



Efforts to Build Budget Independence in the Constitutional Court of Indonesia to Create Judicial Independence

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Abstract-Currently, budget management in the Constitutional Court as one of the judicial institutions in Indonesia has not been separated from the role of the executive and legislative institutions. Judicial Power is an independent power to administer justice in order to uphold law and justice, so that budget independence in the Constitutional Court should be pursued. Budget independence will affect the independence of judges in deciding cases so that it will greatly affect the accountability of the Constitutional Court. The authority of the Constitutional Court, which is closely related to the interests of the executive and legislature, makes the Constitutional Court very vulnerable to intervention from both the executive and legislature in deciding cases. A check and balances mechanism is needed so that the legislative, executive and judicial branches of power are equal and control each other, so that abuse of power by one branch of power can be prevented and handled properly. Through this research the author wants to answer the formulation of the problem, namely how the independence of the Constitutional Court budget can be pursued. This research was conducted using the normative juridical approach method with descriptive analytical research specifications. Based on this research, it can be concluded that in realizing budget independence, a legal umbrella is needed, namely by including specific rules in the constitution. The implication is that there will be a constitutional amendment. One of the efforts that can be done is to propose a certain percentage of the existing State Budget, but it needs to be supported by the strength of evidence.

Keywords-Constitutional Court, Independence, Budget, Branch of Power, Check and Balances

I. INTRODUCTION

The budgeting system in every country is related to the three branches of power, namely the executive, legislative and judicial branches. One of the separation of powers is in terms of budget management authority for each branch of state power. The principle of separation of powers in the Indonesian constitutional system is one of the important efforts in maintaining the principle of checks and balances, and to avoid the existence of absolute power in one particular branch of power in the administration of the state.

In the development of many countries that adhere to the principle of separation of powers, including Indonesia, according to Webb and Whittington, one of the branches of power that has the power of the purse or in Indonesia is referred to as the power of state financial management owned by the executive makes the state institution as if it has the ultimate weapon that is not owned by other institutions. In addition, in another opinion, Webb and Whittington stated that the influence of the power of the budgeting function owned by the legislature

makes this institution have a bargaining position when there is disagreement with other state institutions or holders of the executive and judicial branches of power, and one of the other state institutions that has the most potential to be threatened by this influence is the judiciary, especially related to the independence of the judiciary. As we all know that as one of the holders of the state power branch, the judiciary is a state institution that is known as the weakest branch of state power because it does not have the power of influence or power in terms of sword (executorial) or wallet (budget).[1]

The separation of powers of the executive, legislative and judiciary, especially in the management of state finances, is still being debated by academics and judicial practitioners around the world. The emergence of this debate is due to the many interpretations and differences of thought regarding the limits of power in each branch of power, whether limited to the core competencies of each institution or also enter the realm of institutional governance in the exercise of power of each institution. In addition, regulatory factors or laws and regulations are also a challenge to the broadest possible separation of powers to each branch of state power where the current conditions for state financial management in many countries, especially in Indonesia, are controlled by the executive. Furthermore, the existence of limited financial resources owned by a country and the determination of government development priorities in a particular fiscal year is also a challenge among public institutions where the determination of development priorities in one sector will have an impact on the lack of budget allocations in other sectors in a country. And there are many other factors that become obstacles or limitations related to budget management in the judicial branch independently.

The budget of judicial institutions in Indonesia is prepared in a budget planning system regulated by law, which is then derived from Government Regulations. As a high state institution that holds judicial power, the Constitutional Court must be free from the influence of other branches of state power, one of which is in determining and managing the budget because the budget is one of the components that can affect the independence of the judiciary.

In Government Regulation Number 6 of 2023, the Constitutional Court is equal to other ministries or institutions in managing the budget. In terms of judicial independence, the main actors are the executive, represented by the President, the Ministry of Finance and the Ministry of National Development Planning. And the House of Representatives for budget discussions at the legislative level. Ministries/Institutions are part of the executive branch. To be able to carry out its function in upholding law and justice, the judicial power must be independent. In the article-by-article explanation of the 1945 Constitution, the term independent refers to a condition independent of government power. As the judiciary holds judicial authority, which is explicitly stated in the 1945 Constitution to be independent from interventions from other parties, including the executive and legislative branches, the pattern of the budget preparation and determination process is problematic in relation to the independence of the judiciary. In the theory of separation of powers, the executive, legislative and judicial branches should have the same division of powers and bargaining position.

When the process of preparing the budget ceiling, which determines the ceiling is the executive, then it is passed down to the Ministry or Institution including the Constitutional Court into its budget work plan, and this budget work plan is then discussed by the executive and legislature in parliament to then be passed into the State Budget Law. There are two issues in the relationship between the judiciary, executive and legislature. First, the budget ceiling set by the executive does not consider the budgetary needs of the Constitutional Court. The budget ceiling is set unilaterally by the executive, leaving the Constitutional Court with no flexibility in planning its annual budget needs. Secondly, the House of Representatives can correct the budget of the judiciary unilaterally. The Constitutional Court's consideration is that if they need it, they will call the Constitutional Court to ask for an explanation. If not, then the budget will be corrected by the legislature and executive unilaterally. This will impact on the independence of the judiciary in exercising its authority.

Judicial institutions must be given the space to formulate their budgetary needs independently. Gilardi and Martino stated that the independence of an institution can be viewed from 2 main components, namely: first the ability of its actors to determine their own destiny, and second the ability of its actors to assess their own interests and values.[2] Budgetary needs should be formulated by the Constitutional Court, then the executive and legislature refer to those needs, not to a relationship where the ceiling is determined by the executive and legislature.

**Budget of the Constitutional Court of Indonesia
(2003-2024)**

Year	Budget (Rp)
2003	21,3 M
2004	50,8 M
2005	180,5 M
2006	281,1 M
2007	196,8 M
2008	177,1 M

Year	Budget (Rp)
2009	193,2 M
2010	189,3 M
2011	288 M
2012	222,3 M
2013	216,8 M
2014	208,2 M
2015	250,7 M
2016	341,9 M
2017	312,4 M
2018	360,7 M
2019	539,6 M
2020	222,4 M
2021	313,5 M
2022	304,4 M
2023	407,2 M
2024	584,2 M

Source: Constitutional Court Annual Report

The Constitutional Court is a judicial institution established to uphold law and justice within the scope of its authority.[3] There are 5 (five) functions attached to the Constitutional Court and carried out through its authority, namely as guardian of the constitution, final interpreter of the constitution, protector of human rights, protector of citizens' constitutional rights, and protector of democracy.[4] The table above shows that the budget managed by the Constitutional Court fluctuates every year. The budget that has increased quite high is in 2019 and 2024 because it is the year when the Constitutional Court is handling the General Election Results Dispute case simultaneously. With the condition of the Constitutional Court organization that continues to grow, it must be balanced with the adequacy of the budget so that the implementation of the authority of the Constitutional Court can be optimal.

II. LITERATURE REVIEW

The establishment of the principle of checks and balances stems from the theory of separation of powers. The theory of separation of powers itself emerged as a criticism of the absolute and arbitrary power of the king. The arbitrary power encourages the need for a system of dividing or separating the king's power into several branches of power. The concept of trias politika developed by Montesque. The implementation of the concept of trias politika in the constitutional system of a country generally does not go without criticism. Although the basis for the establishment of the concept of separation of powers is to prevent the concentration of power as practiced in the royal state, the running of each branch of power that stands alone without any supervision between branches of power can cause and lead to abuse of power or arbitrariness in each of these spheres of power.

With this weakness, a mechanism of checks and balances between the branches of power emerged. The mechanism of checks and balances was started by the ideas of federalist supporters which then developed in the formation of norms in the United States constitution. In the debate on the drafting of the constitution, there was an expectation of a government process based on law and state power that balances and supervises each other. James Madison in his position as a federalist expressed his opinion that basically giving constitutional powers to balance the functions of one power with another. Mutual supervision and balance are integrated into the legislative, executive and judicial functions.[5]

In its development, the concept of separation of powers, which adopts the principle of checks and balances, is applied to the constitutional system of modern democracies until today. Checks and balances are considered as a principle of state administration that requires the three branches of legislative, executive and judicial power to be equal and control each other, so that abuse of power can be prevented. [6]

The principle of checks and balances can be operationalized in the following ways: [7]

- a. Granting authority to more than one Institution;
- b. The granting of authority in the appointment of certain officials to more than one institution, such as the executive and legislative branches;
- c. Direct supervision from one institution over another, such as the executive being supervised by the legislature; and
- d. Granting authority to the courts in deciding cases of authority disputes between the executive and legislative institutions.

The principle of checks and balances will generally be regulated in the constitution of a country, because it is a development of the theory of separation of powers, this principle is understood as a limitation of one power by

making each state power correlated to not become too strong between one power and another.[5] In Indonesia, the concept of division or separation of powers is distributed equally and equally into state institutions. According to the constitution, there is no highest or lowest institution, all state institutions as holders of executive, legislative and judicial powers are equal.

In addition to the high state institutions mentioned by the constitution, there are other state institutions that carry out duties and authorities either regulated by the constitution directly or in the law. According to Jimly Asshiddiqie, the main state institutions are (i) the President; (ii) the House of Representatives; (iii) the Regional Representatives Council; (iv) the People's Consultative Assembly; (v) the Constitutional Court; (vi) the Supreme Court; and (vii) the Supreme Audit Agency. Meanwhile, other state institutions are supportive or auxiliary. The basis for the establishment of the seven main or principal state institutions is the Constitution. Outside the main state institutions, there are supporting state institutions that are formed based on laws or whose functions are already mentioned in the Constitution. In addition to, supporting or auxiliary state institutions outside the main state institutions there are auxiliary state institutions. According to Michael R. Asimov, Auxiliary State Institutions or what he calls administrative agencies, have the meaning of government units to carry out certain tasks according to the law. Most administrative agencies are in the executive branch, but some important agencies are independent. [8]

In the structure of state institutions in Indonesia, the mechanism of checks and balances is not only carried out only between high state institutions, but also includes the process of mutual supervision, control, and balance of roles in each branch of power. On this basis, checks and balances in the spectrum of implementation can be classified into two types, namely the implementation of internal checks and balances within a particular branch of power; and the implementation of checks and balances between one branch of power and another branch of power. [9] Control, supervision, and harmonization of duties and functions between branches of power can prevent each branch of power from abusing power or acting arbitrarily.

III. METHOD

In carrying out this research, the author uses the normative juridical method. The analysis is carried out by describing, interpreting analytically descriptive of the data obtained and linking it with context interaction and relevant theories. [10] The descriptive analytical method in this study describes how the application of legal regulations regarding the Constitutional Court applies, where the regulations are related to the problems studied. The data used in this research is secondary data consisting of primary, secondary and tertiary legal materials regarding the Constitutional Court. The data is obtained through literature study, then analyzed by exploring the principles, values, and main norms contained therein through deductive logical thinking.

IV. RESULT AND DISCUSSION

Judicial institutions have the authority to examine, decide and try cases. In upholding law and justice, this judicial power must be independent. Independent is independent from the interests of other branches of power in government and politicians, and independent from any political ideology or public pressure. In Indonesia, there are currently no regulations governing the relationship between the judiciary and the executive and legislature in budget planning.

Independent judicial power is defined as the implementation of free and impartial justice carried out by judges to resolve various legal issues submitted to the court. This independent judicial power is an absolute element that must exist in a country with the title of state law. According to C.S.T. Kansil and Christine ST Kansil, Judicial Power must be free from interference from other state powers, and freedom from coercion, directive and recommendations coming from extra-judicial parties in matters permitted by law.[11]

The authority of the Constitutional Court, which is closely related to the interests of the executive and legislature, makes the Constitutional Court very vulnerable to intervention from both the executive and legislature in deciding cases. Judicial independence is closely related to decisions on constitutional violations. These decisions are a proxy for judicial independence because they change the applicable law and thus affect the balance between interest groups or voters and politicians. [12] In budgeting, there is one thing that is still very ambiguous, the independence of the judiciary is recognized but in budgeting, the judiciary, which has judicial power, seems to be placed as part of the executive. This creates problems and potential arbitrariness towards the judiciary.

A. Budgetary Planning Practices between Executive, Legislative and Judicial Institutions

The power to manage the State Budget in Indonesia is vested in the President. The power to manage State Finances includes general authority and special authority. General authority includes the determination of directions, general policies, strategies, and priorities in the management of the State Budget, including the establishment of guidelines for the implementation and accountability of the State Budget, the establishment of

guidelines for the preparation of work plans of state ministries/institutions, the determination of salaries and allowances, and guidelines for the management of State Revenue. Special powers include technical decisions/policies relating to the management of the State Budget, including cabinet decisions in the field of State Budget management, decisions on the details of the State Budget, decisions on equalization funds, and the write-off of State assets and receivables. State financial management is authorized to the Minister of Finance, as fiscal manager and Government Representative in the ownership of separated state assets, then authorized to the Minister or head of the institution as the Budget User of the ministry / institution he leads. [13]

The budget preparation process starts with the policy directions and priorities set by the President. The Ministry of Finance, through the Directorate General of Budget, then prepares the Fiscal Policy Principles which are aligned with the Development Assumptions and Priorities prepared by the Ministry of National Development Planning. From this process, the Indicative Ceiling for each Ministry and Institution is agreed upon. Based on this Indicative Ceiling, each Ministry and Institution then prepares an annual Work Plan. In the process of preparing the Work Plan of Ministries and Institutions, a Trilateral Meeting is held between Ministries / Institutions, the Ministry of Finance and the Ministry of National Planning and Development which results in a joint agreement that will become part of the Government Work Plan. This Government Work Plan will then be discussed by the Government, represented by the Ministry of Finance, to be discussed with the House of Representatives. After the preliminary discussion process with the House of Representatives, the Ministry of Finance then sets the Provisional Ceiling which will be derived by the Ministries and Institutions into the Budget Work Plans of the Ministries and Institutions. The Budget Work Plans of the Ministries and Institutions will then become part of the Draft State Budget which will again be discussed by the Ministry of Finance with the House of Representatives until it will be enacted as the State Budget for the following year.

Like other ministries and institutions, the judiciary is required to make an institutional work plan based on regulations made by the Ministry of Finance with reference to the Government Work Plan. In other words, the direction of development of the judicial branch must be in line with the direction of development set by the executive branch. In addition, the work plan used as a reference for budget allocation must adjust cost standards and include specific and measurable performance targets. In practice, every budget planned by the judiciary, once prepared and submitted to the ministry of finance through the budget directorate, will be assessed by the other branches of power, namely the executive and legislative branches. At the executive level, the budget plan prepared by the judiciary will be assessed by the Ministry of Finance through the Directorate General of Budget and the Ministry of National Development Planning, while at the legislative level the budget plan will be assessed at the Budget Committee and in a meeting with opinions, which in this case is carried out by Commission III of the House of Representatives in charge of Law, Human Rights and Security.

Indirectly, in the context of state budget management, the hierarchy of executive power is higher than the legislative and judicial branches of power because there is a process of delegation of technical authority from the President as the holder of absolute power over state financial management to the leaders of legislative and executive institutions who act only as budget users. The relationship between the Executive (President-Ministry of Finance-Ministry of National Development Planning), Legislature (House of Representatives), and Ministries and Agencies may not be a problem because Ministries and Agencies are part of the Executive. Judicial institutions such as the Supreme Court, Constitutional Court and Judicial Commission are explicitly stated in the 1945 Constitution to be independent from interventions from other parties including the executive and legislature. The process of budget preparation and determination will greatly affect the independence of the judiciary.

B. The Idea of Budget Independence of the Constitutional Court

The Constitutional Court as an institution authorized to provide interpretation on the meaning of judicial power and independence of judicial institutions as stated in the 1945 Constitution has provided interpretation and explanation on judicial power and independence of judicial institutions, especially in relation to financial management or budget. [14]

Because of the importance of this principle, the conception of the separation of powers between the executive, legislative and judicial branches of government, as well as the conception of judicial independence, has been regarded as a fundamental conception and has therefore been elevated as one of the main elements of the constitution. Now that the 1945 Constitution has been amended from the first to the fourth amendment, the branches of state power are separated based on the principle of checks and balances, and the separation of the judicial power from the influence of the other branches of power is further emphasized so that the independence of the judicial power is not only functional but also structural, namely with the adoption of a one-stop policy.

Functional independence means that other branches of power are prohibited from intervening against judges in the performance of their judicial duties. If the decision is not in accordance with the wishes of the ruling party, it cannot be used as an excuse to take retaliatory action against the judge either personally or against the authority of the judicial institution. [15]

As explained in the theory of the division of powers or *trias politica*, the judiciary is equal to the legislature and the executive. Budget independence is a factor in ensuring budget adequacy, reducing the potential or risk of executive and legislative intervention in planning and budgeting so as to strengthen judicial independence. Budget independence must be balanced with budget accountability, so that optimization is needed in the preparation of budget priorities, as well as strengthening data and performance-based budget planning.

In Indonesia, budget allocation is carried out by the Ministry of Finance and after the budget allocation of the judiciary is agreed upon and ratified by the Government and the House of Representatives, the use of the budget will be carried out directly by the Secretary General of the Constitutional Court on the delegation of authority from the Chief Justice of the Constitutional Court as the Use of Budget. The Secretary General, which is a supporting unit for the Constitutional Court Judges in exercising the authority of the Constitutional Court, is essentially an executive representative work unit that works to assist the organizational governance of the judiciary. Furthermore, in the use of the budget, the Secretary General is responsible for making reports on the use of the Constitutional Court budget in accordance with the standard state financial reports and will be examined and audited for use by the Supreme Audit Agency every year and will be given an assessment of the results of the audit. The use of this budget is also related to the achievement of institutional performance in the context of budget absorption and becomes a reference for budget allocation in the following year by the Ministry of Finance.

The system of separation of powers between branches of power and the function of checks and balances will only be balanced and effective if budget management can also be carried out independently by each branch of state power. Durham and Becker said that if an institution outside the court has the power to direct the use of the judiciary's budget, that entity has the power to direct the policies and priorities of the judiciary. [16] So it will be very difficult for the judiciary to escape intervention from other institutions if its budget management system is still very dependent on other branches of power. This can be understood from several incidents such as in Denmark where the judiciary received intervention in reducing budget allocations by parliament when the Danish judiciary decided cases against the political interests of parliament. And this is likely to happen in many other countries where the budget management system is placed in one branch of state power, such as Indonesia.

Separation of powers weighs and balances conflicting interests. It is an important part of the role of state officials to weigh the needs of some against the needs of others. Furthermore, a doctrine explaining the motives for lawmaking is known as the doctrine of positive politics. This doctrine assumes that political and bureaucratic actors are self-interested and behave strategically to advance their goals. The focus is on the motives for re-election of political actors in the next term and the desire of government officials for promotion and moonlighting in the private sector. This perspective is prominent in many studies in explaining the behavioral motivations of legislative actors and executive agency actors in the lawmaking process. [17]

To support judicial independence through judicial budget independence, as quoted from Gilati, there is a principle of formality required to oversee the budget planning process that is able to support judicial independence. Regarding the principle of formality, the Constitutional Court Law has not specifically regulated this budget. For the education budget alone, 20% of the State Budget is directly affirmed in the Constitution. However, the budget for judicial institutions is not explicitly formulated in the Constitution. It is important for the principle of formality to oversee the budget planning process for judicial institutions.

There is a need for the executive to exercise strict control over the use of public funds to maintain accountability in budget management. On the other hand, we need to ensure the independence of the judiciary from political interests. David Webber mentioned that the biggest challenge in developing a budget that can support judicial independence may come from within the judiciary itself. To encourage judicial independence there are 2 things, the first is to encourage the independence of the judicial budget, the second is to encourage independence in the selection of human resources in the judiciary. [18] Referring to the guidelines developed by the European Network of Councils for the Judiciary, a budgeting mechanism based on the principle of transparency is needed to maintain the independence of the judiciary, as long as the judiciary can be actively involved in setting the criteria. Resources such as the number of staff, salary system, building management, operational costs, information technology, etc. allocated to the judiciary should be in accordance with the number of cases and workloads that must be carried out by the judiciary and also in accordance with the expectations of the public regarding the ease of access to the judiciary. [19]

In an international comparison, two countries are Nicaragua and Honduras. The constitutions of both countries require the judiciary to receive a certain percentage of the national budget. The Nicaraguan Constitution requires that the Judicial Power must receive no less than four percent of the General Budget of the Republic, while the Honduran Constitution states that the judiciary not only enjoys administrative and financial independence, but also includes a provision that in the General Budget of the Republic, it must have an annual allocation of no less than three percent of current revenues. [20]

Based on the explanation above, several ideas can be formulated regarding efforts to build the independence of the Constitutional Court in managing the budget, among others:

- 1) There needs to be more detailed arrangements related to the budget in the Law on the Constitutional Court, as a form of independence of the Constitutional Court budget so that the Constitutional Court budget is regulated separately in the State Budget. There is no regulation as the basis for the independence of the Constitutional Court budget, so it is necessary to amend Law No. 17 of 2003, to accommodate the regulation of the independence of the Constitutional Court budget.
- 2) Data-driven participatory ceiling setting is not done on an annual basis, but for example every 2-3 years, thereby reducing the degree of political exposure of the court to the legislature and executive.
- 3) Determination of the ceiling by a percentage of the State Budget is guaranteed in the constitution or legislation. Determination of this percentage is through a data-based planning and budgeting process that still involves the executive and legislative branches as a form of accountability and checks and balances. If the Constitutional Court receives a percentage of the State Budget, the Constitutional Court can manage the needs in such a way as to fulfill judicial services to the community and whatever has been made is accounted for to the Supreme Audit Agency and reported in the annual report.
- 4) The ability of the Constitutional Court to improve its bargaining position is closely related to its ability to build competence and positioning in budget negotiations. A high level of intervention occurs due to the risk of institutional independence because the Constitutional Court is directly dealing with the political process. The budget negotiation process also occurs in budget discussions with the Ministry of Finance and the Ministry of National Development Planning. However, the budget negotiation process can be minimized by the existence of sufficient data that can reduce the level of intervention.
- 5) Increasing the competence of implementing the budgeting planning function, increasing supervision and internal accountability of the Constitutional Court in financial accountability, among others through the application of performance-based budgeting, then strengthening the strategic function for determining the priorities of the Constitutional Court as a balance of government priorities.

V. CONCLUSION

Realizing budgetary independence requires a legal umbrella, by including specific rules in the constitution, just as the Education budget is specifically included in the constitution. The implication is that there will be a constitutional amendment. Efforts that can be made are to propose a certain percentage of the existing State Budget, but need to be supported by the strength of evidence. The need for an evidence-based Constitutional Court budget is one of the keys to realizing budget independence. In addition to the strength of the evidence, there are certain indicator requirements that must be met, for example the performance of judicial institutions, especially in case settlement. Then the increase in the success of its modern IT-based electronic judiciary, as well as the fulfillment of other public service standards such as disability services. In principle, the body that manages the judiciary must be pluralistic, that is, cover a wide range of competencies, among which is the management system of the judiciary although it is not the only one. [21] With evidence that the Constitutional Court is able to use the available budget optimally, the existence of the judiciary can be more appreciated so that the way to realize budget independence can be more open. The principle of checks and balances places all state institutions in an equal position so that they are balanced in the administration of the state.[3]

REFERENCES

- [1] K. E. Whittington and G. G. Webb, "JUDICIAL INDEPENDENCE , the power of the PURSE ," vol. 88, no. 1, 2004.
- [2] F. Gilardi and M. Maggetti, "Gilardi Maggetti Handbook Independence Regulatory Authorities - 2010," *Handb. Polit. Regul.*, pp. 201–214, 2011.
- [3] Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. 1945.
- [4] Presiden Republik Indonesia, *Undang-Undang Nomor 7 Tahun 2020 tentang Perubahan Ketiga atas Undang-Undang Nomor 24 Tahun 2003 tentang Mahkamah Konstitusi*. 2020.
- [5] I. Sina Chandranegara, "Penuangan Checks and Balances kedalam Konstitusi Incorporation of Checks and Balances into Constitution," *J. Konstitusi*, vol. 13, no. 3, pp. 552–574, 2016.
- [6] Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Sinar Grafika, 2010.
- [7] S. Sunarto, "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia," *Masal. Huk.*, vol. 45, no. 2, p. 157, 2016, doi: 10.14710/mmh.45.2.2016.157-163.
- [8] Jimly Asshiddiqie, *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*. Jakarta: Konpress, 2006.
- [9] M. Rofiq, "Check and Balances System dan Penerapannya di Indonesia." [Online]. Available: <https://rovicfoundation.blogspot.com/2017/02/check-and-balances-system-dan.html>
- [10] Sugiyono, *Metode Penelitian Kualitatif dan Kuantitatif Dalam R & D*. Bandung: Alfabeta, 2019.

- [11] MPR RI, “Checks and Balances Dalam Sistem Ketatanegaraan Indonesia,” *Badan Pengkaj. MPR RI*, vol. 1, pp. viii–251, 2017.
- [12] N. Fiorino, N. Gavaille, and F. Padovano, “Rewarding judicial independence: Evidence from the Italian Constitutional Court,” *Int. Rev. Law Econ.*, vol. 43, pp. 56–66, 2015, doi: 10.1016/j.irl.2015.05.002.
- [13] Indonesia, *Undang-Undang Nomor 17 Tahun 2003 Tentang Keuangan Negara*. 2003.
- [14] Mahkamah Konstitusi, *Putusan Mahkamah Konstitusi Nomor 28/PUU-IX/2011*. Jakarta, 2012.
- [15] Herman Schwartz, *Struggle for Constitutional Justice*. Chicago: The University of Chicago Press, 2003.
- [16] C. M. Durham, D. J. Becker, H. C. M. Durham, J. C. Durham, and D. Becker, “A CASE FOR GOVERNANCE”.
- [17] I. S. Chandranegara and D. P. Cahyawati, “Conflict of interest prevention clause in the constitution: The study of the Indonesian Constitution,” *Heliyon*, vol. 9, no. 3, p. e14679, 2023, doi: 10.1016/j.heliyon.2023.e14679.
- [18] D. Webber, “Good Budgeting , Better Justice : Modern Budget Practices”.
- [19] ENCJ, “Funding of the Judiciary 2015-2016,” p. 23, 2016.
- [20] A. Rosselli, “Judicial Independence and the Budget: A Taxonomy of Judicial Budgeting Mechanisms,” *Indiana J. Const. Indiana J. Const. Des. Des.*, vol. 5, no. 2, pp. 4–13, 2020.
- [21] N. J. Padelford, “The Federal Judicial Conference,” *Am. Polit. Sci. Rev.*, 1932, doi: 10.2307/1946467.

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