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<u>The Problematics of a Separate Judicial Review through Two Institutions: A Case Study in Indonesia</u>

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Deskripsi The implementation of a judicial review, which is conducted separately by the

Constitutional Court, and the Supreme Court, is considered to be inappropriate with the ideals of building a harmonious, and integrated legal system. In its practice, it has been proven that the authority of the judicial review to the Constitutional Court, and the Supreme Court encourages various issues. The substantive difference between the tests conducted by the Constitutional Court, and those conducted by the Supreme Court, isthe process of examining the trial of the legislation under the law, and against the law by the Supreme Court was conducted in private. The cases handled by the Supreme Court were numerous, not just the legislation testing cases, but also the cases of cassation, and other legal matter. The relationship between the two judicial institutions, namely the Supreme Court, and the Constitutional Court, has become out of sync in the Indonesian constitutional system. The enforcement of the constitution integrally in all laws and regulations has become challenging to materialise. It becomes the loss of the power of the Supreme Court decision for a test case. When the norms that are used as the basis by the Supreme Court are declared unconstitutional by the Constitutional Court, there will be conflicting decisions.

Artikel Scholar

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Dear authors,

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It's my pleasure to inform you that, after the peer review, your paper "The Problematics on Separate Judicial Review through two Institutions: A Case Study in Indonesia" has been ACCEPTED to publish in our journal namely <u>International Journal of Innovation, Creativity and Change</u>, ISSN: 2201-1315. It will be published in the <u>Regular Issue of September 2020</u>. You will need to pay the publication fee within 3 working days. I believe that our collaboration will help to accelerate the global knowledge creation and sharing one step further. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Loh Wei-Lyn
Editorial Assistant
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The Problematics of a Separate Judicial Review through Two Institutions: A Case Study in Indonesia

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The implementation of a judicial review, which is conducted separately by the Constitutional Court, and the Supreme Court, is considered to be inappropriate with the ideals of building a harmonious, and integrated legal system. In its practice, it has been proven that the authority of the judicial review to the Constitutional Court, and the Supreme Court encourages various issues. The substantive difference between the tests conducted by the Constitutional Court, and those conducted by the Supreme Court, is the process of examining the trial of the legislation under the law, and against the law by the Supreme Court was conducted in private. The cases handled by the Supreme Court were numerous, not just the legislation testing cases, but also the cases of cassation, and other legal matter. The relationship between the two judicial institutions, namely the Supreme Court, and the Constitutional Court, has become out of sync in the Indonesian constitutional system. The enforcement of the constitution integrally in all laws and regulations has become challenging to materialise. It becomes the loss of the power of the Supreme Court decision for a test case. When the norms that are used as the basis by the Supreme Court are declared unconstitutional by the Constitutional Court, there will be conflicting decisions.

Key words: Judicial review, Constitutional court, Supreme court.

Introduction

The concept of legal development is a fundamental and comprehensive matter and is not to be separated from the development of the people's rights. Legal development is when a