

Review of: "The Contradiction of Populism and Judicial Independence (Unraveling Alexander Bickel's Counter-Majoritarian Dilemma in the Context of the Indonesian Constitutional Court)"

Saru Arifin¹

¹ Universitas Negeri Semarang

Potential competing interests: No potential competing interests to declare.

Reviewer's Note on the Populism Vs. ICC

1. The work's introduction is effectively organized, integrating the theoretical framework with specific situations related to populism. However, given the main focus of this work is to evaluate the impact of populism on the Indonesian Constitutional Court (ICC), the explanation of the circumstances concerning this topic is limited. Further clarification is required about implementing populist methods in Indonesian politics and its impact on the independence of the ICC.
2. The research approach appears to be very theoretical rather than providing a practical explanation. Furthermore, more precision is needed in delineating the specific rule(s) examined and the rationale behind their selection. Moreover, as this work has already been completed, the methodology should be written in the past rather than the present.
3. The final two paragraphs in the populist section recommend actions for the ICC but fail to explain its current predicament. Hence, these two paragraphs lack a clear stance on whether they support or oppose the ongoing populism in Indonesia or just reflect the author's opinion. As a result, clarity is essential in the presentation of each notion throughout this work.
4. The theoretical framework of the "Counter-Majoritarian Dilemma" has been outlined in the section. Subsequently, this theory has been examined in the context of the ICC. Nevertheless, the ICC tends to focus on normative analysis without providing specific examples of the judicial review cases it has reviewed and decided upon. This lack of evidence undermines the reliability of its argument in disputing legislative decisions made by majority-elected individuals.
5. The samples extracted from the ICC's ruling on populism in Indonesia appear excessively descriptive and lack sufficient explanation regarding each decision, including the nature of the cases and the judges' arguments. Further exploration and analysis are required.