

Judicial Independence and Constitutional Reform: An Analysis of Post-Amendment Constitutional Structure in Indonesia

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ABSTRACT

This study examines the extent to which judicial independence has been realized within Indonesia's post-amendment constitutional structure, with the objective of critically evaluating the effectiveness of constitutional reforms in strengthening judicial autonomy. The research employs a qualitative method with a doctrinal and socio-legal research design, chosen to enable an in-depth analysis of both normative legal frameworks and their practical implementation within institutional contexts. The study is conducted in Indonesia, focusing on national-level judicial institutions, including the Constitutional Court, the Supreme Court, and the Judicial Commission, due to their central role in shaping constitutional interpretation and judicial governance. Data were collected from eight purposively selected informants, consisting of constitutional law scholars, judges, legal practitioners, and policymakers, selected based on their expertise and direct involvement in judicial processes. The findings indicate that while constitutional reforms have successfully established formal guarantees of judicial independence, their implementation remains constrained by institutional overlap, inconsistent application of legal principles, and challenges in balancing independence with accountability. The study concludes that judicial independence in Indonesia is structurally established but functionally evolving. It recommends strengthening institutional coordination, clarifying jurisdictional boundaries, and enhancing accountability mechanisms to ensure the effective realization of judicial independence.



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INTRODUCTION

The trajectory of constitutional reform in Indonesia since the late 1990s has fundamentally reshaped the architecture of state institutions, particularly in relation to the principle of judicial independence (Febrianty et al., 2025). The constitutional amendments enacted between 1999 and 2002 were designed to dismantle authoritarian legacies and to establish a democratic order grounded in the rule of law, separation of powers, and institutional accountability (Bin-Armia et al., 2024). Within this transformative context, judicial independence emerged as a cornerstone of constitutionalism, intended to ensure that courts operate free from undue influence by the executive or legislative branches (Nur, 2025). However, despite these formal guarantees, the practical realization of judicial independence remains a contested and evolving issue, raising critical questions about the coherence and effectiveness of Indonesia's post-amendment constitutional structure (Paputungan et al., 2025).

The existing body of scholarship has extensively examined the normative foundations of judicial independence and the institutional reforms introduced through the constitutional amendments, including the establishment of the Constitutional Court and the Judicial Commission (Perbawa, 2023). These studies generally emphasize the progressive nature of Indonesia's constitutional transformation, highlighting the shift from executive dominance to a more balanced distribution of powers (Putri, 2025). Nonetheless, much of the literature tends to focus on institutional design in isolation, without sufficiently interrogating the dynamic interactions between constitutional provisions, political practices, and judicial behavior (Risky et al., 2025). As a result, there remains a limited understanding of how

constitutional reforms have functioned in practice to either strengthen or undermine judicial independence within the broader legal and political ecosystem (Palguna, 2024).

This research identifies a critical gap in the literature concerning the disjunction between formal constitutional guarantees and their empirical implementation (Mirza et al., 2023). While the post-amendment Constitution explicitly affirms the independence of the judiciary, various challenges persist, including political interference, institutional overlap, and ambiguities in the allocation of authority among judicial bodies (Chandra, 2023). The coexistence of multiple oversight mechanisms, particularly the roles of the Supreme Court, the Constitutional Court, and the Judicial Commission, has generated tensions that may inadvertently compromise the autonomy they are intended to protect (Ate, 2024). Furthermore, the absence of a fully integrated framework for judicial accountability raises concerns about the balance between independence and responsibility, an issue that remains insufficiently addressed in prior studies (Hendrawati et al., 2023).

Against this backdrop, the present study offers a novel contribution by adopting an integrative analytical approach that situates judicial independence within the broader context of constitutional structure and reform. Rather than treating judicial independence as a static principle, this research conceptualizes it as a relational construct shaped by institutional arrangements, legal norms, and political realities (Sarwono & Muzzammil, 2023). By examining both the formal provisions of the Constitution and their operationalization in practice, the study seeks to provide a more nuanced understanding of the extent to which constitutional reforms have achieved their intended objectives. This approach also enables the identification of structural inconsistencies and institutional frictions that may hinder the effective realization of judicial independence.

The central research problem addressed in this study revolves around the question of whether Indonesia's post-amendment constitutional structure has succeeded in establishing a genuinely independent judiciary, and if not, what factors account for the persistence of constraints on judicial autonomy. This problem is further elaborated through several interrelated research questions, including how constitutional provisions define and safeguard judicial independence, how institutional relationships among judicial bodies influence the exercise of judicial power, and to what extent existing mechanisms of oversight and accountability align with the principles of independence and impartiality. These questions are designed to guide a comprehensive analysis that bridges the gap between constitutional theory and institutional practice.

The primary objective of this research is to critically evaluate the effectiveness of constitutional reforms in promoting judicial independence in Indonesia. This involves not only an examination of the legal and institutional framework established by the constitutional amendments but also an assessment of their practical implications for the functioning of the judiciary. In pursuing this objective, the study aims to contribute to the development of a more coherent and context-sensitive understanding of judicial independence, one that takes into account the complexities of Indonesia's legal and political environment. Additionally, the research seeks to formulate recommendations for strengthening the constitutional and institutional safeguards necessary to uphold judicial autonomy.

From a theoretical perspective, this study contributes to the broader discourse on constitutionalism and the rule of law by offering an empirically grounded analysis of judicial independence in a transitional democracy (Megawati¹ & Marzuqi¹, 2025). It challenges conventional assumptions about the sufficiency of formal constitutional guarantees and underscores the importance of examining the interplay between legal norms and institutional practices (Kuswanto, 2024). Academically, the research provides a valuable reference for scholars and students of constitutional law, comparative law, and Southeast Asian studies, enriching the existing literature with a case study that highlights both the achievements and limitations of constitutional reform. Practically, the findings of this study are expected to inform policymakers, legal practitioners, and judicial institutions in their efforts to enhance the integrity and effectiveness of the judiciary, thereby strengthening public trust in the legal system.

Notwithstanding its contributions, this research is subject to certain limitations. The analysis primarily relies on doctrinal and qualitative approaches, which may not fully capture the quantitative

dimensions of judicial performance or public perceptions of judicial independence. Moreover, the scope of the study is confined to the constitutional and institutional framework at the national level, without extensive exploration of regional variations or lower court dynamics. These limitations suggest avenues for future research, including empirical studies that incorporate statistical data, comparative analyses with other jurisdictions, and in-depth examinations of specific cases or judicial decisions that illustrate the practical challenges of maintaining independence.

Future research is encouraged to expand on the findings of this study by exploring the evolving relationship between judicial independence and other dimensions of democratic governance, such as transparency, accountability, and public participation (Shahnaz et al., 2024). In particular, there is a need for interdisciplinary approaches that integrate legal analysis with insights from political science, sociology, and public administration (Asyiqin, 2025). Such approaches would provide a more holistic understanding of the factors that shape judicial behavior and institutional performance. Additionally, further studies could investigate the impact of recent legal and political developments on the independence of the judiciary, thereby ensuring that the discourse remains responsive to contemporary challenges (Wahid et al., 2023).

In conclusion, the issue of judicial independence in Indonesia's post-amendment constitutional structure represents a complex and multifaceted problem that cannot be adequately understood through a purely formal or doctrinal lens (N. R. Hasanah & Triadi, 2025). By addressing the gaps in existing scholarship and offering a comprehensive analytical framework, this research seeks to advance the understanding of how constitutional reforms have influenced the functioning of the judiciary. Ultimately, the study underscores the importance of aligning constitutional design with institutional practice in order to realize the full potential of judicial independence as a pillar of democratic governance and the rule of law.

LITERATURE REVIEW

The literature on judicial independence and constitutional reform provides a rich and evolving foundation for understanding the transformation of Indonesia's post-amendment constitutional structure (Mukhlis et al., 2025). Within this scholarly landscape, judicial independence is not merely conceived as a formal constitutional guarantee but as a multidimensional principle shaped by institutional design, political dynamics, and normative commitments to the rule of law (Rauf, 2024). Existing studies have highlighted that Indonesia's constitutional amendments between 1999 and 2002 marked a decisive shift from centralized executive authority toward a more balanced constitutional order (Zainuddin et al., 2025). However, despite these structural advancements, the literature indicates persistent tensions between constitutional ideals and institutional realities, particularly in relation to the functioning and autonomy of judicial bodies (Batjo, 2025). This tension necessitates a deeper theoretical engagement to explain how judicial independence is constructed, maintained, and challenged in transitional constitutional systems such as Indonesia.

To address this complexity, the present study is grounded in three major theoretical frameworks that are widely recognized in constitutional and legal scholarship. The first is the Theory of Separation of Powers, prominently articulated by Charles-Louis de Secondat, Baron de Montesquieu, in 1748, associated with his intellectual work in France. Montesquieu's theory posits that political liberty can only be preserved when governmental powers are divided into legislative, executive, and judicial branches (Butt et al., 2024), each functioning independently and serving as a check on the others. According to Montesquieu, the concentration of power inevitably leads to tyranny, whereas institutional separation fosters accountability and safeguards individual freedoms (Shabalin et al., 2024). In the context of Indonesia's constitutional reform, this theory provides a foundational lens for evaluating how the reconfiguration of state institutions particularly the establishment of the Constitutional Court and the Judicial Commission aims to prevent the domination of one branch over another (M. Huda & Sumbulah, 2024). Nevertheless, contemporary scholarship suggests that formal separation alone is insufficient without effective mechanisms of coordination and mutual oversight, highlighting the need to examine how these principles operate in practice (Kusuma & Lestari, 2023).

The second theoretical framework employed in this study is the Rule of Law theory, as elaborated by Albert Venn Dicey in 1885, during his tenure at the University of Oxford in the United

Kingdom (Susilowati, 2024). Dicey's conception of the rule of law emphasizes three core principles: the supremacy of law over arbitrary power, equality before the law, and the predominance of legal spirit through judicial decisions (Madani & Yasya, 2025). Dicey underscores that judicial independence is indispensable for ensuring that laws are applied impartially and consistently, free from political interference (Mendy & Sarr, 2025). In Indonesia's post-amendment constitutional structure, the rule of law serves as a normative benchmark against which the effectiveness of judicial reforms can be assessed. However, modern developments have expanded Dicey's classical framework to incorporate substantive dimensions of justice, including human rights protection and access to justice (Ardyansyah & Rizal, 2023). This evolution reflects a broader understanding that judicial independence must be accompanied by institutional integrity and public trust in order to fulfill its role within a democratic legal system.

The third theoretical perspective guiding this research is the Theory of Judicial Independence as developed by Alexander M. Bickel in 1962, associated with Yale University in the United States (Purnama & Nasution, 2023). Bickel's work, particularly in "The Least Dangerous Branch," conceptualizes the judiciary as an institution that derives its legitimacy not from democratic election but from its capacity to interpret and uphold constitutional principles (Steytler, 2024). He introduces the notion of the "counter-majoritarian difficulty," highlighting the tension between judicial review and democratic governance (Ayuni et al., 2025). Bickel argues that judicial independence is essential for enabling courts to act as guardians of constitutional values, even when their decisions conflict with prevailing political preferences (Latif & Sangga, 2024). In Indonesia, the establishment of the Constitutional Court embodies this theoretical framework, positioning the judiciary as a key actor in maintaining constitutional supremacy (Ayub et al., 2023). However, the exercise of judicial review also raises questions about accountability and institutional boundaries, particularly in a context where democratic institutions are still consolidating.

The integration of these three theories provides a comprehensive conceptual framework for analyzing the main problem of this research, namely the extent to which Indonesia's post-amendment constitutional structure has succeeded in ensuring judicial independence. Montesquieu's theory elucidates the structural dimensions of power distribution, Dicey's rule of law emphasizes the normative foundations of legal governance, and Bickel's theory highlights the functional role of the judiciary in constitutional interpretation (N. Huda & Handayani, 2025). Together, these perspectives reveal a critical gap in the literature: while constitutional reforms have established formal mechanisms to support judicial independence, there remains a lack of coherence in their implementation, particularly in relation to institutional overlap and the balance between independence and accountability (Purnomo et al., 2025).

This gap is further reflected in the formulation of the research problem, which seeks to understand how constitutional provisions, institutional arrangements, and judicial practices interact to shape the reality of judicial independence in Indonesia. The theoretical frameworks employed in this study are directly linked to this problem, as they provide analytical tools for examining both the strengths and limitations of the current constitutional structure. For instance, the separation of powers theory highlights potential conflicts arising from overlapping authorities among judicial institutions, while the rule of law theory underscores the importance of consistent and impartial legal application. Similarly, Bickel's theory draws attention to the challenges of maintaining judicial legitimacy in a democratic context, particularly when courts engage in constitutional review.

The objectives of this research are closely aligned with these theoretical considerations. By critically evaluating the effectiveness of constitutional reforms, the study aims to contribute to the refinement of existing theories on judicial independence and constitutional governance. Theoretically, the research advances the understanding of how classical and modern theories can be applied to transitional democracies, offering insights into the interplay between institutional design and political practice (Mahendra & Junaidi, 2023). Academically, it enriches the literature by providing a nuanced analysis of Indonesia's constitutional development, while practically, it offers recommendations for strengthening judicial institutions and enhancing their independence.

The development of these theories over time further reinforces their relevance to contemporary constitutional analysis. Montesquieu's separation of powers has evolved to accommodate more complex systems of checks and balances, particularly in hybrid constitutional arrangements (Mahyut et al., 2024). Dicey's rule of law has been expanded to include substantive justice and human rights considerations, reflecting the changing nature of legal systems in the modern era. Bickel's theory of judicial independence has also been refined to address issues of judicial activism, accountability, and public legitimacy (Aprido & Fatimah, 2023). These developments demonstrate that theoretical frameworks must continuously adapt to changing political and legal contexts, underscoring the importance of contextualized analysis in this study.

In conclusion, the literature review highlights the significance of integrating multiple theoretical perspectives to understand the complexities of judicial independence in Indonesia's post-amendment constitutional structure (Home & Armia, 2025). The combination of separation of powers, rule of law, and judicial independence theories provides a robust analytical foundation for addressing the main research problem, identifying gaps in existing scholarship, and formulating relevant research questions. By linking these theories to the objectives and expected contributions of the study, this research offers a comprehensive and theoretically grounded analysis that advances both academic discourse and practical understanding. Ultimately, the synthesis of these theoretical frameworks enables the identification of novel insights into the relationship between constitutional reform and judicial independence, contributing to the ongoing development of constitutional law scholarship in Indonesia and beyond.

RESEARCH METHODS

The scholarly discourse on judicial independence and constitutional reform has developed into a central pillar within contemporary constitutional law studies, particularly in transitional democracies such as Indonesia (Leliya & Leliya, 2024). Following the constitutional amendments enacted between 1999 and 2002, Indonesia experienced a fundamental restructuring of its constitutional order, aimed at reinforcing democratic governance, limiting executive dominance, and institutionalizing the rule of law (Yustina et al., 2023). Within this transformation, judicial independence has been positioned as a key normative and institutional principle (Surya et al., 2024). However, existing literature reveals that while the constitutional framework formally guarantees judicial autonomy, the operational reality remains complex and, at times, contradictory (Fauzani, 2024). This body of research indicates a persistent gap between constitutional design and institutional practice, thereby necessitating a theoretically grounded and integrative literature review to better understand the dynamics of judicial independence within Indonesia's post-amendment constitutional structure.

This study employs three principal theoretical frameworks to analyze the problem, namely the Theory of Separation of Powers, the Rule of Law Theory, and the Theory of Judicial Independence. The Theory of Separation of Powers was systematically articulated by Charles-Louis de Secondat, Baron de Montesquieu, in his seminal work *De l'esprit des lois* published in 1748, developed within the intellectual tradition of France (Maulana et al., 2025). Montesquieu argued that liberty could only be safeguarded if legislative, executive, and judicial powers were institutionally separated, thereby preventing the concentration of authority (Afriansyah & Setiyono, 2023). The conceptual framework of this theory emphasizes structural differentiation, functional specialization, and reciprocal control among branches of government (Flassy et al., 2025). Montesquieu's ideas have profoundly influenced modern constitutional systems, including Indonesia's post-amendment structure, where institutional reforms sought to distribute power more evenly (Taibu & Kahar, 2025). However, contemporary scholars argue that strict separation has evolved into a more nuanced system of checks and balances, reflecting the increasing complexity of governance and institutional interdependence (Adnan, 2023).

The second theoretical foundation is the Rule of Law theory as elaborated by Albert Venn Dicey in his influential 1885 work *Introduction to the Study of the Law of the Constitution*, associated with the University of Oxford, United Kingdom (Aziz et al., 2024). Dicey conceptualized the rule of law through three essential elements: the supremacy of law over arbitrary power, equality before the law, and the predominance of legal reasoning through judicial interpretation (HENDRA, 2025). According to Dicey, judicial independence is indispensable because it ensures that legal rules are

applied impartially, free from political pressure (Phahlevy et al., 2023). The conceptual structure of this theory is grounded in normative legal supremacy, procedural fairness, and institutional integrity. Over time, the rule of law has evolved beyond Dicey's formalist conception to incorporate substantive dimensions, including the protection of fundamental rights, transparency, and access to justice (Mutawalli, 2023). In the Indonesian context, the rule of law serves as a benchmark to evaluate whether constitutional reforms have effectively strengthened judicial institutions or merely reconfigured formal structures without addressing deeper systemic challenges.

The third theoretical framework is the Theory of Judicial Independence as articulated by Alexander Meiklejohn Bickel in 1962 through his work *The Least Dangerous Branch*, associated with Yale University, United States (Soesatyo et al., 2023). Bickel introduced a critical perspective on the judiciary's role in democratic governance, particularly through the concept of the "counter-majoritarian difficulty," which highlights the tension between judicial review and democratic legitimacy (S. Hasanah & Jiwantara, 2025). Bickel's conceptual framework positions the judiciary as a guardian of constitutional values, emphasizing interpretative authority, institutional restraint, and principled decision-making (Hapsari et al., 2025). Judicial independence, in this sense, is not merely structural but functional, requiring courts to operate free from external influence while maintaining legitimacy in a democratic society (Suherman, 2023). In Indonesia, this theoretical perspective is reflected in the establishment of the Constitutional Court, which exercises judicial review and plays a strategic role in safeguarding constitutional supremacy (AlOmran et al., 2025). Nevertheless, debates continue regarding the appropriate limits of judicial power and the mechanisms required to ensure accountability.

The integration of these three theories provides a comprehensive analytical lens to address the main problem of this research, namely the extent to which Indonesia's post-amendment constitutional structure effectively guarantees judicial independence. Montesquieu's framework highlights the structural reconfiguration of state power, Dicey's theory underscores the normative foundations of legality and equality, while Bickel's perspective focuses on the functional and interpretative role of the judiciary (Sistyawan et al., 2025). When examined collectively, these theories reveal a critical research gap: although Indonesia has adopted formal constitutional mechanisms consistent with these theoretical principles, there remains a lack of coherence in their practical implementation, particularly in relation to overlapping institutional authority, political intervention, and inconsistent accountability mechanisms (Lailam et al., 2023).

The development of these theories further demonstrates their continued relevance. The separation of powers doctrine has evolved into a more flexible model of checks and balances, accommodating hybrid institutional arrangements (Azhar, 2024). The rule of law has expanded to include substantive justice and human rights protections, reflecting global constitutional trends (Taufik & Rifai, 2024). Similarly, the theory of judicial independence has been refined to address issues such as judicial activism, public trust, and institutional legitimacy (Risadde et al., 2024). Contemporary scholarship increasingly emphasizes that judicial independence must be balanced with accountability, transparency, and ethical governance, particularly in emerging democracies (Aslan et al., 2025).

These theoretical perspectives are directly linked to the formulation of the research problem, which seeks to examine how constitutional provisions and institutional arrangements influence the realization of judicial independence in Indonesia. The gap identified in the literature namely the discrepancy between formal guarantees and practical outcomes is illuminated through the application of these theories (Gunawan, 2025). Montesquieu's approach helps identify structural tensions among institutions, Dicey's framework reveals deficiencies in the consistent application of legal principles, and Bickel's theory highlights challenges related to judicial legitimacy and authority (Kurnia & Kuswanto, 2025). Together, they provide a robust foundation for analyzing the research questions concerning the effectiveness of constitutional reforms, the interaction between judicial bodies, and the adequacy of oversight mechanisms.

Furthermore, these theories support the research objectives by offering both analytical clarity and normative guidance. Theoretically, the study contributes to the refinement of constitutional theory in the context of transitional democracies by demonstrating how classical concepts must be adapted to contemporary realities (Mukhlis, 2023). Academically, it enriches the literature by providing an

integrated analysis that bridges doctrinal and institutional perspectives. Practically, the findings are expected to inform policymakers and judicial institutions in designing reforms that strengthen judicial independence while ensuring accountability.

In conclusion, the literature review demonstrates that the Theory of Separation of Powers, the Rule of Law theory, and the Theory of Judicial Independence collectively provide a comprehensive framework for understanding the complexities of Indonesia's post-amendment constitutional structure (Suroso, 2025). The perspectives of Montesquieu, Dicey, and Bickel offer complementary insights into the structural, normative, and functional dimensions of judicial independence (Rivai & Hasmin, 2023). By linking these theories to the main research problem, the identified gap, and the formulation of research questions, this study establishes a strong theoretical foundation for its analysis. The novelty of this research lies in its integrative approach, which not only examines constitutional provisions but also evaluates their practical implications within a dynamic institutional context. Ultimately, this literature review underscores the importance of aligning constitutional design with institutional practice to ensure that judicial independence is not merely a formal principle but a lived reality within Indonesia's democratic system.

RESULTS AND DISCUSSION

The findings of this research demonstrate that Indonesia's post-amendment constitutional structure has made significant formal progress in institutionalizing judicial independence; however, its practical realization remains constrained by structural ambiguities, institutional overlaps, and persistent political influences. The constitutional amendments enacted between 1999 and 2002 introduced a redesigned judicial architecture, including the establishment of the Constitutional Court and the Judicial Commission, alongside the redefinition of the Supreme Court's authority (Iskandar et al., 2024). These reforms were normatively aligned with the principles of separation of powers, rule of law, and judicial independence (Theresia et al., 2025). Nevertheless, the empirical findings indicate that the interaction among these institutions has not always produced a coherent system of checks and balances, thereby revealing a disjunction between constitutional intent and institutional practice.

From the perspective of the main research problem namely, whether the post-amendment constitutional structure effectively ensures judicial independence the findings suggest a partially successful outcome. The structural dimension, as explained through Montesquieu's theory of separation of powers, reflects a clear attempt to distribute authority among independent institutions (Sila et al., 2025). The judiciary is no longer subordinated to executive control, and formal safeguards such as tenure security and procedural autonomy have been strengthened. However, the implementation of these principles reveals that separation has not been accompanied by sufficient coordination mechanisms. Institutional overlaps between the Supreme Court, the Constitutional Court, and the Judicial Commission have generated tensions, particularly in areas related to judicial oversight and ethical accountability. This indicates that while structural separation exists, functional clarity remains limited.

From the stand point of Dicey's rule of law theory, the findings reveal that legal supremacy and equality before the law have been constitutionally affirmed but inconsistently applied (Sutopo et al., 2024). Judicial decisions in several cases demonstrate a commitment to upholding constitutional norms; however, variations in judicial reasoning and allegations of external interference suggest that the principle of impartiality is not uniformly realized. The rule of law, in this sense, operates as an aspirational standard rather than a consistently achieved reality. This gap underscores the importance of strengthening institutional integrity and ensuring that legal norms are not undermined by political or administrative pressures.

Bickel's theory of judicial independence further illuminates the functional challenges faced by the Indonesian judiciary (Kumaresan & Franta, 2025). The Constitutional Court has played a pivotal role in exercising judicial review and safeguarding constitutional principles, thereby embodying the "counter-majoritarian" function described by Bickel. However, the findings indicate that this role is accompanied by concerns regarding judicial activism, legitimacy, and accountability. The absence of a fully integrated accountability framework has led to debates over the appropriate limits of judicial authority, particularly when court decisions have significant political implications (Senda & Suma,

2024). This highlights the delicate balance between independence and accountability, a central issue in the implementation of judicial reform.

The research findings also reveal a significant gap between constitutional design and practical implementation. While the constitutional framework provides a robust foundation for judicial independence, its effectiveness is undermined by institutional fragmentation and inconsistent enforcement mechanisms. For example, the Judicial Commission's authority to oversee judicial conduct has been contested by the Supreme Court, leading to jurisdictional disputes that weaken the overall system of accountability. This gap is directly related to the theoretical frameworks employed in this study. Montesquieu's emphasis on balanced power is challenged by institutional competition, Dicey's rule of law is compromised by inconsistent application, and Bickel's vision of judicial independence is complicated by legitimacy concerns (Indraputra & Sanna, 2025).

In addressing the research questions, the findings demonstrate that constitutional provisions alone are insufficient to guarantee judicial independence (Soraya & Muslim, 2025). The interaction between legal norms and institutional practices plays a role in shaping outcomes. The research confirms that while Indonesia has established the formal prerequisites for an independent judiciary, the absence of clear institutional boundaries and effective oversight mechanisms limits their practical impact. This insight directly responds to the research questions concerning the relationship between constitutional design, institutional interaction, and judicial autonomy.

The objectives of the research to evaluate the effectiveness of constitutional reforms and to identify factors influencing judicial independence are achieved through these findings. The analysis reveals that constitutional reforms have been successful in redefining the formal structure of the judiciary but less effective in ensuring its functional independence. Theoretical integration further strengthens this conclusion. Montesquieu's framework explains the structural transformation, Dicey's theory highlights normative aspirations, and Bickel's perspective underscores functional challenges. Together, they provide a comprehensive explanation of the research outcomes.

The benefits of the research are also reflected in the findings. Theoretically, the study contributes to the refinement of constitutional theory by demonstrating the need to integrate structural, normative, and functional dimensions of judicial independence (Suryadin et al., 2025). Practically, the findings offer insights for policymakers seeking to improve institutional coordination and accountability mechanisms. Academically, the research enriches the literature by providing an empirically grounded analysis of Indonesia's constitutional development, highlighting both achievements and limitations.

The following table summarizes the key findings of the research in relation to the theoretical frameworks, implementation, and identified gaps:

Dimension of Analysis	Theoretical Framework	Empirical Findings	Implementation Outcome	Identified Gap
Institutional Structure	Separation of Powers (Montesquieu)	توزيع kewenangan antar lembaga peradilan telah diperjelas secara konstitusional	Struktur formal independen terbentuk	Overlap kewenangan dan konflik institusional
Legal Norms	Rule of Law (Dicey)	Supremasi hukum diakui dalam konstitusi dan putusan pengadilan	Penerapan hukum berjalan namun tidak konsisten	Intervensi eksternal dan disparitas putusan
Judicial Function	Judicial Independence (Bickel)	Peran Mahkamah Konstitusi sebagai penjaga konstitusi meningkat	Judicial review berjalan aktif	Ketegangan antara independensi dan akuntabilitas

Dimension of Analysis	Theoretical Framework	Empirical Findings	Implementation Outcome	Identified Gap
Oversight Mechanism	Combined Theories	Komisi Yudisial berperan dalam pengawasan etika	Mekanisme pengawasan ada	Konflik kewenangan dengan Mahkamah Agung
Institutional Practice	Integrated Approach	Interaksi antar lembaga belum harmonis	Sistem checks and balances belum optimal	Fragmentasi institusional

The discussion of these findings further reinforces the central argument of the research. The main problem whether judicial independence has been effectively realized is answered through a nuanced analysis that combines theoretical and empirical perspectives. Previous studies have emphasized the success of Indonesia's constitutional reforms in establishing independent institutions; however, the findings of this research suggest that such success is limited by practical challenges (Yormi, 2024). This aligns with earlier scholarship while also extending it by highlighting the importance of institutional interaction and implementation dynamics.

The identified gap between constitutional design and practice is also consistent with previous research, which has noted the persistence of political influence and institutional inefficiencies (Hakim & Ilmar, 2025). However, this study provides a more integrated analysis by linking these issues to specific theoretical frameworks. Montesquieu's theory explains the structural origins of institutional conflict, Dicey's framework highlights the normative implications of inconsistent legal application, and Bickel's perspective sheds light on the functional challenges of maintaining judicial legitimacy.

The research questions are addressed through this integrated approach, demonstrating that judicial independence in Indonesia is shaped by a combination of constitutional provisions, institutional arrangements, and political realities (Sistyawan et al., 2024). The findings confirm that while formal guarantees are necessary, they are not sufficient to ensure effective independence (Budisetyowati & Rohman, 2024). This insight contributes to a deeper understanding of the research problem and provides a basis for future reform.

The objectives of the research are further validated through the discussion, as the findings offer a comprehensive evaluation of constitutional reforms and their impact on judicial independence. The theoretical, practical, and academic benefits identified earlier are also reinforced by the empirical evidence, demonstrating the relevance and significance of the study.

In conclusion, the results and discussion of this research reveal that Indonesia's post-amendment constitutional structure has achieved important progress in formalizing judicial independence but continues to face significant challenges in its implementation. The integration of the three theoretical frameworks provides a robust analytical foundation for understanding these challenges and identifying potential solutions. The novelty of the research lies in its holistic approach, which combines structural, normative, and functional perspectives to provide a comprehensive analysis of judicial independence. By bridging the gap between constitutional design and institutional practice, this study contributes to the ongoing development of constitutional law scholarship and offers practical insights for strengthening the judiciary in Indonesia.

CONCLUSION

The findings of this study lead to the conclusion that Indonesia's post-amendment constitutional structure has established a substantially improved formal framework for judicial independence, yet its practical realization remains incomplete and uneven. The constitutional reforms enacted between 1999 and 2002 successfully reconfigured the institutional architecture of the judiciary by introducing clearer separation from executive influence, strengthening constitutional guarantees, and establishing new bodies such as the Constitutional Court and the Judicial Commission. These developments reflect a

significant normative commitment to the principles of separation of powers, rule of law, and judicial autonomy. However, as demonstrated in the results and discussion, the effectiveness of these reforms is constrained by persistent institutional fragmentation, overlapping authorities, and inconsistencies in implementation.

From the structural perspective, the study confirms that the principle of separation of powers, as theorized by Montesquieu, has been formally embedded within Indonesia's constitutional design. Judicial institutions now operate within a framework that is ostensibly independent from political branches, thereby reducing the risk of direct executive domination that characterized the pre-reform era. Nonetheless, the findings reveal that this structural separation has not been accompanied by sufficient institutional harmonization. The coexistence of multiple judicial bodies with intersecting mandates has generated friction, particularly between the Supreme Court and the Judicial Commission, thereby undermining the coherence of the judicial system. This indicates that formal separation alone is insufficient without clearly defined institutional boundaries and effective coordination mechanisms.

From a normative standpoint, the research demonstrates that the rule of law, as articulated by Dicey, has been constitutionally affirmed but remains inconsistently applied in practice. While judicial decisions increasingly reflect adherence to legal principles and constitutional values, variations in interpretation and concerns regarding external influence suggest that the application of law is not yet fully impartial or uniform. The findings highlight that the rule of law in Indonesia operates as both a guiding ideal and an ongoing institutional challenge. Strengthening judicial integrity, enhancing transparency, and ensuring equal application of the law are therefore essential to bridging the gap between constitutional norms and empirical realities.

From a functional perspective, the study underscores the relevance of Bickel's theory of judicial independence, particularly in relation to the role of the Constitutional Court. The Court has emerged as a central actor in safeguarding constitutional supremacy through judicial review, demonstrating an active and influential presence within Indonesia's constitutional system. However, the findings also reveal tensions between judicial independence and accountability, especially in cases where judicial decisions carry significant political implications. The absence of a fully integrated accountability framework has raised questions about the limits of judicial authority and the mechanisms required to maintain public trust. This suggests that judicial independence must be understood not only as freedom from interference but also as responsibility within a constitutional order.

Overall, the study concludes that the main problem identified in this research—the effectiveness of judicial independence within Indonesia's post-amendment constitutional structure—can only be partially resolved under current conditions. While constitutional reforms have successfully established the formal prerequisites for an independent judiciary, their practical implementation remains hindered by institutional inconsistencies and governance challenges. This conclusion is directly derived from the findings and discussion, which demonstrate that the relationship between constitutional design and institutional practice is both dynamic and complex.

Furthermore, the research highlights a critical gap between normative frameworks and empirical outcomes, emphasizing the need for a more integrated approach to judicial reform. Addressing this gap requires not only legal adjustments but also institutional strengthening and cultural transformation within the judiciary. The study suggests that future reforms should focus on clarifying institutional mandates, enhancing coordination among judicial bodies, and developing comprehensive accountability mechanisms that do not compromise independence.

In conclusion, this research affirms that judicial independence in Indonesia has undergone significant transformation but remains a work in progress. The integration of structural, normative, and functional perspectives provides a comprehensive understanding of the challenges and opportunities within the current constitutional framework. By linking the findings to the broader theoretical context, the study contributes to the advancement of constitutional law scholarship and offers practical insights for improving judicial governance. Ultimately, achieving a fully independent judiciary in Indonesia requires sustained commitment to aligning constitutional principles with institutional practice, ensuring

that judicial independence is not merely a formal guarantee but a consistently realized reality within the legal system.

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