

ABSTRACT

The protection of constitutional rights of citizens is a must for a democratic and rule of law state, including Indonesia. The violation of constitutional rights in Indonesia still exists in exercising government authorities. The violation of constitutional rights committed by government is kind of violation of constitutional rights as mandated in Article 28A until 28J of the 1945 Constitution. While, Indonesian government has an obligation to guarantee and protect its citizens as the conception of a democratic and rule of law state. The research aims to discuss the urgency of the constitutional complaint in the Constitutional Court in order to protect the constitutional rights of citizens in Indonesia. The research is a doctrinal research which used statute and case law approach. The result of research shows that constitutional complaint mechanism is necessarily needed and urgent to be implemented as an effort to protect constitutional rights of citizens as guaranteed in the 1945 Constitution. The protection of constitutional rights of citizens is an important pillar of modern democratic state. Therefore, the constitution has also provide mechanism in relation to the complaints of citizens. In implementing constitutional complaint mechanism, it can be achieved through 5th amendment of the 1945 Constitution, exactly in Article 24C on the Constitutional Court authorities, by adding the number of justices in the Constitutional Court with twin-court system inside, and it can be also through revision of the Constitutional Court Act by adding some provisions on constitutional complaint imperatively.

Keyword: constitutional complaint, constitutional court, constitutional rights