Volume 7 Number 2, July 2025: pp. 103-118.
Department of International Law, Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia.
p-ISSN: 1978-5186 E-ISSN: 2723-2603
http://jurnal.fh.unila.ac.id/index.php/lajil

Balancing National Constitutions and International Trade Commitments: Comparative Insights from Indonesia, Thailand, and India

Hananto Widodo[1], Intan Lovisonnya[2], Fradhana Putra Disantara[3], Ruetaitip Chansrakaeo[4], Uzodinma Yurriens Ezenduka[5]

[1]Universitas Negeri Surabaya, Indonesia, E-mail: hanantowidodo@unesa.ac.id
[2]Universitas Negeri Surabaya, Indonesia, E-mail: intanlovisonnya@unesa.ac.id
[3]Universitas Jember, Indonesia, E-mail: dfradhana@gmail.com
[4]Valaya Alongkorn Rajabhat University, Thailand, E-mail: ruetaitip@vru.ac.th
[5]Parul Institute of Law, Gujarat, India, E-mail: peter97.ue@gmail.com

Submitted: November 29, 2025; Reviewed: December 22, 2025; Accepted: March 2, 2026

Article Info

Keywords:
Constitutional Review; International Trade Agreements; Constitutional Rights.

DOI:
10.25041/lajil.v7i2.4813

Abstract

Economic globalization has heightened tensions between national sovereignty and international trade obligations. This study compares constitutional review mechanisms in Indonesia, Thailand, and India, representing civil law and common law systems. Using normative legal methods with statute and comparative analysis, it finds that Indonesia applies ex post review of ratification laws, Thailand uses preventive ex ante review, and India employs substantive, precedent-based judicial review. Effectiveness varies: India achieves high substantive effectiveness through judicial activism, Thailand excels procedurally, and Indonesia remains limited to formal review. The study concludes that constitutional review effectiveness depends on institutional design, legal tradition, and the ability to balance constitutional supremacy with international commitments.

A. Introduction

Globalization has accelerated economic connectivity through intensified flows of trade, investment, and technology.[1] As global economic integration deepens, national economic boundaries are increasingly blurred, and cross-border activities can no longer be confined to domestic jurisdictions. This condition has encouraged countries to expand their participation in international trade agreements that regulate global economic relations. Through these arrangements, states seek wider market access, promote domestic growth, and strengthen their position in the global trading system.[2] These developments inevitably affect national legal systems and constitutional governance.

[1] Wanci Dai et al., "Do Globalization, Foreign Direct Investment, Trade Openness, and Urbanization Propel Renewable Energy Transition? Empirical Evidence from Kernel Regularized Quantile Regression Modeling," *Environmental Progress & Sustainable Energy* 44, no. 5 (September 8, 2025), https://doi.org/10.1002/ep.70038.
[2] Jack Barrie and Patrick Schröder, "Circular Economy and International Trade: A Systematic Literature Review," *Circular Economy and Sustainability* 2, no. 2 (June 24, 2022): 447–71, https://doi.org/10.1007/s43615-021-00126-w.

International trade agreements, including those under the World Trade Organization and bilateral or regional free trade agreements, have become key instruments of economic growth and diplomacy. They are not merely economic contracts, but legally binding political commitments.[3] In practice, such agreements create rights and obligations that extend beyond interstate relations and reshape domestic regulations. Their implications often intersect with strategic sectors such as investment, natural resources, and the protection of citizens' economic rights.[4] As a result, international trade agreements exert a broad and lasting influence on national policies and legal frameworks.

Developing countries are increasingly active in concluding multilateral and bilateral trade agreements as part of their economic development strategies, as seen in Indonesia's IK-CEPA with Korea, Thailand's FTA with Australia[5] , and India's AIFTA[6] with ASEAN. Participation is driven by the need to attract foreign investment, expand export markets, and enhance industrial competitiveness. However, it also presents challenges, particularly in aligning complex international obligations with domestic legal systems.[7] These agreements often require the harmonization of international norms with constitutional provisions, raising concerns about how states can preserve legal sovereignty while fulfilling their international commitments.

Every international treaty has direct implications for national legal sovereignty because its implementation often requires changes to domestic laws and regulations. Treaty ratification is therefore not merely a formal act, but a legal process that must comply with constitutional requirements and fundamental principles.[8] This situation creates tension between global pressures for openness and economic integration and constitutional commitments to sovereignty and the rule of law.[9] States often face a dilemma between protecting national interests and fulfilling international obligations, particularly when international norms restrict domestic economic and social policy choices.

To address this tension, countries must balance international commitments with the protection of citizens' fundamental rights and established state structures. Most have developed legal mechanisms to assess the compatibility of international treaties with their constitutions, commonly referred to as constitutional review. This process functions as an oversight mechanism to ensure that treaties do not conflict with core state values or the principle of popular sovereignty enshrined in the constitution.[10] Constitutional review thus reflects efforts to reconcile openness to international law with the preservation of the national legal order and

[3] James Harrison, "Trade Agreements and Sustainability: Exploring the Potential of Global Value Chain (GVC) Obligations," *Journal of International Economic Law* 26, no. 2 (May 11, 2023): 199–215, https://doi.org/10.1093/jiel/jgac057.

[4] Yik-Chan Chin and Jingwu Zhao, "Governing Cross-Border Data Flows: International Trade Agreements and Their Limits," *Laws* 11, no. 4 (August 16, 2022): 63, https://doi.org/10.3390/laws11040063.

[5] Richard Pomfret, "'Regionalism' and the Global Trade System," *The World Economy* 44, no. 9 (September 16, 2021): 2496–2514, https://doi.org/10.1111/twec.13155.

[6] Mamta Kumari, "A Review of ASEAN-India Free Trade Agreement After a Decade: Evidence from Structural Gravity Model Estimates," *Journal of East-West Business* 31, no. 4 (October 2, 2025): 353–81, https://doi.org/10.1080/10669868.2025.2465724.

[7] Md. Hasan Imam, "THE ROLE OF CROSS-COUNTRY TRADE PARTNERSHIPS IN STRENGTHENING GLOBAL MARKET COMPETITIVENESS," *ASRC Procedia: Global Perspectives in Science and Scholarship* 02, no. 01 (January 1, 2022): 121–50, https://doi.org/10.63125/w0mnpz07.

[8] Ari Wirya Dinata, "THE DYNAMICS OF RATIFICATION ACTS OF INTERNATIONAL TREATY UNDER INDONESIAN LEGAL SYSTEM," *Jurnal Hukum Dan Peradilan* 10, no. 2 (July 31, 2021): 197, https://doi.org/10.25216/jhp.10.2.2021.197-218.

[9] Nur Rohim Yunus, Muhammad Sholeh, and Ida Susilowati, "Implications of State Sovereignty for the Ratification of International Law," *Dauliyah: Journal of Islam and International Affairs* 8, no. 2 (August 29, 2023): 131–50, https://doi.org/10.21111/dauliyah.v8i2.9970.

[10] Ignatius Yordan Nugraha, "Popular Sovereignty and Constitutional Referendum: Can 'The People' Be Limited by Human Rights?," *German Law Journal* 23, no. 1 (February 10, 2022): 19–43, https://doi.org/10.1017/glj.2022.2.

highlights the role of judicial institutions in determining the domestic validity of international norms.[11]

Mechanisms for constitutional review vary across countries[12] in terms of institutions, procedures, and jurisdiction. In some states, constitutional courts have direct authority to assess treaty compatibility before or after ratification. In others, oversight is exercised through legislative review or political control by parliament.[13] These differences reflect variations in constitutional design and legal philosophy. Distinctions between civil law and common law systems also shape how constitutional review is structured and applied in practice.

Countries in South and Southeast Asia face a persistent tension between preserving legal sovereignty and fulfilling international commitments. Regional economic integration through ASEAN and participation in the World Trade Organization further complicate constitutional review of trade agreements. While trade and investment liberalization is pursued to support regional growth, states must ensure that international obligations do not undermine core constitutional principles such as sovereignty, social justice, and the protection of citizens' rights.[14] Comparative analysis is therefore essential to assess differing national approaches and the effectiveness of constitutional oversight mechanisms.

Indonesia operates within a civil law system shaped by ongoing constitutional reform. Article 11 paragraph (2) of the 1945 Constitution requires parliamentary approval for international agreements with significant public, financial, or legislative implications. This provision underpins the Constitutional Court's authority to review laws ratifying international agreements. However, the Court's role in examining the substantive content of trade agreements remains contested, particularly in relation to economic sovereignty, natural resource governance, and the influence of international institutions.[15]

Thailand's constitutional system has developed amid political instability and frequent constitutional change.[16] Although parliamentary approval of international treaties is constitutionally required, constitutional review by the Thai Constitutional Court is often influenced by domestic political dynamics.[17] Power relations among the executive, legislature, and judiciary[18] continue to shape the independence and effectiveness of constitutional oversight of international trade agreements.

India, with its strong common law tradition and complex judicial system, applies distinct principles to the relationship between international and domestic law. International agreements do not automatically acquire domestic legal force without parliamentary ratification.[19] The

[11] Seema Gul, Riaz Ahmad, and Dr. Sami Ur Rahman, "The Myth of Neutrality: Judicial Review, Ideology, and Constitutional Interpretation in Pakistan and the United Kingdom," *The Critical Review of Social Sciences Studies* 3, no. 2 (May 29, 2025): 1742–54, https://doi.org/10.59075/mm3m9d48.

[12] Aleksandra Gliszczyńska-Grabias and Wojciech Sadurski, "Is It Polexit Yet? Comment on Case K 3/21 of 7 October 2021 by the Constitutional Tribunal of Poland," *European Constitutional Law Review* 19, no. 1 (March 19, 2023): 163–81, https://doi.org/10.1017/S1574019622000396.

[13] Stéphanie Lagoutte, Sébastien Lorion, and Steven L.B. Jensen, *The Domestic Institutionalisation of Human Rights* (London: Routledge, 2021), https://doi.org/10.4324/9781003181248.

[14] Alexander Kennedy, "The Role of Indonesian Constitutional Law in Sustaining National Resilience Amid Global Challenges," *Jurnal Lemhannas RI* 12, no. 4 (February 4, 2025), https://doi.org/10.55960/jlri.v12i4.957.

[15] Roderikus Agus Trihatmoko and Y. Sri Susilo, "Conditions, Challenges and Prospects of State-Owned Enterprises in Indonesia: The Governance Perspective Based on Economic Constitution," *Applied Research in Quality of Life* 18, no. 5 (October 6, 2023): 2459–84, https://doi.org/10.1007/s11482-023-10194-9.

[16] Tyrell Haberkorn, "Under and beyond the Law: Monarchy, Violence, and History in Thailand," *Politics & Society* 49, no. 3 (September 2, 2021): 311–36, https://doi.org/10.1177/00323292211033073.

[17] Rawin Leelapatana and Suprawee Asanasak, "Constitutional Struggles and Polarised Identities in Thailand: The Constitutional Court and the Gravitational Pull of Thai-Ness upon Liberal Constitutionalism," *Federal Law Review* 50, no. 2 (June 1, 2022): 156–73, https://doi.org/10.1177/0067205X221087476.

[18] J. Michael Angstadt, "Can Domestic Environmental Courts Implement International Environmental Law? A Framework for Institutional Analysis," *Transnational Environmental Law* 12, no. 2 (July 14, 2023): 318–42, https://doi.org/10.1017/S2047102523000092.

[19] Prabhash Ranjan, "The Supreme Court of India and International Law: A Topsy-Turvy Journey from Dualism to Monism," *Liverpool Law Review* 43, no. 3 (October 21, 2022): 571–95, https://doi.org/10.1007/s10991-022-09314-6.

Supreme Court of India plays a central role in interpreting and limiting the application of treaties that conflict with the constitution or national interests.[20] Through its jurisprudence, the Court often links treaty implementation to the protection of constitutionally guaranteed fundamental rights, particularly under Article 253 of the Constitution. This approach reflects a balance between international engagement and the primacy of domestic constitutional law.

A comparison of Indonesia, Thailand, and India highlights how constitutional review of international trade agreements operates across different legal systems. The importance of this research lies in understanding constitutional review as a mechanism for balancing global economic integration with the protection of fundamental constitutional principles. It seeks to clarify the evolving interaction between international law and national constitutions in the context of intensifying globalization.

Existing scholarship on constitutional review of international agreements has largely focused on normative analysis with limited comparative scope. Ariff et al., writing in the International Journal of Business, Law, and Education, compare review mechanisms in two legal systems within regional integration, but do not assess how legal traditions affect the effectiveness of oversight.[21] Khandelwal, in SSRN, examines the Indian Supreme Court's role in reconciling domestic norms and international obligations, but confines the analysis to taxation and does not address the broader constitutional framework.[22] Siwawej et al., in the Global Trade and Customs Journal, analyze the role of Thai courts in trade policy oversight, but do not directly connect this function to constitutional principles.[23]

Previous research is limited by the lack of comparative analysis across legal systems with different political and constitutional contexts, and by insufficient assessment of the effectiveness of constitutional review in balancing sovereignty and international commitments. This study addresses these gaps through a comparative analysis of Indonesia, Thailand, and India, representing two legal traditions. It offers a new perspective on how legal systems shape the structure, function, and outcomes of constitutional review of international trade agreements in the context of economic globalization.

The study aims to compare constitutional review mechanisms for international trade agreements in Indonesia, Thailand, and India, and to examine how civil law and common law traditions influence their authority, procedures, and practice. It also evaluates the effectiveness of these mechanisms in reconciling international obligations with constitutional principles, including the protection of state sovereignty and citizens' fundamental rights. Through comparative juridical analysis, the research seeks to identify institutional and jurisprudential patterns that best maintain a balance between globalization and constitutional supremacy.

This research employs normative legal methods, focusing on positive legal norms and constitutional principles governing treaty review. A statutory approach is used to examine constitutional provisions, legislation, and regulations, alongside a comparative approach to identify similarities and differences across the three countries. Primary materials include national constitutions, laws governing constitutional or supreme courts, and key judicial decisions, including Constitutional Court Decision No. 33/PUU-IX/2011 and Thailand's Decision No. 6/2551 (2008). Secondary and tertiary materials consist of scholarly literature and

[20] Empire Hechime Nyekwere et al., "Constitutional and Judicial Interpretation of Environmental Laws in Nigeria, India and Canada," *Lex Scientia Law Review* 7, no. 2 (November 14, 2023): 905–58, https://doi.org/10.15294/lesrev.v7i2.69394.

[21] Muhammad Ariff Dwi Prastyo, Albiruwahidhan Cahayarizputra, and Daniel Osckardo, "Constitutional Review of ASEAN Charter and Maastricht Treaty," *International Journal of Business, Law, and Education* 5, no. 2 (October 29, 2024): 2520–29, https://doi.org/10.56442/ijble.v5i2.907.

[22] Mamta Bhawanishanker Khandelwal, "JUDICIAL REVIEW AND CASE LAW IN SHAPING INDIA'S TRANSFER PRICING REGIME: A SYNTHESIS OF DOMESTIC AND INTERNATIONAL INFLUENCES," *SSRN Electronic Journal*, 2025, https://doi.org/10.2139/ssrn.5252455.

[23] Phatsawat Siwawej, Chalermwut Nilratsirikul, and Nattadit Chatmatasit, "Thailand Judicial Review in Antidumping and Other Measures," *Global Trade and Customs Journal* 20, no. Issue 3 (January 1, 2025): 223–33, https://doi.org/10.54648/GTCJ2025028.

legal reference sources. Data are processed through classification and systematization and analyzed using qualitative normative comparative analysis to produce interpretative and prescriptive conclusions.

B. Discussion

1. Constitutional Review Mechanism for International Trade Agreements in Indonesia, Thailand, and India

Constitutional review is a legal mechanism for assessing the conformity of laws and state actions with the constitution. It is essential to ensure that the ratification and implementation of international treaties do not violate fundamental constitutional principles such as sovereignty, human rights, and the separation of powers.[24] The scope of review may include ratification laws, implementing regulations, and administrative actions related to treaty implementation.[25] Constitutional courts or supreme courts act as guardians of constitutional supremacy, ensuring that international treaties remain subject to the national constitutional order in the context of globalization.

States differ in how they position international treaties within their legal hierarchies. In some systems, ratified treaties rank below the constitution but above ordinary legislation[26], while in others they have the same status as domestic law.[27] This hierarchy determines whether treaties are self-executing or require implementing legislation, and whether review is exercised through political processes or judicial constitutional review. In developing countries such as Indonesia, Thailand, and India, this hierarchy is central to understanding how international norms interact with domestic legal systems that emphasize sovereignty.

The relationship between international and national law is commonly explained through monism and dualism. In monist systems, international law becomes part of domestic law upon ratification and may be applied directly. In dualist systems, international law applies only after transformation into national legislation.[28] These theories shape the scope of constitutional review: monist systems permit direct review of ratification, while dualist systems focus review on implementing laws.[29] This distinction provides a conceptual basis for understanding differences in constitutional review practices in Indonesia, Thailand, and India.

Differences between civil law and common law systems shape the concept and practice of constitutional review. Civil law systems emphasize constitutional supremacy, treating the constitution as the highest legal authority and limiting interpretation through specialized constitutional courts.[30] Common law systems, by contrast, emphasize judicial supremacy, with courts playing a central role in legal interpretation and in balancing power among branches of

[24] Ahmed Oudah Mohammed AL-DULAIMI and Mohammed Abd Abas Al-Esawy, "RECONCILING CONSTITUTIONAL RULES AND INTERNATIONAL LAWS: A DOCTRINAL STUDY ON THE INNOVATIVE ROLE OF CONSTITUTIONAL RECONCILIATION IN IRAQ AND EGYPT," *UUM Journal of Legal Studies* 15, no. 2 (July 30, 2024): 483–504, https://doi.org/10.32890/uumjls2024.15.2.4.

[25] Han-Wei Liu and Ching-Fu Lin, "CONSTITUTIONAL TRADITIONS AS BOUNDARIES IN STANDARDISING ADMINISTRATIVE RULEMAKING THROUGH TRADE AGREEMENTS," *International and Comparative Law Quarterly* 71, no. 4 (October 26, 2022): 889–913, https://doi.org/10.1017/S002058932200029X.

[26] Mohammad Ekram Yawar and Anwarulhaq Amani, "Features of International Trade Contract," *Acta Globalis Humanitatis et Linguarum* 2, no. 1 (February 19, 2025): 276–96, https://doi.org/10.69760/aghel.02500137.

[27] Jean Elvardi, Firman Hasan, and Arya Putra Rizal Pratama, "The Use of Language In International Agreements According to The 1969 Vienna Convention And Its Implementation In Indonesian National Law," *Yuridika* 37, no. 3 (September 1, 2022): 515–38, https://doi.org/10.20473/ydk.v37i3.28448.

[28] Francisco Orrego Vicuña et al., "International Law in Domestic Law: Dualism, Monism, Absolutism," in *International Law in Search of Rebalance* (Leiden: Brill | Nijhoff, 2025), 138–58, https://doi.org/10.1163/9789004721388_007.

[29] Yasar Alhunieti, Abeer Alamayreh, and Kastro Salim Akram, "The Relationship Between Public International Law and Domestic Law" (Cham, 2025), 1157–68, https://doi.org/10.1007/978-3-031-76011-2_85.

[30] Seema Gul, Riaz Ahmad, and Dr. Sami Ur Rahman, "Constitutional Dualities: Reconciling Islamic Normativity with Common Law Principles in Hybrid Legal Systems," *Indus Journal of Social Sciences* 3, no. 2 (May 28, 2025): 674–93, https://doi.org/10.59075/ijss.v3i2.1501.

government.[31] These traditions produce different review methods: civil law systems focus on formal legality, while common law systems rely on flexibility and judicial precedent. In the context of international trade agreements, common law systems such as India tend to allow case by case interpretation, whereas civil law systems such as Indonesia and Thailand rely on normative and institutional review mechanisms.

In Indonesia, constitutional review is regulated by Article 24C of the 1945 Constitution, which grants the Constitutional Court authority to review laws, including those ratifying international treaties. This authority is reinforced by Law No. 24 of 2003 on the Constitutional Court, which provides that the Court adjudicates at the first and final instance and that its decisions are final and binding. Ratification of international treaties is governed by Article 9 paragraph (1) of Law No. 24 of 2000 on International Treaties, which allows ratification by statute or presidential decree. Under this framework, the Constitutional Court may review laws ratifying treaties but has no authority to assess treaty content prior to ratification. Constitutional review is therefore ex post facto, conducted only after the treaty has acquired domestic legal force.[32]

Indonesia follows an institutionalized monist system in which treaties ratified by legislation become part of national law.[33]This strengthens the Constitutional Court's role in reviewing norms derived from international agreements. Its decisions are final and erga omnes, binding on all state institutions.[34] Constitutional Court Decision No. 33/PUU-IX/2011, which reviewed the law ratifying the ASEAN Charter, affirmed that international agreements must conform to Pancasila and the 1945 Constitution and must not undermine national economic sovereignty.[35] The decision illustrates the Court's role in safeguarding constitutional limits in the context of international engagement.

The 2017 Thai Constitution provides the basis for constitutional review of international agreements.[36] Article 178 requires government approval from the National Assembly before ratifying treaties that significantly affect sovereignty, the economy, or national security. When the classification of a treaty is disputed, the Constitutional Court may be asked to issue an opinion.[37] This arrangement establishes an ex ante review mechanism, conducted before ratification, and reflects stronger oversight of executive authority in foreign affairs.

Thailand applies a limited monist system in which treaties take effect upon ratification, but their implementation remains subject to constitutional principles.[38] Decisions of the Constitutional Court are final and binding, reinforcing its role as guardian of the constitution. Constitutional Court Decision No. 6/2551 (2008) on the Preah Vihear Agreement illustrates this role, as the Court held that the government violated the constitution by failing to obtain

[31] Ashutosh Acharya and Manindra Singh Hanspal, "Comparative Analysis of Separation of Powers: Theoretical and Practical Insights from India," *International Journal of Political Science and Governance* 7, no. 1 (January 1, 2025): 191–98, https://doi.org/10.33545/26646021.2025.v7.i1c.446.

[32] Ousu Mendy and Ebrima Sarr, "The Judiciary in Governance: Understanding the Juridical Nature and Function of the Constitutional Court of Indonesia," *Journal of Indonesian Constitutional Law* 2, no. 1 (March 2, 2025): 1–22, https://doi.org/10.71239/jicl.v2i1.45.

[33] Renita Kamil, "Legal Positivism Influence on Law Enforcement and Judicial Practice in Indonesia," *JUSTISI* 11, no. 2 (May 10, 2025): 542–69, https://doi.org/10.33506/js.v11i2.4049.

[34] Chaidir Ali and Refi Meidiantama, "UPHOLDING THE ERGA OMNES PRINCIPLE: THE ROLE OF CONSTITUTIONAL COURT DECISIONS IN THE FORMATION OF INDONESIA'S NEW PENAL CODE," *Constitutional Law Society* 4, no. 01 (March 27, 2025): 18–31, https://doi.org/10.36448/cls.v4i01.102.

[35] Pawat Satayanurug, "Thailand's National Screening Mechanism: A Case of Partial Acculturation to International Refugee Law," *International Journal of Refugee Law* 37, no. 1 (June 30, 2025): 80–103, https://doi.org/10.1093/ijrl/eeaf010.

[36] Leelapatana and Asanasak, "Constitutional Struggles and Polarised Identities in Thailand: The Constitutional Court and the Gravitational Pull of Thai-Ness upon Liberal Constitutionalism."

[37] Kittiwat Chunchaemsai, "Legal Considerations and Challenges Involved in Bringing the 2005 Hague Convention on Choice of Court Agreements into Force within an Internal Legal System: A Case Study of Thailand," *Journal of Private International Law* 17, no. 1 (January 2, 2021): 147–70, https://doi.org/10.1080/17441048.2021.1907946.

[38] Shilpi Sharma and Baidya nath Mukherjee, *Law and Emerging Issues* (London: Routledge, 2024), https://doi.org/10.4324/9781003428213.

parliamentary approval prior to signing.[39] The case highlights the need to balance executive and legislative powers in treaty making.

Although Thailand's legal system is grounded in civil law, it incorporates a strong element of royal prerogative, with the king symbolically positioned as the protector of the constitution. Frequent political change further affects the consistency of constitutional review.[40]Domestic political and military influences often shape interpretations of judicial authority[41], resulting in constitutional oversight of international treaties that is frequently political rather than strictly judicial. Thus, while the formal framework reflects constitutional supremacy, practice reveals the significant impact of political and institutional factors on constitutional review in Thailand.

In India, judicial review is governed by Articles 13 and 246 of the Constitution, which allow courts to invalidate laws that conflict with constitutional provisions.[42] Article 253 authorizes Parliament to enact legislation to implement international treaties. Under this dualist system, treaties do not become part of domestic law without legislative incorporation. The Supreme Court plays a central role in reviewing whether implementing legislation complies with constitutionally guaranteed fundamental rights.[43]

Indian judicial decisions create binding precedent within a hierarchical system. In Maganbhai Ishwarbhai Patel v. Union of India (1969), the Supreme Court confirmed that international treaties require domestic legislation to have legal effect.[44] In Vishaka v. State of Rajasthan (1997), the Court relied on principles of the Convention on the Elimination of All Forms of Discrimination against Women despite incomplete ratification, illustrating the flexibility of common law interpretation.[45] These cases show how India balances formal dualism with substantive engagement with international norms through judicial practice.

India's common law system has developed extensive jurisprudence defining constitutional limits on the implementation of international treaties. Courts assess not only the formal compatibility of laws with the constitution but also the substantive impact of treaties on citizens' fundamental rights. This interpretative flexibility enables courts to ensure that international obligations do not undermine principles of justice, equality, and popular sovereignty, reinforcing judicial supremacy as a core safeguard of constitutional integrity.

In contrast, civil law systems such as Indonesia and Thailand centralize constitutional review within specialized institutions and emphasize normative assessment. Indonesia applies ex post review after ratification, while Thailand relies on ex ante review before ratification. India's common law system instead uses a dispersed, precedent based model that prioritizes the protection of fundamental rights. These differences show that legal traditions shape not only review procedures but also the depth and substance of constitutional scrutiny of international treaties.

All three countries treat constitutional review as a means to balance sovereignty and international commitments, but they differ in timing, object, and effect. Thailand reviews treaties before ratification, Indonesia after ratification, and India after legislative incorporation. Indonesia reviews treaties through ratification statutes, while India reviews implementing

[39] Po Jen Yap and Rehan Abeyratne, *Routledge Handbook of Asian Parliaments* (London: Routledge, 2023), https://doi.org/10.4324/9781003109402.
[40] Tomas Larsson, "Royal Succession and the Politics of Religious Purification in Contemporary Thailand," *Journal of Contemporary Asia* 52, no. 1 (January 1, 2022): 2–22, https://doi.org/10.1080/00472336.2020.1849775.
[41] Leelapatana and Asanasak, "Constitutional Struggles and Polarised Identities in Thailand: The Constitutional Court and the Gravitational Pull of Thai-Ness upon Liberal Constitutionalism."
[42] Abhishek TRIVEDI, "Indian Private International Law," *Asian Journal of International Law* 12, no. 2 (July 25, 2022): 422–23, https://doi.org/10.1017/S2044251322000431.
[43] Wilfried Swenden and Rekha Saxena, "Policing the Federation: The Supreme Court and Judicial Federalism in India," *Territory, Politics, Governance* 10, no. 1 (January 2, 2022): 12–31, https://doi.org/10.1080/21622671.2021.1887756.
[44] Ranjan, "The Supreme Court of India and International Law: A Topsy-Turvy Journey from Dualism to Monism."
[45] Miloon Kothari and Surabhi Sharma, "The Impact of the United Nations Human Rights Treaties on the Domestic Level in India," in *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On* (Leiden: Brill | Nijhoff, 2024), 532–68, https://doi.org/10.1163/9789004377653_011.

legislation. Decisions in Indonesia and Thailand are erga omnes, whereas in India they are case specific. Overall, India's system offers greater interpretative flexibility, while Indonesia and Thailand rely on strong institutional mechanisms to uphold constitutional supremacy.

2. The Effectiveness of Constitutional Review in Balancing International Commitments and National Constitutional Principles in Indonesia, Thailand, and India

The effectiveness of constitutional review refers to the extent to which review mechanisms ensure that all state actions, including the ratification and implementation of international treaties, comply with constitutional values. It can be assessed through three benchmarks: normative, institutional, and substantive.[46]The normative benchmark examines compliance with constitutional law, the institutional benchmark evaluates the strength and independence of review bodies,[47] and the substantive benchmark measures the protection of core constitutional values such as sovereignty and human rights.[48] A review system is effective when it reconciles national interests with international obligations without undermining the domestic legal order.

Assessing effectiveness involves tension between constitutional supremacy and pacta sunt servanda. Constitutional supremacy requires all laws and treaties to conform to the constitution[49], while pacta sunt servanda obliges states to honor international agreements in good faith.[50] States often face conflicts between these principles. Effective constitutional review depends on the ability of judicial institutions to balance respect for international commitments with the protection of constitutional norms.

International trade agreements can directly or indirectly affect fundamental rights, including economic welfare, environmental protection, public health, and decent work. When trade liberalization promotes excessive deregulation or privatization, risks to constitutional rights increase.[51] The substantive effectiveness of constitutional review therefore lies in the capacity of courts to ensure that global trade interests do not override the protection of these fundamental rights.

In Indonesia, the Constitutional Court has authority to review laws, including those ratifying international agreements[52], under Article 24C of the 1945 Constitution and Law No. 24 of 2003. This review is ex post, as it occurs after ratification and incorporation into national law. The Court functions as a final safeguard to ensure that treaties do not conflict with the constitution. Its effectiveness, however, is limited because review is confined to the ratification law rather than the substantive content of the treaty, positioning the Court primarily as a procedural rather than a substantive guardian.

Constitutional Court Decision No. 33/PUU-IX/2011, which reviewed Law No. 38 of 2008 on the ASEAN Charter, illustrates this role. The Court affirmed that regional economic

[46] Stefan Voigt, "Mind the Gap: Analyzing the Divergence between Constitutional Text and Constitutional Reality," *International Journal of Constitutional Law* 19, no. 5 (December 31, 2021): 1778–1809, https://doi.org/10.1093/icon/moab060.
[47] Mark Bovens and Anchrit Wille, "Indexing Watchdog Accountability Powers a Framework for Assessing the Accountability Capacity of Independent Oversight Institutions," *Regulation & Governance* 15, no. 3 (July 8, 2021): 856–76, https://doi.org/10.1111/rego.12316.
[48] Jan Petrov, "How to Detect Abusive Constitutional Practices," *European Constitutional Law Review* 20, no. 2 (June 15, 2024): 191–221, https://doi.org/10.1017/S1574019624000142.
[49] Reza Bagoes Widiyantoro and Joko Setiyono, "Analysis of the Principles of the Sunt Servanda Pacta in International Criminal Law Enforcement: Implementation and Challenges," *Journal of Social Research* 4, no. 8 (August 25, 2025): 2287–2300, https://doi.org/10.55324/josr.v4i8.2763.
[50] A. Sakti R. S. Rakia et al., "Principles of Legal Compliance on the Constitutional Court Decisions Adoption in Legislation," *Jurnal Jurisprudence*, June 27, 2024, 39–62, https://doi.org/10.23917/jurisprudence.v14i1.3149.
[51] Franklin Bedakiyiba Baajike et al., "The Effects of Economic Growth, Trade Liberalization, and Financial Development on Environmental Sustainability in West Africa. The Role of Institutions," *Research in Globalization* 5 (December 2022): 100104, https://doi.org/10.1016/j.resglo.2022.100104.
[52] Ahmad, Fence M. Wantu, and Dian Ekawaty Ismail, "Constitutional Dialogue in Judicial Review at the Indonesian Constitutional Court: The Future Prospects," *Journal of Legal, Ethical and Regulatory Issues* 25 (2022), https://heinonline.org/HOL/Page?handle=hein.journals/jnlolletl25&id=1388&div=&collection=.

integration must not undermine state sovereignty or the principle of social welfare embodied in the 1945 Constitution. Although the law was not annulled, the decision reinforced the requirement that treaty implementation remain consistent with constitutional values. As review occurs after ratification, its impact is largely corrective rather than preventive.

Overall, the effectiveness of constitutional review in Indonesia can be described as moderate. Institutionally, the Constitutional Court is strong and normatively empowered to review ratification laws. Substantively, however, its role is constrained by the inability to assess treaty content that may affect citizens' rights. Ex ante oversight by the House of Representatives through the ratification process is important, but it is often shaped by political considerations rather than constitutional analysis.[53] At the same time, access to judicial review for citizens adds a participatory element that reinforces popular sovereignty.

Article 178 of the 2017 Thai Constitution establishes an ex ante system of constitutional review for international treaties. The government must obtain National Assembly approval for treaties affecting national sovereignty, and the Constitutional Court may be consulted in cases of uncertainty before ratification.[54] This preventive model enables judicial oversight prior to a treaty becoming legally binding, demonstrating strong institutional effectiveness at the pre ratification stage. Its effectiveness, however, depends heavily on the political independence of the Constitutional Court.

The Preah Vihear Temple case, Constitutional Court Decision No. 6/2551 (2008), illustrates this mechanism. The Court held that the government violated the constitution by signing an agreement with Cambodia without parliamentary approval, rendering the action invalid.[55] The decision strengthened legislative oversight and affirmed constitutional control over foreign policy. While effective in protecting territorial sovereignty, the ruling also reflected domestic political pressures, revealing the system's vulnerability to politicization.

Compared with Indonesia, Thailand's ex ante review allows more proactive oversight of international treaties. Yet its effectiveness is often weakened by executive dominance and political instability. When judicial independence is compromised, the Court's capacity to uphold constitutional supremacy declines. Despite these constraints, the Thai model remains procedurally effective in preventing constitutionally problematic treaties, while its substantive effectiveness depends on consistent judicial neutrality under political pressure.

India follows a distinct model of constitutional review characterized by judicial activism.[56] Under Article 253 of the Constitution, international treaties must be transformed by Parliament before acquiring domestic legal force, reflecting India's dualist approach.[57] Judicial activism and public interest litigation (PIL) empower both citizens and courts to oversee the implementation of trade agreements. The Supreme Court actively uses international principles to interpret and strengthen fundamental rights, particularly Article 21, ensuring that global engagement does not compromise constitutional protections. This approach achieves high substantive effectiveness in safeguarding citizens' rights.

The Supreme Court has clarified the boundary between treaties and domestic law. In Maganbhai Patel v. Union of India (1969), the Court ruled that while the executive may make

[53] Rizqya Nafila Putri and Muhammad Ali Ausath, "The Oversight Role Of Legislative Institutions In Emergency Situations (Comparison Of Indonesia With The United States)," *Constitutionale* 5, no. 1 (September 6, 2024): 67–84, https://doi.org/10.25041/constitutionale.v5i1.3376.
[54] Chunchaemsai, "Legal Considerations and Challenges Involved in Bringing the 2005 Hague Convention on Choice of Court Agreements into Force within an Internal Legal System: A Case Study of Thailand."
[55] Benjamen Franklen Gussen, "Ratio Evolutionis: The Interiority of Self-Determination to the Intertemporal Rule," *Transnational Law & Contemporary Problems* 34 (2024), https://heinonline.org/HOL/Page?handle=hein.journals/tlcp34&id=11&div=&collection=.
[56] Saara Upadhyaya, "Transformative Justice: Judicial Activism as a Catalyst for Constitutional Evolution in India," *LawFoyer International Journal of Doctrinal Legal Research* 2 (2024), https://heinonline.org/HOL/Page?handle=hein.journals/lwfyrinl2&id=2951&div=&collection=.
[57] Ranjan, "The Supreme Court of India and International Law: A Topsy-Turvy Journey from Dualism to Monism."

and ratify treaties, they do not alter domestic law or create enforceable rights without parliamentary legislation, reinforcing the transformational nature of Indian law.[58] In Vishaka v. State of Rajasthan (1997), the Court applied principles from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to issue binding guidelines protecting women's rights until Parliament enacts corresponding legislation. These cases illustrate India's proactive, case-based approach, balancing international engagement with robust protection of constitutional rights.[59]

The effectiveness of constitutional review in India is high due to the flexibility of its common law system, which allows courts to develop adaptive precedents. The Supreme Court actively interprets fundamental rights to oversee trade agreements that may threaten national interests. Its main limitation is the inconsistent application of judicial restraint, particularly in economic matters, where courts often avoid scrutinizing government policies. Nonetheless, Indian courts have consistently upheld that international law must align with the Constitution, and this interpretative flexibility underpins the system's substantive effectiveness in a globalized legal context.

Indonesia, Thailand, and India demonstrate varying levels of effectiveness, reflecting their legal traditions. Indonesia and Thailand rely on formalistic civil law mechanisms, with Indonesia applying ex post review and Thailand employing ex ante review. India's common law system achieves greater substantive effectiveness through judicial activism and progressive interpretation. In comparative terms, India is the most substantively effective, Thailand excels procedurally, and Indonesia's review remains limited by its inability to directly assess treaty content. Enhancing transparency, public participation, and interstate judicial dialogue is crucial for ensuring that constitutional review continues to safeguard national legal sovereignty in the era of globalization.

C. Conclusion

This study concludes that the mechanisms and effectiveness of constitutional review of international trade treaties in Indonesia, Thailand, and India reflect the distinctive features of their legal systems and approaches to balancing international obligations with constitutional supremacy. Indonesia employs ex post review under a civil law framework, focusing on ratification laws, while Thailand uses ex ante preventive review to enhance legislative oversight before ratification. India, within its common law tradition, applies precedent-based, substantive review through active judicial interpretation.

The analysis shows that India achieves the highest substantive effectiveness due to judicial activism and interpretive flexibility, Thailand excels in procedural effectiveness through preventive oversight, and Indonesia is moderately effective because of its formal and limited review scope. Effectiveness depends on the timing of judicial intervention, the independence of constitutional institutions, and the legal system's adaptability in integrating international norms. Strengthening judicial independence and transparency in treaty ratification is therefore essential to ensure that global economic engagement aligns with constitutional values and preserves national sovereignty.

D. Suggestion

Strengthening the constitutional review mechanism, not only formal but also substantive, is necessary to assess the conformity of international agreements with basic constitutional principles. Indonesia could consider expanding the authority of the Constitutional Court to include reviewing the substance of agreements, rather than just procedural aspects related to

[58] V. G. HEGDE, "Indian Courts and International Law," *Leiden Journal of International Law* 23, no. 1 (March 2, 2010): 53–77, https://doi.org/10.1017/S0922156509990331.
[59] Kothari and Sharma, "The Impact of the United Nations Human Rights Treaties on the Domestic Level in India."

the implementation of ratification laws, thereby providing more comprehensive constitutional oversight. Thailand could strengthen the Constitutional Court's independence from political influence to ensure the effectiveness of the ex ante review mechanism, which has been functioning procedurally well. Meanwhile, India could develop more consistent judicial guidelines for the application of judicial restraint on international trade issues to create a balance between national sovereignty and global engagement. Furthermore, the three countries could adopt a transjudicial dialogue approach to share best practices in interpreting and upholding constitutional supremacy over international commitments. Therefore, strengthening coordination between state institutions and increasing public transparency in the ratification process of international trade agreements are strategic steps to ensure that constitutional review functions optimally as a guardian of the rule of law and the protection of citizens' rights in the era of globalization.

REFERENCES

Acharya, Ashutosh, and Manindra Singh Hanspal. "Comparative Analysis of Separation of Powers: Theoretical and Practical Insights from India." *International Journal of Political Science and Governance* 7, no. 1 (January 1, 2025): 191–98. https://doi.org/10.33545/26646021.2025.v7.i1c.446.

Ahmad, Fence M. Wantu, and Dian Ekawaty Ismail. "Constitutional Dialogue in Judicial Review at the Indonesian Constitutional Court: The Future Prospects." *Journal of Legal, Ethical and Regulatory Issues* 25 (2022). https://heinonline.org/HOL/Page?handle=hein.journals/jnlolletl25&id=1388&div=&collection=.

AL-DULAIMI, Ahmed Oudah Mohammed, and Mohammed Abd Abas Al-Esawy. "RECONCILING CONSTITUTIONAL RULES AND INTERNATIONAL LAWS: A DOCTRINAL STUDY ON THE INNOVATIVE ROLE OF CONSTITUTIONAL RECONCILIATION IN IRAQ AND EGYPT." *UUM Journal of Legal Studies* 15, no. 2 (July 30, 2024): 483–504. https://doi.org/10.32890/uumjls2024.15.2.4.

Alhunieti, Yasar, Abeer Alamayreh, and Kastro Salim Akram. "The Relationship Between Public International Law and Domestic Law," 1157–68. Cham, 2025. https://doi.org/10.1007/978-3-031-76011-2_85.

Ali, Chaidir, and Refi Meidiantama. "UPHOLDING THE ERGA OMNES PRINCIPLE: THE ROLE OF CONSTITUTIONAL COURT DECISIONS IN THE FORMATION OF INDONESIA'S NEW PENAL CODE." *Constitutional Law Society* 4, no. 01 (March 27, 2025): 18–31. https://doi.org/10.36448/cls.v4i01.102.

Angstadt, J. Michael. "Can Domestic Environmental Courts Implement International Environmental Law? A Framework for Institutional Analysis." *Transnational Environmental Law* 12, no. 2 (July 14, 2023): 318–42. https://doi.org/10.1017/S2047102523000092.

Baajike, Franklin Bedakiyiba, Enoch Ntsiful, Angela Boakye Afriyie, and Eric Fosu Oteng-Abayie. "The Effects of Economic Growth, Trade Liberalization, and Financial Development on Environmental Sustainability in West Africa. The Role of Institutions." *Research in Globalization* 5 (December 2022): 100104. https://doi.org/10.1016/j.resglo.2022.100104.

Barrie, Jack, and Patrick Schröder. "Circular Economy and International Trade: A Systematic Literature Review." *Circular Economy and Sustainability* 2, no. 2 (June 24, 2022): 447–71. https://doi.org/10.1007/s43615-021-00126-w.

Bhawanishanker Khandelwal, Mamta. "JUDICIAL REVIEW AND CASE LAW IN SHAPING INDIA'S TRANSFER PRICING REGIME: A SYNTHESIS OF DOMESTIC AND INTERNATIONAL INFLUENCES." *SSRN Electronic Journal*, 2025.

https://doi.org/10.2139/ssrn.5252455.

Bovens, Mark, and Anchrit Wille. "Indexing Watchdog Accountability Powers a Framework for Assessing the Accountability Capacity of Independent Oversight Institutions." *Regulation & Governance* 15, no. 3 (July 8, 2021): 856–76. https://doi.org/10.1111/rego.12316.

Chin, Yik-Chan, and Jingwu Zhao. "Governing Cross-Border Data Flows: International Trade Agreements and Their Limits." *Laws* 11, no. 4 (August 16, 2022): 63. https://doi.org/10.3390/laws11040063.

Chunchaemsai, Kittiwat. "Legal Considerations and Challenges Involved in Bringing the 2005 Hague Convention on Choice of Court Agreements into Force within an Internal Legal System: A Case Study of Thailand." *Journal of Private International Law* 17, no. 1 (January 2, 2021): 147–70. https://doi.org/10.1080/17441048.2021.1907946.

Dai, Wanci, Babatunde Sunday Eweade, Said Khalfa Brika, Berna Uzun, and Chunxiao Dong. "Do Globalization, Foreign Direct Investment, Trade Openness, and Urbanization Propel Renewable Energy Transition? Empirical Evidence from Kernel Regularized Quantile Regression Modeling." *Environmental Progress & Sustainable Energy* 44, no. 5 (September 8, 2025). https://doi.org/10.1002/ep.70038.

Dinata, Ari Wirya. "THE DYNAMICS OF RATIFICATION ACTS OF INTERNATIONAL TREATY UNDER INDONESIAN LEGAL SYSTEM." *Jurnal Hukum Dan Peradilan* 10, no. 2 (July 31, 2021): 197. https://doi.org/10.25216/jhp.10.2.2021.197-218.

Dwi Prastyo, Muhammad Ariff, Albiruwahidhan Cahayarizputra, and Daniel Osckardo. "Constitutional Review of ASEAN Charter and Maastricht Treaty." *International Journal of Business, Law, and Education* 5, no. 2 (October 29, 2024): 2520–29. https://doi.org/10.56442/ijble.v5i2.907.

Ekram Yawar, Mohammad, and Anwarulhaq Amani. "Features of International Trade Contract." *Acta Globalis Humanitatis et Linguarum* 2, no. 1 (February 19, 2025): 276–96. https://doi.org/10.69760/aghel.02500137.

Elvardi, Jean, Firman Hasan, and Arya Putra Rizal Pratama. "The Use of Language In International Agreements According to The 1969 Vienna Convention And Its Implementation In Indonesian National Law." *Yuridika* 37, no. 3 (September 1, 2022): 515–38. https://doi.org/10.20473/ydk.v37i3.28448.

Gliszczyńska-Grabias, Aleksandra, and Wojciech Sadurski. "Is It Polexit Yet? Comment on Case K 3/21 of 7 October 2021 by the Constitutional Tribunal of Poland." *European Constitutional Law Review* 19, no. 1 (March 19, 2023): 163–81. https://doi.org/10.1017/S1574019622000396.

Gussen, Benjamen Franklen. "Ratio Evolutionis: The Interiority of Self-Determination to the Intertemporal Rule." *Transnational Law & Contemporary Problems* 34 (2024). https://heinonline.org/HOL/Page?handle=hein.journals/tlcp34&id=11&div=&collection=.

Haberkorn, Tyrell. "Under and beyond the Law: Monarchy, Violence, and History in Thailand." *Politics & Society* 49, no. 3 (September 2, 2021): 311–36. https://doi.org/10.1177/00323292211033073.

Harrison, James. "Trade Agreements and Sustainability: Exploring the Potential of Global Value Chain (GVC) Obligations." *Journal of International Economic Law* 26, no. 2 (May 11, 2023): 199–215. https://doi.org/10.1093/jiel/jgac057.

HEGDE, V. G. "Indian Courts and International Law." *Leiden Journal of International Law* 23, no. 1 (March 2, 2010): 53–77. https://doi.org/10.1017/S0922156509990331.

Imam, Md. Hasan. "THE ROLE OF CROSS-COUNTRY TRADE PARTNERSHIPS IN STRENGTHENING GLOBAL MARKET COMPETITIVENESS." *ASRC Procedia: Global Perspectives in Science and Scholarship* 02, no. 01 (January 1, 2022): 121–50.

https://doi.org/10.63125/w0mnpz07.

Kamil, Renita. "Legal Positivism Influence on Law Enforcement and Judicial Practice in Indonesia." *JUSTISI* 11, no. 2 (May 10, 2025): 542–69. https://doi.org/10.33506/js.v11i2.4049.

Kennedy, Alexander. "The Role of Indonesian Constitutional Law in Sustaining National Resilience Amid Global Challenges." *Jurnal Lemhannas RI* 12, no. 4 (February 4, 2025). https://doi.org/10.55960/jlri.v12i4.957.

Kothari, Miloon, and Surabhi Sharma. "The Impact of the United Nations Human Rights Treaties on the Domestic Level in India." In *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On*, 532–68. Leiden: Brill | Nijhoff, 2024. https://doi.org/10.1163/9789004377653_011.

Kumari, Mamta. "A Review of ASEAN-India Free Trade Agreement After a Decade: Evidence from Structural Gravity Model Estimates." *Journal of East-West Business* 31, no. 4 (October 2, 2025): 353–81. https://doi.org/10.1080/10669868.2025.2465724.

Lagoutte, Stéphanie, Sébastien Lorion, and Steven L.B. Jensen. *The Domestic Institutionalisation of Human Rights*. London: Routledge, 2021. https://doi.org/10.4324/9781003181248.

Larsson, Tomas. "Royal Succession and the Politics of Religious Purification in Contemporary Thailand." *Journal of Contemporary Asia* 52, no. 1 (January 1, 2022): 2–22. https://doi.org/10.1080/00472336.2020.1849775.

Leelapatana, Rawin, and Suprawee Asanasak. "Constitutional Struggles and Polarised Identities in Thailand: The Constitutional Court and the Gravitational Pull of Thai-Ness upon Liberal Constitutionalism." *Federal Law Review* 50, no. 2 (June 1, 2022): 156–73. https://doi.org/10.1177/0067205X221087476.

Liu, Han-Wei, and Ching-Fu Lin. "CONSTITUTIONAL TRADITIONS AS BOUNDARIES IN STANDARDISING ADMINISTRATIVE RULEMAKING THROUGH TRADE AGREEMENTS." *International and Comparative Law Quarterly* 71, no. 4 (October 26, 2022): 889–913. https://doi.org/10.1017/S002058932200029X.

Mendy, Ousu, and Ebrima Sarr. "The Judiciary in Governance: Understanding the Juridical Nature and Function of the Constitutional Court of Indonesia." *Journal of Indonesian Constitutional Law* 2, no. 1 (March 2, 2025): 1–22. https://doi.org/10.71239/jicl.v2i1.45.

Nabila Salsa Bila, and Hasna Wijayati. "The Impact of IK-CEPA (Indonesia-South Korea Comprehensive Economic Partnership Agreement) for Indonesia." *Formosa Journal of Sustainable Research* 1, no. 3 (August 30, 2022): 287–98. https://doi.org/10.55927/fjsr.v1i3.908.

Nugraha, Ignatius Yordan. "Popular Sovereignty and Constitutional Referendum: Can 'The People' Be Limited by Human Rights?" *German Law Journal* 23, no. 1 (February 10, 2022): 19–43. https://doi.org/10.1017/glj.2022.2.

Nyekwere, Empire Hechime, Uche Nnawulezi, Septhian Eka Adiyatma, Kasim Balarabe, and Muhammad Abdul Rouf. "Constitutional and Judicial Interpretation of Environmental Laws in Nigeria, India and Canada." *Lex Scientia Law Review* 7, no. 2 (November 14, 2023): 905–58. https://doi.org/10.15294/lesrev.v7i2.69394.

Petrov, Jan. "How to Detect Abusive Constitutional Practices." *European Constitutional Law Review* 20, no. 2 (June 15, 2024): 191–221. https://doi.org/10.1017/S1574019624000142.

Pomfret, Richard. "'Regionalism' and the Global Trade System." *The World Economy* 44, no. 9 (September 16, 2021): 2496–2514. https://doi.org/10.1111/twec.13155.

Putri, Rizqya Nafila, and Muhammad Ali Ausath. "The Oversight Role Of Legislative Institutions In Emergency Situations (Comparison Of Indonesia With The United States)." *Constitutionale* 5, no. 1 (September 6, 2024): 67–84. https://doi.org/10.25041/constitutionale.v5i1.3376.

Rakia, A. Sakti R. S., Muhammad Ali, Laode Muhammad Taufiq Afoeli, Wahab Aznul Hidaya, and Seguito Monteiro. "Principles of Legal Compliance on the Constitutional Court Decisions Adoption in Legislation." *Jurnal Jurisprudence*, June 27, 2024, 39–62. https://doi.org/10.23917/jurisprudence.v14i1.3149.

Ranjan, Prabhash. "The Supreme Court of India and International Law: A Topsy-Turvy Journey from Dualism to Monism." *Liverpool Law Review* 43, no. 3 (October 21, 2022): 571–95. https://doi.org/10.1007/s10991-022-09314-6.

Satayanurug, Pawat. "Thailand's National Screening Mechanism: A Case of Partial Acculturation to International Refugee Law." *International Journal of Refugee Law* 37, no. 1 (June 30, 2025): 80–103. https://doi.org/10.1093/ijrl/eeaf010.

Seema Gul, Riaz Ahmad, and Dr. Sami Ur Rahman. "Constitutional Dualities: Reconciling Islamic Normativity with Common Law Principles in Hybrid Legal Systems." *Indus Journal of Social Sciences* 3, no. 2 (May 28, 2025): 674–93. https://doi.org/10.59075/ijss.v3i2.1501.

———. "The Myth of Neutrality: Judicial Review, Ideology, and Constitutional Interpretation in Pakistan and the United Kingdom." *The Critical Review of Social Sciences Studies* 3, no. 2 (May 29, 2025): 1742–54. https://doi.org/10.59075/mm3m9d48.

Sharma, Shilpi, and Baidya nath Mukherjee. *Law and Emerging Issues*. London: Routledge, 2024. https://doi.org/10.4324/9781003428213.

Siwawej, Phatsawat, Chalermwut Nilratsirikul, and Nattadit Chatmatasit. "Thailand Judicial Review in Antidumping and Other Measures." *Global Trade and Customs Journal* 20, no. Issue 3 (January 1, 2025): 223–33. https://doi.org/10.54648/GTCJ2025028.

Surana, Praggya. "The Expansion of Constitutional Protections through International Law." In *Research Handbook on International Law and Domestic Legal Systems*, 218–37. Cheltenham: Edward Elgar Publishing, 2024. https://doi.org/10.4337/9781800373167.00019.

Swenden, Wilfried, and Rekha Saxena. "Policing the Federation: The Supreme Court and Judicial Federalism in India." *Territory, Politics, Governance* 10, no. 1 (January 2, 2022): 12–31. https://doi.org/10.1080/21622671.2021.1887756.

Trihatmoko, Roderikus Agus, and Y. Sri Susilo. "Conditions, Challenges and Prospects of State-Owned Enterprises in Indonesia: The Governance Perspective Based on Economic Constitution." *Applied Research in Quality of Life* 18, no. 5 (October 6, 2023): 2459–84. https://doi.org/10.1007/s11482-023-10194-9.

TRIVEDI, Abhishek. "Indian Private International Law." *Asian Journal of International Law* 12, no. 2 (July 25, 2022): 422–23. https://doi.org/10.1017/S2044251322000431.

Upadhyaya, Saara. "Transformative Justice: Judicial Activism as a Catalyst for Constitutional Evolution in India." *LawFoyer International Journal of Doctrinal Legal Research* 2 (2024). https://heinonline.org/HOL/Page?handle=hein.journals/lwfyrinl2&id=2951&div=&collection=.

Usman, Abubakar Abubakar, and Muhammad Umar Muhammad. "ASEAN versus ECOWAS: Sovereignty Construction and Its Impact on Governance and Institutional Structures." *Global Society* 38, no. 4 (October 26, 2024): 520–42. https://doi.org/10.1080/13600826.2024.2321948.

Vicuña, Francisco Orrego, Rüdiger Wolfrum, Michael Wood, and Simon Milnes. "International Law in Domestic Law: Dualism, Monism, Absolutism." In *International Law in Search of Rebalance*, 138–58. Leiden: Brill | Nijhoff, 2025. https://doi.org/10.1163/9789004721388_007.

Voigt, Stefan. "Mind the Gap: Analyzing the Divergence between Constitutional Text and Constitutional Reality." *International Journal of Constitutional Law* 19, no. 5 (December

31, 2021): 1778–1809. https://doi.org/10.1093/icon/moab060.

Widiyantoro, Reza Bagoes, and Joko Setiyono. "Analysis of the Principles of the Sunt Servanda Pacta in International Criminal Law Enforcement: Implementation and Challenges." *Journal of Social Research* 4, no. 8 (August 25, 2025): 2287–2300. https://doi.org/10.55324/josr.v4i8.2763.

Yap, Po Jen, and Rehan Abeyratne. *Routledge Handbook of Asian Parliaments*. London: Routledge, 2023. https://doi.org/10.4324/9781003109402.

Yunus, Nur Rohim, Muhammad Sholeh, and Ida Susilowati. "Implications of State Sovereignty for the Ratification of International Law." *Dauliyah: Journal of Islam and International Affairs* 8, no. 2 (August 29, 2023): 131–50. https://doi.org/10.21111/dauliyah.v8i2.9970.