

## Assessing Constitutional Court Independence After Controversial Rulings in Political Arena

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### Abstract

*This study investigates how judicial independence is discursively constructed and contested following controversial rulings by Indonesia's Constitutional Court. Drawing on theories of legal realism, neo-institutionalism, and discourse analysis, the research explores whether formal guarantees of judicial autonomy hold symbolic weight amid growing perceptions of political alignment. Using a qualitative case study approach, data were collected through semi-structured interviews with legal scholars, civil society actors, and journalists, complemented by discourse analysis of court rulings and media texts. Findings reveal that the Court's independence is widely framed as situational, with legitimacy perceived to fluctuate based on alignment with dominant political interests. Respondents highlighted themes of strategic judicial reasoning, media-driven delegitimization, and performative institutional responses, suggesting that public trust is shaped less by institutional design and more by narrative coherence and interpretive transparency. Rather than neutral arbiters, courts are increasingly viewed as political actors embedded within broader struggles for power. The study contributes to literature on judicial politicization and democratic resilience by emphasizing the role of discourse in shaping perceptions of legality and legitimacy. It also offers practical insights for reform, including the need for transparent appointments and greater communicative accountability. The findings suggest that in hybrid regimes, judicial independence must be understood not only as a structural condition but as an ongoing, contested performance shaped by elite discourse, public critique, and symbolic legitimacy.*

**Keywords:** *Constitutional court, Discourse analysis, Judicial independence, Judicial politicization, Legal Legitimacy.*

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## INTRODUCTION

Over the past two decades, constitutional courts have gained prominence as essential institutions in democratic and hybrid regimes. They play a critical role in resolving constitutional disputes, mediating inter-branch conflicts, and safeguarding fundamental rights (Hasim, 2024; Suharno et al., 2021). However, the increasing politicization of judicial appointments and high-stakes rulings has triggered a growing body of scholarship that questions whether these courts are evolving into arenas of political contestation. Scholars argue that courts are no longer solely perceived as impartial legal entities but are increasingly viewed through political and ideological lenses (Malkopoulou & Moffitt, 2023). As such, debates on judicial independence and institutional legitimacy are now central to understanding the contemporary role of constitutional adjudication.

Government public communication plays a pivotal role in this response, as it shapes public understanding, influences societal norms, and informs regulatory frameworks. Communication strategies must not only provide clarity on the regulations in place but also foster engagement between the government and the public to build trust and promote compliance (Sufa et al., 2025). In many comparative contexts such as Poland, Hungary, Turkey, and Venezuela, political actors have actively intervened in the structure and functioning of constitutional courts. These interventions often manifest in the manipulation of judicial appointments, legislative overrides, and constitutional reforms designed to curtail judicial review powers (Reinold, 2023). Such actions have enabled governments to neutralize dissenting judicial voices while retaining the appearance of legality. Despite the presence of robust legal frameworks intended to ensure judicial autonomy, empirical research consistently reveals a significant discrepancy between

formal guarantees and actual judicial behavior (Aydın-Çakır, 2023). This growing mismatch raises important questions regarding the credibility, neutrality, and independence of constitutional courts, particularly in contexts where political power is concentrated.

Indonesia provides a compelling national case study for investigating these dynamics. As a post-authoritarian democracy, Indonesia's Constitutional Court has earned both praise for progressive rights-based jurisprudence and criticism for controversial rulings that allegedly align with prevailing political interests. Decisions relating to electoral disputes and constitutional amendments have been met with public skepticism, media critique, and civil society mobilization, prompting widespread debates over the court's independence and legitimacy (Nggilu et al., 2023). These developments suggest a critical need to examine how constitutional court decisions are received and interpreted by different stakeholders, and whether the institution is increasingly perceived as a political actor embedded within broader struggles for power.

Since 2016, Indonesia's GDP growth has shown erratic trends. In 2016, growth reached 5.03%. The increase occurred in 2017 which reached 5.07%, 2018 amounted to 5.17%, and 2019 decreased so that economic growth was only 5.02% (Krisprimandoyo & Mahargiono, 2023). Nevertheless, the idea of communication auditing did not take off right away, despite its significance. A small group of professionals did not begin using communications auditing until the late 1960s. The idea of communication auditing is thought to be unpractical, which explains its lack of acceptance (Rhamadona et al., 2023). Judicial independence is a foundational principle of constitutional democracy, ensuring that judges can perform their adjudicative roles free from improper influence by political, economic, or personal interests (Hasim, 2024; Monciunskaitė, 2022). It encompasses decisional, institutional, and procedural dimensions. Decisional independence refers to the judge's ability to render rulings impartially, institutional independence ensures autonomy from executive or legislative interference, and procedural independence allows courts to manage their internal operations (Suandika et al., 2023). These structural safeguards are often embedded in constitutional and statutory frameworks, such as tenure protections, merit-based appointments, and budgetary autonomy (Aydın-Çakır, 2023).

Judicial politicization refers to the process through which judicial decisions, actors, or institutions become intertwined with political agendas, either through structural manipulation or behavioral alignment (Bochsler & Juon, 2021; Malkopoulou & Moffitt, 2023). In Indonesia, for example, the legislative branch has significant influence in judicial appointments, a dynamic that has raised concerns about "constitutional political intervention" (Murtadho, 2024). Structural politicization often involves altering appointment rules or judicial tenure to secure ideological alignment. Behavioral politicization reflects a pattern of decisions that consistently support the interests of political actors who control or influence the judiciary (Jiang & Zhang, 2023).

In many cases, institutional mechanisms of control are subtle yet effective. These include jurisdictional restrictions, threats of impeachment, budgetary limitations, or the strategic delay of appointments (Reinold, 2023). The impact of politicization on court legitimacy is especially critical. Once a court is perceived as a partisan body rather than an impartial institution, it risks losing public trust and weakening the rule of law. This is particularly evident in post-authoritarian and hybrid regimes, where political contestation often plays out within judicial arenas under the guise of constitutional adjudication. Comparative cases such as Hungary and Poland demonstrate how legal mechanisms can be used to subvert judicial independence while maintaining formal democratic procedures (Malkopoulou & Moffitt, 2023). These global trends provide an important framework for analyzing the Indonesian Constitutional Court's role in politically sensitive rulings.

However, empirical research demonstrates that *de jure* independence does not always translate into *de facto* autonomy. In several hybrid and transitioning democracies, including Indonesia, the judiciary's formal protections are undermined by informal political influence and public skepticism (Skiple et al., 2020). Scholars such as Araya et al. (2020) have developed composite indices to measure actual judicial independence across countries, highlighting

significant disparities between constitutional design and judicial behavior. In the Indonesian context, constitutional court decisions have at times triggered accusations of political bias, particularly when outcomes appear to favor ruling elites or align with dominant political narratives (Nggilu et al., 2023). This tension highlights the need to explore how judicial independence is interpreted not only through institutional structures, but also through discourses that emerge in reaction to controversial rulings.

Court legitimacy refers to the belief among citizens and political actors that the judiciary is an impartial, fair, and authoritative institution (Kurnia, 2022; Trellová, 2020). This concept has both normative and empirical dimensions. Normatively, legitimacy implies a moral obligation to comply with court decisions. Empirically, it is evidenced through public trust, voluntary compliance, and perceptions of procedural fairness. In Indonesia, court legitimacy becomes especially contested following rulings on politically sensitive issues, such as electoral disputes or constitutional amendments, where the public may interpret legal decisions through partisan or ideological lenses (Nggilu et al., 2023).

Key determinants of judicial legitimacy include procedural transparency, quality and consistency of decisions, and perceived judicial independence (Petrov, 2024). Yet legitimacy is vulnerable in contexts where judicial institutions are framed as biased or politically co-opted. Populist leaders and partisan media often attempt to delegitimize adverse rulings by portraying courts as elitist or out of touch, thereby undermining democratic trust (Kisska-Schulze et al., 2023). Consequently, the legitimacy of the court in Indonesia cannot be understood solely through legal outputs; it must also be examined through the discursive processes that construct public meanings around judicial actions.

In recent literature, constitutional interpretation is increasingly conceptualized as a form of political performance. This perspective challenges the notion of judicial reasoning as purely technical and neutral, proposing instead that judges participate in the ideological construction of legal meaning through their interpretive practices (Menéndez, 2021). Courts, particularly constitutional tribunals, often act as platforms for advancing or contesting dominant political ideologies. Through their rulings, public appearances, and media engagement, judges perform legitimacy and articulate normative visions of constitutional values.

Restrepo and Giraldo (2023) demonstrate how dissenting opinions in South American constitutional courts function as ideological statements, representing alternative views of national development or governance. This notion of interpretation-as-performance is especially relevant in Indonesia, where the Constitutional Court's high-profile rulings frequently attract media attention and provoke competing interpretations from legal experts, political figures, and civil society actors. These interpretive acts are not merely legal in nature but are situated within broader political narratives that either affirm or contest the court's authority. Recognizing the performative dimension of constitutional interpretation is therefore critical to understanding how courts operate within politically charged environments.

This research addresses the contested nature of judicial independence in Indonesia, particularly in the wake of politically sensitive decisions by the Constitutional Court. Although formal institutional safeguards such as tenure security and procedural autonomy are designed to protect judicial neutrality, post-decision narratives often reflect skepticism regarding the court's impartiality. When judicial rulings align with dominant political interests, they invite scrutiny and criticism from legal experts, civil society, and the general public. These discursive responses can undermine public trust and contribute to the perception that the court functions as a political rather than legal institution. The key problem lies in the gap between institutional design and the public's perception of judicial behavior and legitimacy.

To address this issue, the study proposes an interpretive, discourse-based approach that combines legal realism, neo-institutionalism, and Critical Discourse Analysis. This framework facilitates a deeper understanding of how judicial independence is constructed, challenged, and

redefined in public and elite narratives. Rather than assessing the legal correctness of rulings, the study focuses on how the court's legitimacy is shaped by the discursive framing of its decisions. By engaging with both empirical data and theoretical insights, the research aims to reveal the mechanisms through which judicial authority is either consolidated or contested in the context of democratic governance.

Scholars in the field of comparative constitutionalism have long emphasized the distinction between formal legal guarantees and the actual behavior of judicial actors. Research on judicial independence underscores that constitutional and statutory protections such as merit-based appointments, tenure security, and procedural autonomy do not always translate into impartial decision-making. Aydın-Çakır (2023) and Monciunskaitė (2022) argue that formal rules must be contextualized within the political and institutional environment to assess their effectiveness. These insights are reflected in neo-institutionalist frameworks, which conceptualize courts as actors embedded within complex political, social, and normative structures (Suharno et al., 2021). From this perspective, judicial behavior is shaped not only by institutional constraints but also by professional norms, strategic incentives, and external political pressures.

Legal realism further challenges the assumption that judicial decisions are based purely on objective legal reasoning. Pioneers of the movement such as Holmes and Llewellyn contend that legal interpretation is influenced by judges' social backgrounds, personal ideologies, and political contexts (Kurniawati, 2022; Priel, 2024). Contemporary empirical studies continue to support this view, showing that case outcomes often reflect ideological alignments and non-legal considerations (Dahl, 2024). Legal realism thus provides a foundation for understanding how courts, especially in politically volatile contexts, may engage in decisions that mirror broader societal tensions rather than strictly adhering to legal principles.

At the level of discourse, Critical Discourse Analysis (CDA) offers methodological tools to explore how judicial authority and legitimacy are constructed in language. Scholars such as Heaton et al. (2023) and Ben-Natan (2021) demonstrate that judicial opinions, media reports, and elite commentary can serve as sites of ideological performance and contestation. CDA focuses on how lexical choices, framing devices, and argumentation structures shape public interpretations of fairness, neutrality, and authority. When applied to constitutional court rulings, this method reveals how legal texts are interpreted not only in terms of legal content but also in terms of their symbolic and political meanings. Thus, CDA enables a deeper investigation into the communicative dimensions of judicial legitimacy.

Although extensive research exists on judicial independence and constitutional court behavior in Indonesia, much of the literature remains focused on legalistic analysis and institutional design. Scholars such as Hasim (2024) and Suandika et al. (2023) provide detailed accounts of judicial structures, appointment mechanisms, and procedural frameworks. However, these works rarely engage with the discursive dimensions of legitimacy or the ways in which controversial decisions are interpreted by various stakeholders. This limitation is significant, particularly in cases where judicial rulings provoke substantial political and public response. The lack of attention to interpretive and symbolic aspects of judicial behavior has left a notable gap in understanding the broader societal implications of court decisions.

There is also a dearth of empirical studies that integrate Critical Discourse Analysis with theories of judicial legitimacy in the Indonesian context. Although court legitimacy is recognized as central to effective democratic governance (Kurnia, 2022; Trellová, 2020), the mechanisms through which legitimacy is constructed or undermined following controversial rulings remain underexplored. This research aims to address these gaps by offering a discourse-based, empirically grounded analysis of judicial independence and legitimacy. By focusing on public and elite narratives, the study moves beyond formalist accounts and contributes to a more comprehensive understanding of constitutional adjudication in transitional democracies.

The primary objective of this research is to examine how the independence of the Constitutional Court in Indonesia is perceived, interpreted, and contested following controversial rulings. The study focuses on understanding how legal scholars, civil society actors, political elites, and the media frame the legitimacy and neutrality of the court in response to politically sensitive decisions. Employing a qualitative case study design, the research uses semi-structured interviews and discourse analysis of media and legal texts to capture the diverse narratives that emerge in the post-ruling environment. The goal is to analyze the processes through which judicial authority is either reaffirmed or challenged, and to identify patterns in the discursive construction of court legitimacy.

This study introduces a novel approach to the study of judicial independence by integrating discourse analysis with socio-legal and institutional theories. Unlike traditional legal-formalist analyses, which focus on doctrinal correctness or institutional structure, this research investigates the communicative and symbolic dimensions of constitutional adjudication. By conceptualizing constitutional interpretation as political performance, the study offers new insights into how courts operate as both legal and ideological actors within democratic systems. The research is contextually limited to Indonesia and focuses on constitutional court rulings issued within the past five to ten years that have generated significant public and political controversy. Through this approach, the study contributes to the broader discourse on democratic accountability, institutional trust, and judicial resilience.

## RESEARCH METHODS

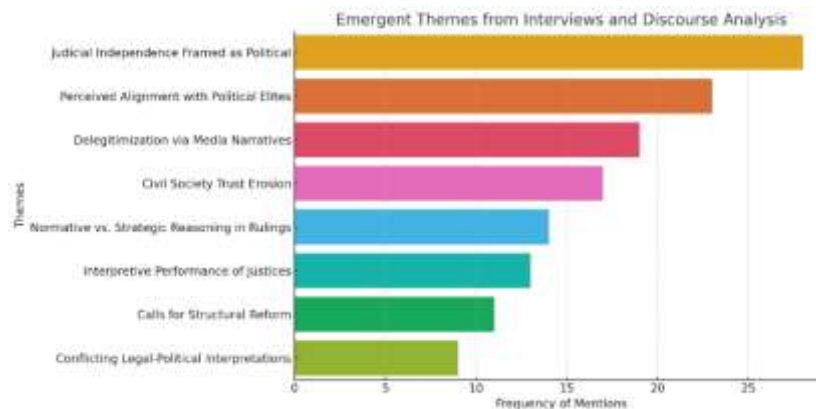
This study employs a qualitative case study design grounded in an interpretivist approach and constructivist paradigm to explore how judicial independence is perceived and contested following controversial decisions by Indonesia's Constitutional Court. A qualitative case study examines a bounded, contemporary case in its real-world context to build an in depth, contextual explanation of complex social processes, and it typically draws on multiple sources of evidence to strengthen the inquiry (Hutchinson & Duncan, 2012). An interpretivist approach within a constructivist paradigm treats meanings as socially produced and views reality as multiple and co constructed through interaction, so the researcher interprets participants' sense making rather than testing fixed causal laws. In this design, the study can trace how actors frame, justify, and dispute judicial independence after controversial Constitutional Court of Indonesia decisions by reconstructing contested interpretations from the case's institutional and socio-political context.

Data are collected through semi-structured interviews with constitutional law scholars, legal practitioners, journalists, and civil society actors, complemented by document and media analysis of court rulings, legal commentaries, and public discourse. Using purposive and snowball sampling, three to five politically significant court decisions are selected based on media salience, expert critique, and political relevance (Creswell & Creswell, 2018). Critical Discourse Analysis (CDA) serves as the principal analytical method, supported by thematic analysis to identify patterns across narratives. The research unfolds in four stages: exploratory review, data collection, analytical coding, and interpretive synthesis. Data are managed using NVivo software and presented through thematic narratives and discourse maps, offering insight into how legitimacy, neutrality, and institutional authority are constructed and contested in Indonesia's constitutional landscape.

## RESULT AND DISCUSSION

### *Discursive Patterns of Judicial Independence*

In order to identify dominant discursive patterns, all interview transcripts, media texts and legal commentaries were coded thematically. A total of eight recurring themes were identified, with varying frequencies observed across the various sources. As illustrated in Figure X, the distribution of these themes indicates that frames emphasizing the political nature of judicial independence were most prevalent, followed by perceptions of elite alignment and media-driven delegitimization.



**Figure 1. Frequencies of emergent themes from interviews and discourse analysis**

The data reveal a recurring pattern in which judicial independence is framed not as an institutional guarantee but as a political construct, highly contingent on context and perceived alignment with ruling elites. Across interviews and public commentaries, respondents consistently emphasized that the Constitutional Court's independence is "situational," particularly in cases involving electoral disputes or constitutional amendments. For instance, many participants questioned the neutrality of the Court's 2019 presidential election ruling, which was perceived as affirming the incumbent administration's interests. Across interviews, participants described the Constitutional Court's independence as "situational," particularly in politically charged cases such as electoral disputes or constitutional amendments (Interview 02, Legal Scholar). Another participant argued that the Court's independence "depends less on doctrine and more on who benefits" (Interview 10, Journalist). Another respondent elaborated:

*"If the ruling aligns with the ruling coalition, people assume it is political. If it does not, then suddenly the Court is called independent. That tells you that independence here is about perception, not just structure." (Interview 04, Constitutional Lawyer)*

The Court's language in its justification, emphasizing "stability" and "public order," was interpreted by several respondents as strategically coded to legitimize alignment with dominant political narratives rather than uphold constitutional principles.

Indonesia's controversial Constitutional Court decision on the minimum age requirement for presidential and vice-presidential candidates, Decision No. 90/PUU-XXI/2023, created an exception that effectively benefited a politically connected figure. Because the outcome appeared to favor the governing coalition, critics interpreted it as political, while defenders cited procedural compliance to label the Court "independent," consistent with the perception-focused point in (Interview 04, Constitutional Lawyer). Respondents also argue that the Court can frame its justification through stabilizing language such as "stability" and "public order," which presents the ruling as national protection even when it aligns with dominant political narratives. This rhetorical shift moves public evaluation from constitutional reasoning to governance necessity,

reinforcing the view that “independence” often depends on who benefits rather than on tenure or appointment safeguards.

### ***Narratives of Neutrality and Political Influence***

A recurring discourse among legal scholars and civil society actors centers on the distinction between formal neutrality and perceived political alignment. While the Court maintains de jure safeguards such as tenure protections and appointment procedures, these institutional mechanisms are frequently overshadowed by public skepticism regarding de facto independence. One interviewee summarized this tension: “*The constitution gives independence; politics takes it away in practice*” (Interview 11, Law Professor). Several participants referred to amendments to the Constitutional Court Law, including changes to term lengths and retirement ages, as mechanisms of political entrenchment. A civil society representative explained:

*“How can we expect non-political decisions when all the justices come from political channels? Appointment is the first layer of influence.” (Interview 15, NGO Representative)*

These reflections echo concerns raised in the literature on judicial politicization, suggesting that formal safeguards are increasingly viewed as vulnerable to strategic manipulation.

Decision No. 90/PUU-XXI/2023 illustrates how the Constitutional Court’s formal neutrality can be perceived as political alignment when its practical effect appears to benefit actors close to power. Public skepticism persists despite de jure safeguards because political institutions shape appointments and legal amendments to the Constitutional Court Law, including tenure and retirement-related changes, can function as political entrenchment. This gap aligns with the interviews, where one scholar stated, “The constitution gives independence; politics takes it away in practice” (Interview 11, Law Professor), and one civil society actor argued that appointments form “the first layer of influence” (Interview 15, NGO Representative). An ethics decision that removed the chief justice from his leadership position for a conflict-of-interest breach after the ruling reinforces the broader concern that formal safeguards remain vulnerable to strategic manipulation.

### ***Law and Politics in Public and Elite Discourses***

When asked to distinguish between law and politics in the Court’s rulings, participants revealed a nuanced understanding that law itself is never entirely insulated from political dynamics. One political scientist noted: “*Constitutional law is political law; pretending otherwise is romantic*” (Interview 08, Political Scientist). Legal scholars pointed out that judicial reasoning in politically sensitive cases often referenced broad principles like “democracy” or “justice” without doctrinal specificity. One respondent observed:

*“Judges interpret vague principles like democracy or justice. That interpretation is always colored by ideology. That is normal, but we must acknowledge it.” (Interview 06, Advocate)*

This aligns with the performative theory of adjudication; wherein judicial decisions are understood as political acts framed in legal discourse.

## **Discussion**

### ***Strategic vs. Normative Judicial Reasoning***

Thematic coding revealed a clear tension between normative and strategic judicial reasoning. While some participants acknowledged the Court’s normative potential, many viewed its decision-making as shaped by political pragmatism. One respondent stated bluntly: “*The Court knows exactly where the boundaries are. It is not about law, it is about staying safe*” (Interview 01, Journalist). This perception was reinforced by another interviewee, who explained:

*“Sometimes the Court writes 200 pages but says very little. They use vague language to avoid pointing fingers, especially when the government is involved.” (Interview 03, Political Analyst)*

Such caution was seen as a strategy to avoid confrontation rather than as an expression of principled constitutional interpretation.

### **Contesting Legitimacy in Civil Society and Media**

One of the most striking findings from the discourse analysis is the prevalence of delegitimization narratives in civil society and media commentaries. A prominent activist lamented: *“The Court has lost moral courage”* (Interview 12, NGO Leader), while another described it as being “too close to the regime to be trusted” (Interview 09, NGO Director).

These critiques were especially pronounced after rulings that had major political implications but were perceived to lack legal depth. The perception of collusion between the Court and the political elite contributed to a broader narrative of institutional decay.

### **Media Framing and the Court’s Public Image**

Media outlets played a central role in constructing the public image of the Court. A senior journalist reflected:

*“When we report on the Court, we ask if it sides with the opposition or the regime. Nobody asks about doctrine anymore. That reflects public expectations.” (Interview 10, Journalist)*

This comment underscores how media framing reinforces the view that judicial decisions are politically motivated, not legally grounded. It also highlights how the Court’s legitimacy is mediated by partisan discourse, where its credibility fluctuates according to political alignment.

### **Institutional Responses and Performative Legitimacy**

In response to criticism, the Constitutional Court has held public forums and issued clarificatory statements aimed at reaffirming its independence. However, many respondents viewed these actions as largely symbolic. One legal academic commented: *“Public seminars are good optics, but they do not change how justices are appointed or how they decide cases”* (Interview 11, Law Professor). This sentiment supports the view that institutional responses function as forms of performative legitimacy, has the efforts to manage public perception without enacting deeper structural reform.

### **Redefining Independence Through Discourse**

Despite widespread skepticism, some participants saw discursive contestation as a source of democratic renewal. A civil society actor stated:

*“Criticizing the Court is not anti-democratic. It is democracy. We want an independent Court, so we demand it.” (Interview 15, NGO Representative)*

These voices suggest that independence is not merely institutional but discursive co-produced through public debate, critique, and accountability mechanisms. The implication is that legitimacy increasingly depends on interpretive transparency and narrative coherence.

### **Implications for Democratic Governance and Reform**

The findings of this study carry broader implications for democratic governance in Indonesia and other hybrid regimes. As judicial institutions become sites of political interpretation, their legitimacy is increasingly discursive in nature. One constitutional lawyer captured this shift succinctly:

*“If justices justify decisions clearly, legitimacy rises even if we disagree. The danger is opacity, not disagreement.” (Interview 04, Constitutional Lawyer)*

These reflections underscore the urgent need for reform that goes beyond procedural fixes. Public demands for transparency, meritocratic appointments, and civil society engagement highlight pathways toward a more accountable and trusted judiciary. Indonesia’s Constitutional Court, therefore, stands at a crossroads between institutional drift and discursive renewal.

## CONCLUSION

This study examined how the independence of Indonesia's Constitutional Court is perceived and contested following controversial rulings, using a qualitative design that integrated Critical Discourse Analysis with thematic coding of elite interviews and public commentaries. The findings reveal that judicial independence is widely construed not as a stable institutional guarantee but as a *situational* and *politically contingent* construct. Interview participants recurrently framed the Court's autonomy as dependent on its alignment with dominant political coalitions, particularly in high-stakes cases involving electoral disputes or constitutional amendments.

The main premise that perceptions of judicial independence are shaped discursively rather than determined solely by formal guarantees was supported. Across legal scholars, civil society representatives, journalists, and political analysts, there was broad consensus that institutional safeguards such as tenure security and appointment protocols have been overshadowed by perceptions of elite capture, strategic judicial reasoning, and media framing. Notably, themes such as delegitimization, performative neutrality, and the symbolic erosion of impartiality dominated both elite and public narratives.

While some participants viewed the Court's legitimacy as in decline, others interpreted the critical discourse itself as a sign of democratic engagement and discursive resilience. This suggests that judicial authority in Indonesia is being renegotiated not just through law, but through narrative, critique, and symbolic contestation. These findings affirm the study's theoretical grounding in legal realism, neo-institutionalism, and discourse theory, underscoring the need to treat constitutional adjudication as both a legal and political performance.

Theoretically, this study contributes to the growing literature on the discursive construction of judicial legitimacy by offering an empirical case that demonstrates how formal judicial independence may be undermined or at least reinterpreted through public narratives and elite critique. By integrating Critical Discourse Analysis with socio-legal theory, the research advances existing debates on judicial politicization in transitional democracies and offers a model for understanding courts not merely as legal institutions but as *ideological actors* embedded within broader political ecosystems.

Practically, the findings hold significant value for judicial reform advocates, civil society actors, and policymakers. The study highlights the importance of interpretive transparency, merit-based judicial appointments, and public reasoning as critical elements for restoring public trust. The perception that judicial decisions are guided by political expediency rather than constitutional principles poses a substantial risk to the legitimacy of the court and the integrity of the rule of law. As such, reforms must not only address structural concerns but also confront the *symbolic and communicative practices* through which legitimacy is performed.

For international observers and comparative constitutional scholars, the Indonesian case offers insight into how hybrid regimes preserve the appearance of legality while subtly reshaping judicial behavior through institutional manipulation and discursive control. The study thus contributes to a broader understanding of how legal institutions operate in politically charged environments, reinforcing calls to expand judicial research beyond doctrine and into the realm of language, media, and narrative performance.

This study, while offering rich insights, has several limitations that future research can address. First, although purposive sampling enabled access to informed perspectives, the findings are not statistically generalizable. A broader sample of public opinion perhaps incorporating focus groups, surveys, or digital ethnography could offer a more representative picture of how judicial independence is perceived across different socio-political strata.

Second, the case selection was confined to three to five politically salient Constitutional Court rulings over the past decade. Future studies might adopt a longitudinal approach, tracing how discourses of judicial independence evolve over multiple administrations, or in response to shifts in political coalitions. Comparative research across other Southeast Asian jurisdictions could also reveal whether similar patterns of performative legitimacy and discursive contestation exist beyond the Indonesian context.

Methodologically, future work could integrate quantitative content analysis with computational discourse mapping to track thematic shifts in media narratives or social media discourse over time. Expanding the toolkit for discursive analysis in legal research would enhance the precision and scalability of findings. Additionally, future research could explore judicial self-legitimation how courts themselves craft legitimacy through their written opinions, public engagements, or institutional communications. In conclusion, this study invites scholars and practitioners to reimagine judicial independence not only as a matter of legal architecture but as a dynamic process of public meaning-making, vulnerable to contestation yet open to democratic renewal.

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