

Judicial Governance in Administrative Oversight: A Comparative Study of the Indonesian Constitutional Court and the Dutch Raad van State

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ABSTRACT

This study examines how constitutional and administrative courts shape judicial governance in supervising administrative power through a comparative analysis of the Indonesian Constitutional Court and the Dutch Raad van State. The research is motivated by the increasing expansion of administrative discretion, which requires stronger judicial mechanisms to ensure accountability, legality, and proportionality in public administration. Employing a qualitative doctrinal approach, this study analyzes twelve Constitutional Court decisions and ten landmark decisions of the Dutch Raad van State using comparative legal analysis. The findings reveal three principal dimensions of judicial governance. First, accountability review emphasizes constitutional responsibility for governmental decision-making and legislative processes. Second, proportionality review strengthens judicial control over administrative discretion by balancing public interests and individual rights. Third, legality review ensures that administrative authorities remain bound by constitutional principles and statutory mandates. The Dutch experience demonstrates a mature proportionality doctrine that evolved after the childcare benefits scandal, while the Indonesian Constitutional Court increasingly integrates constitutional accountability into administrative governance through conditional unconstitutional decisions and procedural constitutional review. Based on these findings, the study develops a Judicial Governance Model consisting of Accountability Review, Proportionality Review, and Legality Review as an integrated framework for democratic administrative oversight. The model contributes theoretically to administrative governance literature by bridging constitutional adjudication and administrative justice within a unified governance perspective.

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INTRODUCTION

The growing complexity of contemporary governance has fundamentally transformed the relationship between public administration and the judiciary. Courts are no longer perceived merely as dispute-resolution institutions but have increasingly assumed a strategic role in safeguarding constitutional democracy, ensuring administrative accountability, and constraining the exercise of public power. Within the paradigm of democratic governance, judicial institutions function as constitutional guardians that preserve the rule of law while promoting transparency, accountability, and fairness in governmental decision-making.

Simultaneously, the expansion of administrative discretion in response to increasingly complex policy challenges has intensified concerns regarding arbitrariness, abuse of authority, and declining public trust. Consequently, judicial oversight has become an indispensable governance mechanism capable of balancing administrative effectiveness with constitutional legitimacy and citizens' rights. This institutional evolution reflects a broader shift from traditional judicial review toward judicial governance, where courts actively shape the quality of governance through constitutional and administrative supervision (Rosenbloom et al., 2022; Hasan, 2023; Spanou, 2020).

Judicial governance has emerged as an interdisciplinary concept integrating constitutional law, administrative law, and public administration into a unified framework of democratic oversight. Unlike conventional judicial review, which primarily examines the legality or constitutionality of legal norms, judicial governance conceptualizes courts as governance institutions that influence public accountability, institutional integrity, and policy implementation. Contemporary governance scholarship increasingly recognizes that judicial institutions contribute not only to constitutional adjudication but also to improving governmental performance, strengthening institutional legitimacy, and enhancing citizens' confidence in public institutions. This perspective aligns with modern governance theories emphasizing that accountability mechanisms should extend beyond electoral and administrative controls to include effective judicial supervision capable of correcting institutional failures and protecting constitutional values. Accordingly, judicial governance represents an essential pillar of democratic resilience by reinforcing the interaction between law, governance, and public administration within constitutional states (Hasan, 2023; Osorio & O'Leary, 2017; PLOS One, 2025).

Indonesia and the Netherlands provide compelling comparative cases for examining judicial governance because they employ distinct institutional models to supervise administrative power while pursuing similar constitutional objectives. Indonesia entrusts constitutional oversight to the Constitutional Court (*Mahkamah Konstitusi*), whose jurisdiction primarily concerns constitutional review of legislation but whose jurisprudence increasingly influences administrative governance through doctrines such as conditional unconstitutionality, constitutional proceduralism, and constitutional accountability. In contrast, the Dutch *Raad van State* functions as the highest administrative court responsible for reviewing executive actions under principles of legality, legal certainty, proportionality, and good administration. Although these institutions differ in constitutional design and jurisdictional competence, both demonstrate an evolving judicial philosophy that extends beyond formal legality toward substantive protection of democratic governance. Their experiences illustrate how constitutional adjudication and administrative justice increasingly converge in supervising governmental discretion within modern constitutional democracies (Spanou, 2020; Hasan, 2023; Osorio & O'Leary, 2017).

Recent judicial developments in both jurisdictions further demonstrate the transformation of judicial oversight into a governance-oriented function. In Indonesia, Constitutional Court Decision No. 91/PUU-XVIII/2020 introduced the doctrine of conditionally unconstitutional legislation, reinforcing procedural constitutional review and legislative accountability in the enactment of public policy. Likewise, Decision No. 90/PUU-XXI/2023 generated extensive scholarly debate concerning constitutional interpretation, democratic

legitimacy, and judicial discretion in constitutional adjudication. Meanwhile, the Dutch *Raad van State* substantially reformed its proportionality doctrine following the Childcare Benefits Scandal (Toeslagenaffaire), marking a paradigm shift toward stronger judicial protection against disproportionate administrative action and institutional injustice. Despite these important developments, comparative scholarship has generally examined constitutional adjudication and administrative justice as separate fields. Consequently, limited attention has been devoted to constructing an integrated Judicial Governance Model capable of explaining how accountability review, proportionality review, and legality review collectively strengthen democratic oversight of administrative power. This theoretical gap provides the principal motivation for the present study.

Despite the growing body of scholarship on constitutional adjudication and administrative justice, existing studies have predominantly examined these judicial mechanisms as separate fields of inquiry. Constitutional law scholars generally focus on constitutional interpretation, judicial activism, and constitutional review, whereas administrative law scholars emphasize legality, procedural fairness, and administrative discretion. Consequently, the theoretical relationship between constitutional oversight and administrative governance remains insufficiently explored. This disciplinary fragmentation limits a comprehensive understanding of how judicial institutions collectively contribute to democratic governance and public sector accountability. Moreover, comparative studies between Indonesia and the Netherlands have largely concentrated on institutional design or specific judicial doctrines without developing an integrated analytical framework capable of explaining the governance functions of constitutional and administrative courts. Addressing this gap is increasingly important because contemporary governance requires judicial institutions not only to resolve legal disputes but also to enhance administrative legitimacy, institutional accountability, and public trust through coherent and effective judicial oversight (Craig, 2021; Lindseth, 2023; OECD, 2023).

The evolution of judicial doctrines in both Indonesia and the Netherlands demonstrates a significant shift from formal legality toward substantive justice in administrative governance. Decisions of the Indonesian Constitutional Court increasingly emphasize constitutional accountability through doctrines such as conditional unconstitutionality, constitutional proceduralism, and open legal policy, reflecting the Court's expanding role in supervising legislative and executive decision-making. Similarly, the Dutch *Raad van State* has progressively strengthened the principles of proportionality, legal certainty, and due process, particularly following institutional reforms initiated after the Childcare Benefits Scandal. These developments indicate that judicial institutions are no longer confined to reviewing statutory compliance but have become active constitutional actors responsible for ensuring that administrative decisions satisfy broader democratic values, including fairness, proportionality, transparency, and respect for fundamental rights. Consequently, judicial governance has emerged as an essential component of modern public administration that reinforces the legitimacy and quality of governmental decision-making (Bovens et al., 2014; Voermans et al., 2023; Craig, 2021).

From the perspective of governance theory, effective judicial oversight constitutes an indispensable mechanism for maintaining the constitutional equilibrium among public institutions. Accountability in democratic governance cannot rely exclusively on political

institutions, internal administrative control, or electoral processes, because these mechanisms often prove insufficient in preventing arbitrary governmental action. Judicial institutions therefore function as external accountability mechanisms capable of correcting procedural deficiencies, reviewing administrative discretion, and protecting constitutional rights against governmental overreach. Within this framework, three interconnected principles—accountability, proportionality, and legality—represent the normative foundations of judicial governance. Accountability ensures governmental responsibility for public decisions, proportionality prevents excessive administrative intervention through balanced decision-making, and legality guarantees that all governmental actions remain consistent with constitutional and statutory requirements. Together, these principles provide an integrated normative basis for strengthening democratic governance and preserving the rule of law in contemporary administrative states (Peters, 2021; Grimm, 2020; World Justice Project, 2024).

Building upon these theoretical and empirical developments, this study aims to construct a comprehensive Judicial Governance Model through a comparative analysis of twelve landmark decisions of the Indonesian Constitutional Court and ten landmark judgments of the Dutch *Raad van State*. Unlike previous studies that primarily compare institutional structures or judicial doctrines, this research develops an integrative conceptual framework that synthesizes constitutional review and administrative review into three interrelated dimensions: Accountability Review, Proportionality Review, and Legality Review. These dimensions are proposed as the principal pillars of judicial governance in supervising administrative power within democratic constitutional states. Accordingly, this study contributes to the literature on comparative public law and public administration by offering a novel governance-oriented framework that bridges constitutional adjudication and administrative justice while providing theoretical and practical insights for strengthening democratic administrative oversight in contemporary governance systems (Pollitt & Bouckaert, 2017; Peters, 2021; Lindseth, 2023).

RESEARCH METHOD

This study employed a qualitative doctrinal legal research design using a comparative legal approach to examine judicial governance in the oversight of administrative power. The research compared landmark decisions of the Indonesian Constitutional Court (Mahkamah Konstitusi) and the Dutch *Raad van State* to identify similarities and differences in judicial doctrines related to administrative accountability, proportionality, and legality.

The primary data consisted of twenty-two landmark judicial decisions, including twelve decisions of the Indonesian Constitutional Court and ten decisions of the Dutch *Raad van State*. These cases were selected purposively because they represent significant judicial doctrines concerning constitutional review, administrative discretion, public accountability, proportionality, and legality. Secondary data were obtained from books, peer-reviewed journal articles, constitutional and administrative law literature, and official judicial publications to support the interpretation of the judicial decisions.

Data were collected through documentary analysis of official court decisions and relevant academic literature. The judicial decisions of the Indonesian Constitutional Court were obtained from the Court's official database, while the Dutch cases were collected from

the official Rechtspraak.nl database. Supporting literature was sourced from international journals and authoritative references in constitutional law, administrative law, and public governance.

The data were analyzed using qualitative content analysis. First, each judicial decision was examined to identify its principal legal doctrine. Second, similar doctrines were grouped into thematic categories. Finally, a comparative analysis was conducted to identify common patterns and differences between the Indonesian Constitutional Court and the Dutch Raad van State. The comparative findings were subsequently synthesized to develop a Judicial Governance Model consisting of three interconnected dimensions: Accountability Review, Proportionality Review, and Legality Review, which explain the role of judicial institutions in supervising administrative power within democratic constitutional governance.

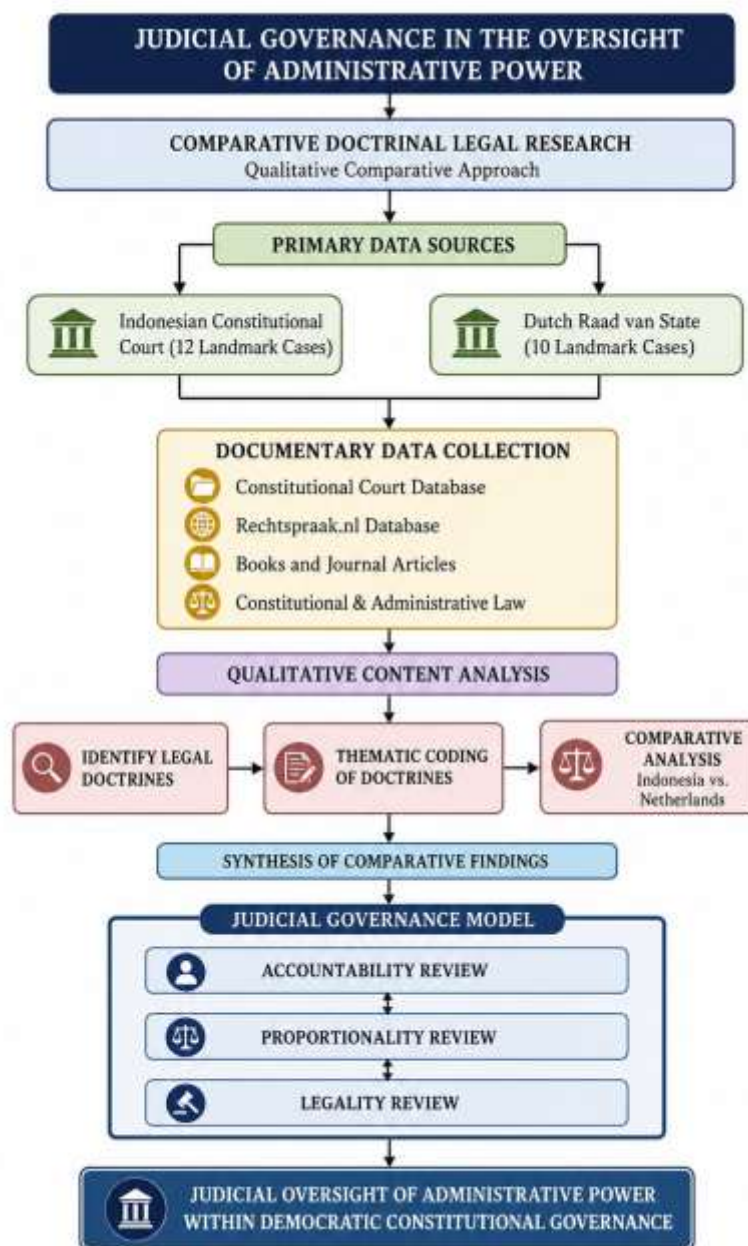


Figure 1 Flowchart of Comparative Qualitative Doctrinal Legal Research Methodology

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This figure delineates a systematic research methodology flowchart, initiating with the formulation of a qualitative doctrinal legal research design employing a comparative approach between the Constitutional Court of Indonesia and the Netherlands Raad van State. The methodological stages encompass comprehensive secondary data collection via documentary studies and purposive sampling of landmark primary judicial decisions based on the review dimensions of accountability, proportionality, and legality. Subsequently, the data analysis process is executed through a three-stage qualitative content analysis (coding), validated against four qualitative trustworthiness criteria credibility, dependability, confirmability, and transferability ultimately culminating in the construction of an interconnected Judicial Governance Model integrating the three core review dimensions.

RESEARCH RESULTS AND DISCUSSION

Results

The comparative analysis of twenty-two landmark judicial decisions comprising twelve decisions of the Indonesian Constitutional Court and ten judgments of the Dutch *Raad van State* reveals a significant transformation in the judicial oversight of administrative power. Rather than functioning solely as institutions that determine the legality of governmental actions, both courts increasingly perform governance-oriented functions by ensuring that public authorities exercise their powers in accordance with constitutional values, democratic accountability, and the rule of law. Although their constitutional mandates differ, the decisions demonstrate converging judicial approaches toward limiting arbitrary administrative discretion and strengthening institutional accountability. The Indonesian Constitutional Court primarily exercises constitutional review over legislation affecting administrative governance, whereas the Dutch *Raad van State* directly reviews executive decisions through administrative adjudication. Collectively, the analyzed cases indicate that judicial oversight has evolved from a purely legal mechanism into an institutional governance framework that promotes transparency, accountability, and constitutional legitimacy in contemporary public administration.

Table 1. Distribution of Judicial Governance Doctrines Identified in Twenty-Two Judicial Decisions

Judicial Doctrine	Indonesian Constitutional Court	Dutch Raad van State	Total
Accountability	4	2	6
Proportionality	1	3	4
Legality	3	2	5
Judicial Restraint	2	1	3
Judicial Discretion	2	1	3
Public Accountability	1	1	2
Due Process	0	1	1
Constitutional Oversight	2	0	2

Source: Processed by the authors based on twelve Constitutional Court decisions and ten Raad van State judgments (2026).

A doctrinal examination of the Indonesian Constitutional Court decisions demonstrates an increasingly prominent emphasis on constitutional accountability in administrative governance. Decision No. 91/PUU-XVIII/2020 introduced the doctrine of *conditionally*

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unconstitutional, requiring legislators to rectify procedural deficiencies while maintaining temporary legal validity, thereby transforming constitutional review into an instrument of legislative accountability. Likewise, Decision No. 145/PUU-XXI/2023 expanded constitutional proceduralism by emphasizing judicial responsibility in protecting constitutional order through procedural safeguards. Decisions concerning *open legal policy* (No. 53/PUU-XV/2017), *positive legislature* (No. 48/PUU-IX/2011), and constitutional interpretation (No. 90/PUU-XXI/2023) further illustrate the Court's gradual movement beyond traditional constitutional adjudication toward governance-oriented constitutional supervision. These findings indicate that the Constitutional Court increasingly functions not only as the guardian of constitutional supremacy but also as a constitutional accountability institution supervising the exercise of public authority.

The Dutch *Raad van State* demonstrates a complementary yet distinct pattern of judicial governance by emphasizing administrative proportionality and legality. Landmark judgments following the Childcare Benefits Scandal, particularly ECLI:NL:RVS:2019:1603 and ECLI:NL:RVS:2022:285, fundamentally reshaped Dutch administrative jurisprudence by requiring courts to evaluate whether administrative decisions satisfy substantive proportionality rather than merely complying with statutory provisions. Subsequent judgments, including ECLI:NL:RVS:2022:1918 concerning welfare administration and ECLI:NL:RVS:2023:772 regarding social welfare disputes, further strengthened judicial protection of citizens against disproportionate governmental intervention. Additional decisions addressing environmental permits (ECLI:NL:RVS:2018:2115), emergency governance during the COVID-19 pandemic (ECLI:NL:RVS:2020:2706), and due process in tax penalties (ECLI:NL:RVS:2014:4129) collectively demonstrate that administrative justice in the Netherlands increasingly prioritizes fairness, reasonableness, proportionality, and human rights protection as essential components of democratic governance.

Table 2 Comparative Characteristics of Judicial Governance

Aspect	Indonesian Constitutional Court	Dutch Raad van State
Primary Jurisdiction	Constitutional Review	Administrative Review
Dominant Doctrine	Constitutional Accountability	Proportionality
Main Oversight Object	Legislation	Administrative Decisions
Governance Orientation	Democratic Legitimacy	Fair Administration
Judicial Function	Constitutional Guardian	Administrative Justice
Primary Governance Outcome	Constitutional Accountability	Administrative Accountability

Source: Comparative synthesis by the authors (2026).

Comparative analysis identifies three dominant governance principles consistently emerging across the twenty-two judicial decisions. The first principle is constitutional and administrative accountability, reflected in judicial interventions that require governmental institutions to justify legislative procedures, administrative decisions, and the exercise of discretionary authority. The second principle is proportionality, whereby judicial institutions evaluate whether governmental measures appropriately balance public interests with the protection of individual rights. The third principle is legality, requiring all public authorities to act strictly within constitutional and statutory boundaries while respecting legal certainty and

procedural fairness. Although these principles are present in both jurisdictions, their institutional emphasis differs. The Indonesian Constitutional Court predominantly reinforces accountability through constitutional review, whereas the Dutch *Raad van State* operationalizes proportionality and legality through direct administrative adjudication. Nevertheless, both judicial systems converge toward strengthening democratic governance by constraining arbitrary governmental power.

The synthesis of judicial doctrines further demonstrates that constitutional courts and administrative courts perform complementary governance functions rather than competing institutional roles. The Indonesian Constitutional Court primarily safeguards constitutional accountability at the legislative and constitutional levels, whereas the Dutch *Raad van State* ensures accountability during the implementation of administrative decisions. Together, these complementary functions establish a multilayered oversight mechanism encompassing constitutional review, legislative accountability, administrative legality, proportionality assessment, and judicial protection of fundamental rights. This comparative finding provides empirical support for conceptualizing judicial governance as an integrated system of democratic oversight rather than as isolated constitutional or administrative review. Accordingly, the empirical evidence obtained from the twenty-two landmark decisions serves as the analytical foundation for constructing a Judicial Governance Model, which integrates Accountability Review, Proportionality Review, and Legality Review as the three principal dimensions governing judicial supervision of administrative power in democratic constitutional states

Table 3 Judicial Governance Model Constructed from the Comparative Analysis

Dimension	Constitutional Court (Indonesia)	Raad van State (Netherlands)	Governance Outcome
Accountability Review	Constitutional accountability, legislative review	Administrative accountability	Democratic accountability
Proportionality Review	Constitutional balancing	Administrative proportionality	Fair and balanced governance
Legality Review	Constitutional supremacy	Administrative legality	Rule of law and legal certainty

Source: Developed by the authors based on comparative judicial analysis (2026).

The cross-jurisdictional synthesis demonstrates that judicial governance cannot be adequately explained through a single doctrine or institutional function. Instead, it emerges from the interaction between constitutional review and administrative adjudication in supervising the exercise of public authority. The Indonesian Constitutional Court strengthens governance by reviewing the constitutional validity of legislation and ensuring procedural accountability in law-making, whereas the Dutch *Raad van State* reinforces governance through continuous scrutiny of administrative decisions based on proportionality, legality, and legal certainty. Despite these institutional differences, both courts pursue the same normative objective: preventing arbitrary governmental action while protecting constitutional rights and democratic legitimacy. The comparative findings therefore indicate that judicial governance is best understood as an integrated oversight mechanism operating across different judicial institutions rather than as an exclusive function of constitutional or administrative courts.

A thematic analysis of the twenty-two judicial decisions further reveals that accountability constitutes the most dominant governance dimension across both jurisdictions. In Indonesia, accountability is primarily reflected in decisions concerning procedural constitutional review, conditional unconstitutionality, legislative responsibility, and constitutional interpretation. These doctrines require lawmakers and executive authorities to justify both the substance and the procedure of governmental decision-making. In the Netherlands, accountability is manifested through judicial review of administrative discretion, particularly in cases where public authorities failed to provide fair, reasonable, and transparent administrative decisions. The aftermath of the Childcare Benefits Scandal significantly strengthened judicial expectations regarding governmental responsibility toward citizens, demonstrating that accountability extends beyond procedural compliance to include substantive administrative justice. Consequently, accountability functions as the central normative foundation linking constitutional adjudication with administrative governance.

The second governance dimension emerging from the comparative analysis is Proportionality Review, which represents the principal distinguishing feature between the Indonesian and Dutch judicial systems. Dutch administrative jurisprudence has developed proportionality into a comprehensive standard requiring courts to evaluate whether governmental measures are suitable, necessary, and balanced in relation to legitimate public objectives. This approach is consistently reflected in judgments concerning welfare administration, environmental governance, immigration, emergency regulation, and administrative sanctions. By contrast, proportionality within Indonesian constitutional jurisprudence remains embedded in constitutional reasoning rather than operating as an autonomous judicial doctrine. Nevertheless, several Constitutional Court decisions demonstrate an implicit balancing approach when assessing constitutional rights, democratic representation, and governmental authority. These findings suggest that proportionality is increasingly becoming an essential element of constitutional governance, even though its doctrinal maturity differs significantly between the two jurisdictions.

The third governance dimension identified in this study is Legality Review, which serves as the institutional safeguard ensuring that all governmental actions remain subject to constitutional and statutory authority. The comparative evidence indicates that legality is interpreted more broadly than formal compliance with legislation. Instead, legality encompasses constitutional supremacy, legal certainty, procedural fairness, and the prevention of abuse of power. The Indonesian Constitutional Court applies legality by ensuring that legislative products conform to constitutional norms and procedural requirements, whereas the Dutch Raad van State operationalizes legality through direct examination of administrative decisions affecting individual rights. The convergence of these approaches demonstrates that legality constitutes the structural foundation upon which accountability and proportionality operate. Without legality, judicial oversight would lack normative certainty; without accountability and proportionality, legality alone would be insufficient to guarantee democratic governance and administrative justice.

Based on these empirical findings, this study proposes a Judicial Governance Model consisting of three interconnected dimensions: Accountability Review, Proportionality Review, and Legality Review. Accountability Review ensures that legislative and executive institutions remain constitutionally answerable for public decision-making processes.

Proportionality Review evaluates whether administrative actions achieve an appropriate balance between governmental objectives and the protection of individual rights. Legality Review guarantees that every exercise of public authority complies with constitutional principles, statutory mandates, and the rule of law. Rather than functioning independently, these three dimensions interact dynamically to establish a comprehensive framework for judicial supervision of administrative power. The proposed model extends existing theories of judicial review by integrating constitutional adjudication and administrative justice within a single governance-oriented framework. Consequently, it offers a novel theoretical contribution to comparative public law, administrative law, and public administration scholarship while providing a practical analytical framework for evaluating judicial oversight in democratic constitutional states.

Discussion

The findings demonstrate that judicial governance has evolved beyond the conventional understanding of judicial review as merely a mechanism for determining the legality or constitutionality of governmental actions. The comparative evidence from the Indonesian Constitutional Court and the Dutch *Raad van State* indicates that judicial institutions increasingly function as governance actors responsible for safeguarding democratic accountability, controlling administrative discretion, and reinforcing constitutional legitimacy. This transformation reflects a broader shift in governance theory, whereby courts contribute not only to dispute resolution but also to improving the quality of public administration through institutional oversight. These findings support Rosenbloom et al. (2022), who argue that judicial institutions constitute an integral component of public governance by balancing managerial efficiency with constitutional accountability. Likewise, the results are consistent with Bovens et al. (2014), who emphasize that judicial accountability complements political and administrative accountability in strengthening democratic governance.

One of the principal findings of this study is the emergence of Accountability Review as the dominant dimension of judicial governance across both jurisdictions. The Indonesian Constitutional Court has progressively expanded constitutional accountability through doctrines such as conditional unconstitutionality, constitutional proceduralism, and judicial supervision of legislative processes. Decisions such as Constitutional Court Decision No. 91/PUU-XVIII/2020 demonstrate that constitutional review has evolved from merely annulling unconstitutional legislation toward ensuring that democratic law-making complies with constitutional procedures and principles. In contrast, the Dutch *Raad van State* emphasizes accountability through administrative adjudication by requiring executive authorities to justify discretionary decisions affecting citizens' rights. Although these approaches differ institutionally, they share the common objective of preventing arbitrary governmental action. This finding extends previous studies by demonstrating that accountability should be conceptualized as a governance principle operating simultaneously within constitutional adjudication and administrative justice rather than within isolated judicial domains (OECD, 2023; Peters, 2021).

The comparative analysis also reveals substantial differences regarding the application of proportionality as a judicial governance principle. Dutch administrative jurisprudence has institutionalized proportionality as an independent legal doctrine requiring administrative decisions to satisfy the cumulative standards of suitability, necessity, and balanced outcomes.

The transformation following the Childcare Benefits Scandal illustrates how judicial institutions may fundamentally reshape administrative governance after systemic institutional failures. By comparison, proportionality within Indonesian constitutional jurisprudence remains largely implicit and embedded within constitutional interpretation instead of functioning as a distinct doctrinal framework. Nevertheless, recent Constitutional Court decisions increasingly apply balancing reasoning when evaluating democratic representation, constitutional rights, and governmental authority. Consequently, the findings suggest that proportionality represents a developing judicial governance principle in Indonesia that could evolve into a more explicit constitutional doctrine as judicial practice continues to mature. This interpretation is consistent with Craig (2021), who argues that proportionality has become a universal principle of contemporary administrative law beyond European jurisdictions.

Another significant contribution of this study concerns the reinterpretation of legality within contemporary judicial governance. Traditional legal scholarship generally understands legality as compliance with statutory provisions. However, the comparative findings demonstrate that legality has acquired a broader constitutional meaning encompassing legal certainty, procedural fairness, constitutional supremacy, and the prevention of abuse of power. The Indonesian Constitutional Court reinforces legality by ensuring that legislation conforms to constitutional norms and procedural requirements, whereas the Dutch *Raad van State* operationalizes legality through direct review of administrative decisions affecting individual rights. These complementary approaches indicate that legality functions as the normative infrastructure supporting accountability and proportionality. Without legality, accountability lacks constitutional certainty; without accountability and proportionality, legality risks becoming a purely formalistic principle incapable of protecting citizens against arbitrary administrative action. This broader understanding is consistent with Grimm (2020) and Lindseth (2023), who argue that constitutional legality must be interpreted within the broader framework of democratic constitutionalism.

The principal theoretical contribution of this research is the construction of the Judicial Governance Model, which integrates Accountability Review, Proportionality Review, and Legality Review into a unified conceptual framework. Unlike previous studies that examine constitutional review and administrative justice separately, this model explains how constitutional courts and administrative courts perform complementary governance functions within democratic constitutional systems. Accountability Review strengthens democratic responsibility in legislative and executive decision-making; Proportionality Review evaluates whether governmental actions appropriately balance public interests with individual rights; and Legality Review ensures that all exercises of public authority remain consistent with constitutional and statutory norms. The interaction among these three dimensions establishes a comprehensive oversight mechanism capable of improving governance quality while preserving constitutional democracy. Accordingly, this model broadens the theoretical scope of judicial governance by integrating constitutional law, administrative law, and public administration into a coherent analytical framework applicable to comparative governance research.

From a practical perspective, the proposed Judicial Governance Model has important implications for judicial reform and administrative governance. For Indonesia, the findings suggest that constitutional adjudication could further strengthen administrative

accountability by incorporating a more explicit proportionality analysis in constitutional review, particularly in cases involving administrative discretion and public policy. For the Netherlands, the study confirms the continuing importance of maintaining a balanced proportionality doctrine while preserving legal certainty and institutional consistency. More broadly, the model provides policymakers, constitutional courts, administrative courts, and public administrators with an analytical framework for evaluating the effectiveness of judicial oversight in democratic governance. Future research may validate and refine this model through comparative studies involving constitutional and administrative courts in other jurisdictions, thereby expanding its theoretical applicability and practical relevance within global public administration and comparative constitutional law.

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