that the MK's budgetary independence can be realized, enabling the MK to function as a neutral, high-integrity institution that the public trusts in upholding constitutional supremacy.

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